

State of Iowa

2003

# **JOURNAL OF THE HOUSE**

## **2003 REGULAR SESSION EIGHTIETH GENERAL ASSEMBLY**

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**Volume I**

**January 13, 2003—April 22, 2003**

**THOMAS J. VILSACK, Governor  
CHRISTOPHER RANTS, Speaker of the House  
MARY KRAMER, President of the Senate**

Published by the  
STATE OF IOWA

Des Moines

EIGHTIETH GENERAL ASSEMBLY  
2003 Regular Session  
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## ELECTED OFFICERS, SUPREME COURT JUSTICES AND

## IOWA COURT OF APPEALS JUDGES

## ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

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TOM MILLER, <i>Attorney General</i> .....	Des Moines

## JUSTICES OF THE IOWA SUPREME COURT

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MARK S. CADY, <i>Justice</i> .....	Fort Dodge
JAMES H. CARTER, <i>Justice</i> .....	Cedar Rapids
J. L. LARSON, <i>Justice</i> .....	Harlan
LINDA K. NEUMAN, <i>Justice</i> .....	LeClaire
MICHAEL J. STREIT, <i>Justice</i> .....	Chariton
MARSHA K. TERNUS, <i>Justice</i> .....	Des Moines

## IOWA COURT OF APPEALS JUDGES

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LARRY J. EISENHAUER, <i>Judge</i> .....	Ankeny
DARYL L. HECHT, <i>Judge</i> .....	Sioux City
TERRY L. HUITINK, <i>Judge</i> .....	Ireton
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JOHN C. MILLER, <i>Judge</i> .....	Burlington
ANURADHA VAITHESWARAN, <i>Judge</i> .....	Des Moines
GAYLE NELSON VOGEL, <i>Judge</i> .....	Knoxville
VAN D. ZIMMER, <i>Judge</i> .....	Vinton

## MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2003 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Alons, Dwayne.....	Hull .....	56	Farmer .....	4th— <i>Sioux, Lyon</i> .....	78, 79, 79X, 79XX , 80 (1 <sup>st</sup> ), 80X
Arnold, Richard .....	Russell.....	58	Farmer .....	72nd— <i>Lucas, Mahaska,</i> Marion, Monroe	76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Baudler, Clel .....	Greenfield .....	61	Retired State Trooper/Farmer.....	58th— <i>Adair, Audubon, Cass,</i> Guthrie	78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Bell, Paul.....	Newton.....	52	Police Lieutenant.....	41th— <i>Jasper</i> .....	76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Berry, Deborah L.....	Waterloo.....	44	Education Site Coordinator.....	22nd— <i>Blackhawk</i> .....	80 (1 <sup>st</sup> ), 80X
Boal, Carmine.....	Ankeny .....	46	Legislator.....	70th— <i>Polk</i> .....	78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Boddicker, Daniel J.....	Tipton.....	40	Electrical Engineer.....	79th— <i>Cedar, Johnson, Muscatine</i> ...	75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Boggess, Effie Lee .....	Clarinda .....	75	Retired Farmer .....	97th— <i>Freemont, Mills, Page,</i> .....	76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Bukta, Polly.....	Clinton .....	65	Retired Educator .....	26th— <i>Clinton</i> .....	77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Carroll, Danny.....	Grinnell.....	49	.....	75th— <i>Mahaska, Poweshiek</i> .....	76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Chiodo, Frank John.....	Des Moines.....	32	Small Business Manager.....	67th— <i>Polk</i> .....	77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Chambers, Royd E.....	Sheldon .....	42	Educator.....	5th— <i>Clay, O'Brien, Osceola,</i> Sioux	80 (1 <sup>st</sup> ), 80X
Cohon, Dennis M. ....	Burlington.....	47	Special Education Teacher.....	88th— <i>Des Moines</i> .....	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X

REPRESENTATIVES

# MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2003 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Connors, John H.....	Des Moines.....	80	Retired Fire Fighter .....	68th— <i>Polk</i> .....	65, 66, 67, 67X, 68, 69, 69X 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Dandekar, Swati A.....	Marion.....	52	Community Volunteer .....	36th— <i>Linn</i> .....	80 (1 <sup>st</sup> ), 80X
Davitt, Mark.....	Indianola.....		Photographer .....	74th— <i>Warren</i> .....	80 (1 <sup>st</sup> ), 80X
De Boef, Betty R.....	What Cheer.....	52	Farmer/Small Business Owner .....	76th—Iowa, <i>Keokuk</i> , Poweshiek, Tama .....	79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Dennis, Ervin A.....	Cedar Falls.....	67	Professor Emeritus, UNI .....	19th— <i>Black Hawk</i> .....	80 (1 <sup>st</sup> ), 80X
Dix, Bill.....	Shell Rock .....	41	Farmer .....	17th— <i>Bremer, Butler</i> .....	77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Dolecheck, Cecil.....	Mount Ayr.....	52	Farmer .....	96th—Adams, Montgomery, <i>Ringgold</i> , Taylor, Union.....	77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Drake, Jack .....	Lewis.....	66	Farmer .....	57th—Cass, .....	75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Eichhorn, George S. ....	Stratford.....	46	Attorney .....	9th— <i>Hamilton</i> , Webster, Wright.....	79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Elgin, Jeffrey C.....	Cedar Rapids .....	52	Business Owner/Investor .....	37th— <i>Linn</i> .....	79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Fallon, Ed .....	Des Moines.....	42	Musician .....	66th— <i>Polk</i> .....	75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Foege, Ro .....	Mount Vernon.....	62	Retired Social Worker .....	29th— <i>Johnson, Linn</i> .....	77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Ford, Wayne W.....	Des Moines.....	50	Exec. Director Urban Dreams .....	65th— <i>Polk</i> .....	77, 78, 79 (1 <sup>st</sup> ), 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Freeman, Mary Lou .....	Alta.....			52nd— <i>Buena Vista</i> , Sac .....	80 (1 <sup>st</sup> ), 80X

MEMBERS OF THE HOUSE-EIGHTIETH GENERAL ASSEMBLY - 2003 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Frevert, Marcella R.	Emmetsburg	66	Farmer, Retired Teacher	7th—Emmet, Kossuth, Palo Alto	77, 78, 79 (1 <sup>st</sup> ), 79X, 79XX, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Gaskill, Mary	Ottumwa	62	Retired County Auditor	93rd—Wapello	80 (1 <sup>st</sup> ), 80X
Gipp, Chuck	Decorah	52	Farmer	16th—Allamakee, Winneshiek	74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Granzow, Polly A.	Eldora		Farmer	44th—Hardin, Marshall	80 (1 <sup>st</sup> ), 80X
*Greimann, Jane	Ames	59	Retired School Teacher	45th—Story	78 (2 <sup>nd</sup> ), 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Greiner, Sandra H.	Keota	58	Farmer	89th—Jefferson, Johnson, Washington	75, 76, 77, 78, 80 (1 <sup>st</sup> ), 80X
Hahn, James F.	Muscataine	67		80th—Muscataine	74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Hansen, Brad	Carter Lake	35		100th—Pottawattamie	77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Hanson, Dell	Vinton		Self-employed Implement Dealer	39th—Benton, Iowa	80 (1 <sup>st</sup> ), 80X
Heaton, Dave	Mt. Pleasant	59	Restaurant Owner	91st—Henry, Lee	76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Heddens, Lisa K.	Ames			46th—Boone, Story	80 (1 <sup>st</sup> ), 80X
Hoffman, Clarence C.	Charter Oak	68	Insurance	55th—Crawford, Monona, Ida, Woodbury	78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Hogg, Robert M.	Cedar Rapids	35	Attorney	38th—Linn	80 (1 <sup>st</sup> ), 80X
Horbach, Lance James	Tama	44	Insurance Industry	40th—Grundy, Tama	78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Hunter, Bruce	Des Moines		Customer Service Manager	62nd—Polk	80 (1 <sup>st</sup> ), 80X
Huseman, Daniel Adair	Aurelia	50	Farmer	53rd—Cherokee, Plymouth, Woodbury	76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Huser, Geri D.	Altoona	37		42nd—Jasper, Polk	77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X

\*Elected in Special Election November 2 1999

REPRESENTATIVES

# MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2003 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Hutter, Joseph I.	Bettendorf	66	Retired Police Officer	82nd— <i>Scott</i>	80 (1 <sup>st</sup> ), 80X
Jacobs, Elizabeth "Libby" S.	West Des Moines	46	Assistant Director - Corporate Relations	60th— <i>Polk</i>	76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Jenkins, G. Willard	Waterloo	63	Engineer	20th— <i>Black Hawk</i>	77, 78, 79 (1 <sup>st</sup> ), 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Jochum, Pam	Dubuque	49		27th— <i>Dubuque</i>	75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
*Jones, Gerald D.	Silver City	59	Property Management	98th— <i>Mills, Pottawattamie</i>	79X, 79XX, 79 (2 <sup>nd</sup> ), 80 (1 <sup>st</sup> ), 80X
Klemme, Ralph F.	Le Mars	61	Farmer	3rd— <i>Plymouth, Sioux</i>	75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Kramer, Kent A.	Johnston	42	Financial Planner	69th— <i>Polk</i>	80 (1 <sup>st</sup> ), 80X
Kuhn, Mark A.	Charles City	53	Farmer	14th— <i>Cerro Gordo, Floyd, Mitchell</i>	78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Kurtenbach, James M.	Nevada	46	Associate Professor	10th— <i>Hamilton, Story</i>	80 (1 <sup>st</sup> ), 80X
Lalk, David	Westgate	55	Farmer/Retired Deere Employee	18th— <i>Bremer, Black Hawk, Fayette</i>	80 (1 <sup>st</sup> ), 80X
Lensing, Vicki	Iowa City	46	Funeral Home Owner	78th— <i>Johnson</i>	79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Lukan, Steven F.	New Vienna	25	Tire Technician	32nd— <i>Delaware, Dubuque</i>	80 (1 <sup>st</sup> ), 80X
Lykam, Jim D.	Davenport		Public Relations	85th— <i>Scott</i>	80 (1 <sup>st</sup> ), 80X
Maddox, Gene	Clive	61	Lawyer	59th— <i>Polk</i>	80 (1 <sup>st</sup> ), 80X
Manternach, Genè	Cascade	50	Livestock & Grain Farmer	31st— <i>Dubuque, Jones</i>	79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Mascher, Mary	Iowa City	49	Teacher	77th— <i>Johnson</i>	76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
McCarthy, Kevin M.	Des Moines	32	Attorney	67th— <i>Polk</i>	80 (1 <sup>st</sup> ), 80X
Mertz, Dolores M.	Ottosen	73		8th— <i>Humboldt, Kossuth</i>	73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Miller, Helen	Fort Dodge	58	Attorney/Arts Educator	49th— <i>Webster</i>	80 (1 <sup>st</sup> ), 80X

\*Elected in Special Election June 12, 2001

## MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2003 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
*Murphy, Patrick J.	Dubuque	41	Self-employed & Adjunct Facility NICC	28th— <i>Dubuque</i>	73 (2 <sup>nd</sup> ), 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
**Myers, Richard	Iowa City	68	Retired Business Owner	30th— <i>Johnson</i>	75 (2 <sup>nd</sup> ), 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Oldson, Jo	Des Moines	47	Attorney	61st— <i>Polk</i>	80 (1 <sup>st</sup> ), 80X
Olson, Donovan	Boone	38	Distance Education Program Coordinator, ISU	48th— <i>Boone, Dallas</i>	80 (1 <sup>st</sup> ), 80X
Olson, Steven N.	Grand Mound		Farmer & Seed Stock Director Iowa Cattleman's Association	83rd— <i>Clinton, Scott</i>	80 (1 <sup>st</sup> ), 80X
***Osterhaus, Robert J.	Maquoketa	72	Pharmacist	25th— <i>Clinton, Dubuque</i> <i>Jackson</i>	76 (2 <sup>nd</sup> ), 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Paulsen, Kraig	Hiawatha	39		35th— <i>Linn</i>	80, 80X
Petersen, Janet	Des Moines	33	Communications Consultant	64th— <i>Polk</i>	79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Quirk, Brian J.	New Hampton	32	Electrical Contractor	15th— <i>Chickasaw, Howard</i> , <i>Winneshiek</i>	79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Raecker, J. Scott	Urbandale	39	Exec. Director-Institute for Character Development	63rd— <i>Polk</i>	78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Rants, Christopher C.	Sioux City	36		54th— <i>Woodbury</i>	75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Rasmussen, Daniel J.	Independence	55	Land Improvement contractor	23rd— <i>Black Hawk, Buchanan</i>	80 (1 <sup>st</sup> ), 80X
Rayhons, Henry	Garner	64	Farmer	11th— <i>Hancock, Winnebago</i> , <i>Worth</i>	77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Reasoner, Michael J.	Creston	43	Business Owner	95th— <i>Clark, Decatur, Union</i>	80 (1 <sup>st</sup> ), 80X

\*Elected in Special Election September 26, 1989

\*\*Elected in Special Election February 22, 1994

\*\*\*Elected in Special Election January 16, 1996



# MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2003 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Roberts, Rod .....	Carroll .....	46	Dev. Dir./Christian Churches/ Church of Christ in Iowa	51st— <i>Carroll, Crawford, Sac</i> .....	80 (1 <sup>st</sup> ), 80X
Sands, Thomas R. ....	Columbus Junction .....	49	Real Estate Appraiser/Banker/ Farmer	87th— <i>Des Moines, Louisa,</i> <i>Muscatine</i> .....	80 (1 <sup>st</sup> ), 80X
Schickel, Bill .....	Mason City .....		Radio Station Gen. Manager .....	13th— <i>Cerro Gordo</i> .....	80 (1 <sup>st</sup> ), 80X
Shultz, Don .....	Waterloo .....	64	Retired Teacher .....	21st— <i>Black Hawk</i> .....	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Smith, Mark D. ....	Marshalltown .....	49	Licensed Independent Social Worker	43rd— <i>Marshall</i> .....	79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Stevens, Greg .....	Milford .....	40	Teacher .....	6th— <i>Clay, Dickinson</i> .....	78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Struyk, Douglas L. ....	Council Bluffs .....	33	Small Business Owner/Attorney .....	99th— <i>Pottawattamie</i> .....	80 (1 <sup>st</sup> ), 80X
Swaim, Kurt .....	Bloomfield .....		Attorney .....	94th— <i>Appanoose, Davis, Wayne</i> .....	80 (1 <sup>st</sup> ), 80X
*Taylor, Dick .....	Cedar Rapids .....	70	Retired Electrician/Electrical Project Manager	33rd— <i>Linn</i> .....	78 (2 <sup>nd</sup> ), 79, 79X, 79XX 80 (1 <sup>st</sup> ), 80X
**Taylor, Todd .....	Cedar Rapids .....	34	Labor Representative .....	34th— <i>Linn</i> .....	76 (2 <sup>nd</sup> ), 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Thomas, Roger .....	Elkader .....	53	Farmer/Paramedic .....	24th— <i>Clayton, Delaware, Fayette</i> .....	77, 78, 80 (1 <sup>st</sup> ), 80X
Tjepkes, David A. ....	Gowrie .....		Retired State Trooper .....	50th— <i>Calhoun, Greene, Webster</i> .....	80 (1 <sup>st</sup> ), 80X
Tymeson, Jodi S. ....	Winterset .....	48	Army National Guard Colonel Former Teacher	73th— <i>Dallas, Madison, Warren</i> .....	79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Upmeyer, Linda L. ....	Garner .....	50	Nurse Practitioner .....	12th— <i>Cerro Gordo, Franklin,</i> <i>Hancock</i> .....	80 (1 <sup>st</sup> ), 80X

\*Elected in Special Election January 4, 2000

\*\*Elected in Special Election June 27, 1995

# MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2003 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Van Engelenhoven, James L.....	Leighton .....	60	Farmer .....	71st— Jasper, <i>Marion</i> .....	78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Van Fossen, Jamie .....	Davenport .....	41	Economic Development .....	81st— <i>Scott</i> .....	76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
			Analyst-Mid-American Energy		
Van Fossen, James Robert.....	Davenport .....	63	Retired Police Captain.....	84th— <i>Scott</i> .....	80 (1 <sup>st</sup> ), 80X
Watts, Ralph C.....	Prospect.....		Construction Engineer .....	47th—Boone, <i>Dallas</i> .....	80 (1 <sup>st</sup> ), 80X
Wendt, Roger F.....	Sioux City.....	70	Retired School Administrator .....	2nd— <i>Woodbury</i> .....	80 (1 <sup>st</sup> ), 80X
Whitaker, John R. ....	Hillsboro.....		Family Farmer.....	90th—Jefferson, <i>Van Buren</i> , Wapello .....	80 (1 <sup>st</sup> ), 80X
Whitead, Wesley E. ....	Sioux City.....	70		1st— <i>Woodbury</i> .....	77, 78, 80 (1 <sup>st</sup> ), 80X
*Wilderdyke, Paul A. ....	Woodbine.....	61	Telephone Community Relation .....	56th— <i>Harrison</i> , Monona.....	79XX, 79 (2 <sup>nd</sup> ), 80 (1 <sup>st</sup> ), Manager Pottawattamie 80X
Winckler, Cindy Lou .....	Davenport .....	53		86th— <i>Scott</i> .....	79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X
Wise, Philip .....	Keokuk.....	57	Teacher .....	92nd— <i>Lee</i> .....	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80 (1 <sup>st</sup> ), 80X

\*Elected in Special Election November 6, 2001

# JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 13, 2003

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the House of Representatives of the Eightieth General Assembly of Iowa, 2003 Regular Session, convened at 10:00 a.m., Monday, January 13, 2003.

The House was called to order by the Honorable Libby Jacobs, State Representative from Polk County.

Prayer was offered by Reverend John Gaul, pastor of Grace United Methodist Church, Sioux City. He was the guest of Representative Rants of Woodbury County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance and presentation of the flags were led by Sergeants Tom Baker, Dave Bishop, Bill Enockson and Mike Post of the Sioux City Police Force. They were accompanied by Chief of Police, Joseph C. Frisbie and Police Captain Pete Groetken.

## TEMPORARY OFFICERS

On motion by Roberts of Carroll, Margaret A. Thomson of Polk County was elected Acting Chief Clerk. Margaret Thomson presented herself and took and subscribed to the following oath:

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully discharge the duties of my office to the best of my ability, so help me God."

Manternach of Jones moved that the Honorable Libby Jacobs of Polk County be elected Temporary Speaker.

The motion prevailed and the oath of office was administered to the Honorable Libby Jacobs by Acting Chief Clerk Thomson.

Temporary Speaker Jacobs in the chair.

## CREDENTIALS OF MEMBERS

Baudler of Adair moved that a committee of five on credentials be appointed and that the accredited list of the Secretary of State be accepted.

The motion prevailed and the following committee was appointed: Baudler of Adair, Boggess of Page, Jones of Mills, Mascher of Johnson and Quirk of Chickasaw.

## REPORT OF COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named persons duly elected to and entitled to seats in the House of Representatives of the Eightieth General Assembly as shown by duplicate copies of the certificates of election on file in the office of the Secretary of State:

### CERTIFICATION

#### STATE OF IOWA Office of THE SECRETARY OF STATE

To the Honorable, The Chief Clerk of the House of Representatives:

I, CHESTER J. CULVER, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the State, do hereby certify that the State Canvassing Board has declared that at the General Election held on November 5, 2002, each of the following named persons was duly elected to the office of State Representative for the term of two years beginning on the first day of January, 2003:

First .....	Wesley Whitead
Second .....	Roger F. Wendt
Third .....	Ralph F. Klemme
Fourth .....	Dwayne Arlan Alons
Fifth .....	Royd E. Chambers
Sixth .....	Greg Stevens
Seventh .....	Marcella R. Frevert
Eighth .....	Dolores M. Mertz
Ninth .....	George S. Eichhorn
Tenth .....	James M. Kurtenbach
Eleventh .....	Henry V. Rayhons
Twelfth .....	Linda L. Upmeyer
Thirteenth .....	Bill Schickel
Fourteenth .....	Mark A. Kuhn
Fifteenth .....	Brian Quirk
Sixteenth .....	Chuck Gipp
Seventeenth .....	Bill Dix
Eighteenth .....	David Lalk

Nineteenth .....	Ervin A. Dennis
Twentieth .....	Willard Jenkins
Twenty-first .....	Don Shoultz
Twenty-second .....	Deborah L. Berry
Twenty-third .....	Dan Rasmussen
Twenty-fourth .....	Roger Thomas
Twenty-fifth .....	Robert J. Osterhaus
Twenty-sixth .....	Polly Bukta
Twenty-seventh .....	Pam Jochum
Twenty-eighth .....	Pat Murphy
Twenty-ninth .....	Ro Foege
Thirtieth .....	Dick Myers
Thirty-first .....	Gene Manternach
Thirty-second .....	Steven F. Lukan
Thirty-third .....	Dick Taylor
Thirty-fourth .....	Todd Taylor
Thirty-fifth .....	Kraig Paulsen
Thirty-sixth .....	Swati A. Dandekar
Thirty-seventh .....	Jeff Elgin
Thirty-eighth .....	Robert M. Hogg
Thirty-ninth .....	Dell Hanson
Fortieth .....	Lance J. Horbach
Forty-first .....	Paul Bell
Forty-second .....	Geri D. Huser
Forty-third .....	Mark Smith
Forty-fourth .....	Polly Granzow
Forty-fifth .....	Jane Greimann
Forty-sixth .....	Lisa Heddens
Forty-seventh .....	Ralph Watts
Forty-eighth .....	Donovan Olson
Forty-ninth .....	Helen Miller
Fiftieth .....	David A. Tjepkes
Fifty-first .....	Rod Roberts
Fifty-second .....	Mary Lou Freeman
Fifty-third .....	Dan Huseman
Fifty-fourth .....	Christopher Rants
Fifty-fifth .....	Clarence Hoffman
Fifty-sixth .....	Paul A. Wilderdyke
Fifty-seventh .....	Jack Drake
Fifty-eighth .....	Clel Baudler
Fifty-ninth .....	O. Gene Maddox
Sixtieth .....	Libby Jacobs
Sixty-first .....	Jo Oldson
Sixty-second .....	Frank Chido
Sixty-third .....	Scott Raecker
Sixty-fourth .....	Janet Petersen
Sixty-fifth .....	Wayne Ford
Sixty-sixth .....	Ed Fallon
Sixty-seventh .....	Kevin McCarthy
Sixty-eighth .....	John H. Connors
Sixty-ninth .....	Kent Kramer
Seventieth .....	Carmine Boal

Seventy-first.....	Jim Van Engelenhoven
Seventy-second.....	Richard D. Arnold
Seventy-third.....	Jodi Tymeson
Seventy-fourth.....	Mark Davitt
Seventy-fifth.....	Danny C. Carroll
Seventy-sixth.....	Betty R. De Boef
Seventy-seventh.....	Mary Mascher
Seventy-eighth.....	Vicki Lensing
Seventy-ninth.....	Dan Boddicker
Eightieth.....	James F. Hahn
Eighty-first.....	James Van Fossen
Eighty-second.....	Joe Hutter
Eighty-third.....	Steven N. Olson
Eighty-fourth.....	Jim Van Fossen
Eighty-fifth.....	Jim Lykam
Eighty-sixth.....	Cindy Winckler
Eighty-seventh.....	Thomas R. Sands
Eighty-eighth.....	Dennis M. Cohoon
Eighty-ninth.....	Sandra H. Greiner
Ninetieth.....	John Whitaker
Ninety-first.....	David Heaton
Ninety-second.....	Philip Wise
Ninety-third.....	Mary Gaskill
Ninety-fourth.....	Kurt Swaim
Ninety-fifth.....	Michael J. Reasoner
Ninety-sixth.....	Cecil Dolecheck
Ninety-seventh.....	Effie Lee Bogges
Ninety-eighth.....	Gerald Jones
Ninety-ninth.....	Doug Struyk
One Hundredth.....	Brad Hansen

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse in Des Moines, this seventh day of January, 2003.

CHESTER J. CULVER, Secretary of State

I hereby acknowledge receipt of the original copy of this document on the seventh day of January, 2003.

MARGARET A. THOMSON, Chief Clerk of the House of Representatives

CLEL BAUDLER, Chair  
EFFIE LEE BOGGES  
GERALD JONES  
MARY MASCHER  
BRIAN QUIRK

Baudler of Adair moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

### MEMBERS' OATH OF OFFICE

The following members took and subscribed to the oath of office as follows:

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially discharge the duties of the office of Representative in the General Assembly of the State of Iowa according to the best of my ability, so help me God."

Dwayne Alons  
Richard Arnold  
Clel Baudler  
Paul A. Bell  
Deborah L. Berry  
Carmine Boal  
Dan Boddicker  
Effie Lee Boggess  
Polly Bukta  
Danny Carroll  
Royd Chambers  
Frank Chiodo  
Dennis Cohoon  
John Connors  
Swati Dandekar  
Mark Davitt  
Betty DeBoef  
Ervin Dennis  
Bill Dix  
Cecil Dolecheck  
Jack Drake  
George Eichhorn  
Jeff Elgin  
Ed Fallon  
Ro Foegel  
Wayne Ford  
Mary Lou Freeman  
Marcella Frevert  
Mary Gaskill  
Chuck Gipp  
Polly Granzow  
Jane Greimann  
Sandra Greiner  
James Hahn  
Brad Hansen  
Dell Hanson  
Dave Heaton  
Lisa Heddens

Clarence Hoffman  
Rob Hogg  
Lance Horbach  
Dan Huseman  
Geri Huser  
Joe Hutter  
Libby Jacobs  
Willard Jenkins  
Pam Jochum  
Gerald Jones  
Ralph Klemme  
Kent Kramer  
Mark Kuhn  
James Kurtenbach  
David Lalk  
Vicki Lensing  
Steven Lukan  
Jim Lykam  
O. Gene Maddox  
Gene Manternach  
Mary Mascher  
Kevin McCarthy  
Dolores Mertz  
Helen Miller  
Pat Murphy  
Richard Myers  
Jo Oldson  
Donovan Olson  
Steven Olson  
Robert Osterhaus  
Kraig Paulsen  
Janet Petersen  
Brian Quirk  
Scott Raecker  
Christopher Rants  
Dan Rasmussen  
Henry Rayhons  
Michael Reasoner

Rod Roberts  
Thomas Sands  
Bill Schickel  
Don Shoultz  
Mark Smith  
Greg Stevens  
Doug Struyk  
Kurt Swaim  
Dick Taylor  
Todd Taylor  
Roger Thomas  
David Tjepkes

Jodi Tymeson  
Linda Upmeyer  
Jim Van Engelenhoven  
Jim Van Fossen  
Jamie Van Fossen  
Ralph Watts  
Roger Wendt  
John Whitaker  
Wes Whitead  
Paul Wilderdyke  
Cindy Winckler  
Philip Wise

### ELECTION OF SPEAKER

Hansen of Pottawattamie presented the name of the Honorable Christopher Rants as candidate for Speaker of the House of Representatives of the Eightieth General Assembly, preceding such nomination with the following remarks:

Madam Speaker, Ladies and Gentlemen of the Iowa House. On the occasion of the opening day of the 80<sup>th</sup> General Assembly of the Iowa House of Representatives, it is truly an honor to rise and nominate Representative Christopher Rants of Woodbury County as the Speaker of the House.

Representative Rants is a man of sharp intellect and tireless hard work balanced with impeccable integrity. He is a leader who possesses a vision of the state of Iowa with abundant opportunities for the children of every Iowan – including his own daughters Kait and Grace who are with us today.

He is a man who honors his wife and has undoubtedly made his parents very proud – even before he was first elected.

So Representative Rants, as I move this nomination, I want to share with you the words my grandmother shared with me in 1997. "You are a leader in charge of a troop. With God as your commander-in-chief, and the Bible as your ammunition, may you never lose a battle."

Mr. Speaker, I nominate Representative Rants as Speaker of the House.

Klemme of Plymouth seconded the nomination of Christopher Rants for Speaker of the House, preceded by the following remarks:

Thank you Madam Speaker. I have known Representative Rants about eleven years – longer than most of you. Eleven years ago we met on the campaign trail in Morningside, Sioux City, early in 1992. Representative Rants was hard-working then and still is today. Representative Rants is very intelligent, ambitious, honest, and fights for what he believes is right for the citizens of Iowa. He sets high goals and accomplishes most of them, except for raising the speed limit. I believe Representative



Rants will respect and listen to all the members of this body. We, the members of the Iowa House, are very fortunate to have Representative Rants as our Speaker. He will do a great job leading us – at least for the next two years.

It is with honor and a great pleasure I second the nomination of Representative Rants as Speaker of the Iowa House of Representatives.

Thank you Madam Speaker.

Myers of Johnson seconded the nomination of Christopher Rants for Speaker of the House, preceded by the following remarks:

Madam Speaker, it is my distinct pleasure and honor to second the nomination of Christopher Rants as Speaker of the House of Representatives for the 80<sup>th</sup> General Assembly.

I look forward to serving with Speaker Rants. It is with admiration and enthusiasm that I second the nomination of Christopher Rants, the gentleman from Woodbury, to be Speaker.

In accordance with the foregoing motion, the Acting Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Christopher Rants as Speaker of the House of Representatives of the Eightieth General Assembly. The Honorable Christopher Rants of Woodbury County, having received all of the votes cast for the office of Speaker of the House of Representatives of the Eightieth General Assembly, was declared duly elected to that office.

Hansen of Pottawattamie moved that a committee of two be appointed to escort the Speaker to the chair.

The motion prevailed and the following committee was appointed: Hansen of Pottawattamie and Myers of Johnson.

### PRESENTATION OF SPEAKER

The Honorable Christopher Rants was escorted to the Speaker's station and, having been sworn, assumed the chair. Temporary Speaker Jacobs presented Speaker Rants with the gavel and congratulated him on his unanimous election.

Speaker Rants thanked the House for the honor bestowed upon him and offered the following remarks:

"There is not a question of legislation or administration; there is not a question to be solved in connection with our complex industrial life, the life in which the wage worker, the farmer, and the businessman now play the three chief parts; there is not a question which we cannot solve or right if we will approach it in the spirit of sanity and with patience, with courage, and with the firm determination to solve it in accordance with the immutable laws of righteousness and fair dealing as between man and man."

Those were the words of President Theodore Roosevelt as he spoke on the west steps of this Capitol building one hundred years ago. It was a time when this nation faced serious economic challenges. The stock market crashed on a regular basis and companies across the country went bankrupt. The people of our land were still split between the rural south and the more urban, industrialized north. Labor and racial unrest threatened to turn violent.

Yet, at the turn of the century none were more optimistic about what the promise of America held than the "bully" President. Roosevelt's words in 1903 ring true today. The challenges that lay before us are great. However, they are no more insurmountable than those faced by our predecessors if only our resolve to deal with them with courage and honesty remains firm.

I believe that as we move through this session we must test our actions against three principles. The first of those principles being, does it foster the creation of wealth in Iowa. Whether it is more take home pay in a waitress's pocket, or a larger dividend check for a stockholder, all contribute to a wealthier Iowa.

Iowa's economy suffers from a lack of capital, and that is where we must concentrate our efforts. Whether it be the monetary form or the human form of capital, capital will go where capital can grow. It is as fluid as any river, and our job must be to build the dams that will keep it here, so that it can grow, and nourish the young businesses that would spring up around it.

Last month I had the opportunity to visit one of our university research parks. I was amazed with some of the ideas that are being turned into products, but I was disappointed to hear tale after tale of young businesses that cannot obtain the investment to expand their ventures because of a lack of financial capital here in Iowa.

We've all seen the state-by-state comparisons that show new business start-ups. While I know Representatives Hoffman, and Van Fossen will have their committees diligently working on that issue, I would suggest that it goes beyond just measures to improve economic growth and our tax climate. All of state government has an impact on whether or not Iowa is a state where economic growth can occur and business will grow. It would be a small step, but I suggest that each committee review the mission statement for the departments you oversee, and if fostering a good business climate is not in it, put it there, for it will take all of us, working together, to make Iowa a place where capital can grow.

The second of the three tests of principle is in regards to education. No doubt discussions of school finance, infrastructure, transportation and others will occupy our time. In those debates we must not, however, lose sight of a central question - will the actions that we take improve student performance? Everything else should be a secondary concern. On the surface it seems natural, an automatic. But answering that question honestly may force all of us to reexamine some long held beliefs. To answer

that question in the affirmative, may cause us to reprioritize, or to set aside political positions. For instance, if funding for students is being sacrificed for the purpose of paying for higher health insurance premiums, then don't we owe it to our children to reset that balance?

We will have to be vigilant this session that in our effort to deal with an immediate financial shortfall, we do not make decisions that have positive short-term results with long-term consequences. The third test before us will be to ensure that our actions put Iowa on sound financial footing for the future. I believe this is the year when we turn the corner on our budgetary troubles, but only if we have the courage to make the truly difficult decisions. The states surrounding Iowa are turning to the taxpayers and asking for more in efforts to restore balance between revenues and spending. We will not do that.

Instead we must reprioritize. That won't be easy. For example, we all know that if left unchecked, spending on Medicaid and collective bargaining will each outpace funding for education this year. Yet, which is our number one priority.

To be successful with all three of these tests; fostering the creation of wealth, improving student performance, and putting Iowa on sound financial footing for the future will require change from past practices. Yet what about state government has changed? We have the same Governor and Lieutenant Governor as last year. (You missed your applause line, Rep. Chiodo.) The leadership of the Iowa Senate is unchanged. Only here in the House have we seen real change. Over one third of us are serving our first term. Both caucuses have new leadership teams. The Iowa House is what has changed in the political equation; and as such we, the House, will have to be the agents of change for our state's future.

In his address in 1903 Roosevelt told Iowans that "we will work out, all the problems, difficult though they be, which face us now, if we approach them in a spirit in which we shall combine courage, sanity, and jealous regard for the rights of others and the firm determination to permit no wrong on any else." To do that today, means that we have to own up to mistakes we have made in the past, and right them. Ladies and gentlemen, mistakes have been made last year, and they must be corrected. We must restore the funds cut in the second special session to the property tax credits, and that is why it will be the first bill introduced for consideration. We must also recognize that public safety and corrections, the two primary functions of government, will need to have some of their funding restored.

Before I close, I want to thank you, the members of this General Assembly, for the high privilege of serving as your Speaker. I cannot put into words what it means to me. I would also be remiss if I did not introduce my family who is with me today, and without whose support I would not be able to serve in this position; my wife Trudy, my daughters Grace and Kait. I also have with me my brother Doug, my niece Sydney, and mother Carolyn.

I would also like to introduce my staff, Allison Kleis, the first staffer to stick with me for more than one session, Tim Albrecht and Becky Lorenz. While the door to the Speaker's office is always open, today we are going to push it open a little wider, and I would invite all of you and your families to join us for a reception in my office in the Speaker's Conference room after we recess.

I hope you will forgive one last Roosevelt quote, but I just finished William Morris's second biography of the former president and I believe his values and work ethic can be an inspiration to us all. Teddy Roosevelt was known as a President who believed in play. He said, "play hard while you play and when you work quit playing and work." We've had our chance to play over the holidays; it's now time to go to work. May we approach our challenges with the same courage and convictions that Roosevelt brought to Iowa one hundred years ago. Thank you.

### PERMANENT CHIEF CLERK

Roberts of Carroll moved that Margaret A. Thomson be elected permanent Chief Clerk of the House.

The motion prevailed and Margaret A. Thomson was declared elected permanent Chief Clerk.

### COMMITTEE TO NOTIFY THE GOVERNOR

Horbach of Tama moved that a committee of three be appointed to notify the Governor that the House was duly organized and ready to receive any communication that he may desire to transmit.

The motion prevailed and the following committee was appointed: Horbach of Tama, Chair; Granzow of Hardin and Lykam of Scott.

### COMMITTEE TO NOTIFY THE SENATE

Boal of Polk moved that a committee of three be appointed to notify the Senate that the House was duly organized and ready to receive any communication that the Senate may desire to transmit.

The motion prevailed and the following committee was appointed: Boal of Polk, Chair; Kramer of Polk and Wendt of Woodbury.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 1

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 1
- 2 By Rants and Myers
- 3 *Be It Resolved by the House of Representatives, The*
- 4 *Senate Concurring, That a joint convention of the two*
- 5 *houses of the 2003 session of the Eightieth General*

- 6 Assembly be held on Monday, January 13, 2003, at 1:30
- 7 p.m.; and
- 8 *Be It Further Resolved*, That at this joint
- 9 convention the votes for Governor and Lieutenant
- 10 Governor be canvassed and the results announced and
- 11 recorded by law.
- 12 *Be It Further Resolved*, That Governor Thomas J.
- 13 Vilsack be invited to deliver his condition of the
- 14 state message at a joint convention of the two houses
- 15 of the General Assembly on Tuesday, January 14, 2003,
- 16 at 10:00 a.m., and that the Speaker of the House of
- 17 Representatives and the President of the Senate be
- 18 designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 2

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 2
- 2 By Rants and Myers
- 3 *Be It Resolved by the House of Representatives, The*
- 4 *Senate Concurring*, That a joint convention of the two
- 5 houses of the 2003 session of the Eightieth General
- 6 Assembly be held on Wednesday, January 15, 2003, at
- 7 10:00 a.m.; and
- 8 *Be it Further Resolved*, That the Chief Justice Lavorato
- 9 be invited to present his message of the condition of
- 10 the judicial branch at this convention, and recommend
- 11 such matters as the Chief Justice deems expedient
- 12 pursuant to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 3

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 3
- 2 By Rants and Myers
- 3 A Concurrent Resolution relating to appointment of
- 4 a joint inaugural committee.
- 5 *Be It Resolved by the House of Representatives, The*
- 6 *Senate Concurring*, That a joint committee be

7 designated, consisting of six members of the House of  
8 Representative to be appointed by the Speaker of the  
9 House, and six members of the Senate to be appointed  
10 by the President of the Senate, to arrange for the  
11 inauguration of the Governor and Lieutenant Governor.

The motion prevailed and the resolution was adopted.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolutions 1, 2 and 3** be immediately messaged to the Senate.

### ELECTION OF SPEAKER PRO TEMPORE

Hoffman of Crawford placed in nomination the Honorable Danny Carroll as candidate for Speaker pro tempore of the House of Representatives of the Eightieth General Assembly, preceding his nomination with the following remarks:

Thank you Mr. Speaker, Ladies and Gentlemen of the House.

Today I have the distinct privilege of nominating Representative Danny Carroll to the position of Speaker pro tempore of the Iowa House of Representatives.

We have many excellent, seasoned legislators in this chamber. This year we have more new members than we have had in the House in 10 years. New Legislators, you will be looking for people to be your mentors.

Four years ago I was a new member being sworn in for the first time. I was looking to the experienced legislators to find those who could be my mentors. I was looking for people who were intelligent, honest, loyal, and who possessed integrity and high moral standards. I wanted to find those legislators with whom I could share all of my concerns. The success I had gained in my life had resulted from exposing myself to people with these qualities.

A good legislative leader is also a person admired by his party and respected by the minority party.

Representative Danny Carroll is just such a leader. He was one of my first choices as a mentor. He is a fair-minded leader- a person who will always listen, evaluate the pros and cons of an issue, and then lead to the best solution for all of Iowa.

I am proud to have the opportunity to nominate Danny Carroll to the position of Speaker pro tempore.

Dolecheck of Ringgold seconded the nomination of Representative Carroll as Speaker pro tempore for the House of Representatives, preceding his nomination with the following remarks:

I have had the privilege of working closely with Representative Carroll over the last six years in the Iowa Legislature. I have served with him on the education committee where we have tackled many sensitive issues. Representative Carroll has handled the issues with integrity and with great respect for all individuals involved in the debate. I know as Speaker pro tempore, Danny will continue to treat his colleagues with this same respect, honesty, and integrity, without compromising the values for which he stands. It is this quality that I have come to admire most in Representative Carroll. I am very proud to second his nomination for Speaker pro tempore.

Huser of Polk seconded the nomination of Representative Carroll, preceding her nomination with the following remarks:

Ladies and Gentlemen,

It is my pleasure to second the nomination of Representative Danny Carroll for the position of Speaker pro tempore. I have worked often over the past few years with Representative Carroll and have a great deal of respect for his leadership skills. He cares about the Iowa House of Representatives and the men and women who serve in this Chamber. I know that he will serve honorably as our next Speaker pro tempore.

Mr. Speaker, I move that the Chief Clerk be directed to cast the votes of all the members of the House of Representatives for the Honorable Danny Carroll of Poweshiek County for Speaker pro tempore.

In accordance with the foregoing motion, the Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Danny Carroll as Speaker pro tempore of the House of Representatives of the Eightieth General Assembly. The Honorable Danny Carroll of Poweshiek County, having received all of the votes cast for the office of Speaker pro tempore of the House of Representatives of the Eightieth General Assembly, was declared duly elected to that office.

Dolecheck of Ringgold moved that a committee of two be appointed to escort the Speaker pro tempore to the chair.

The motion prevailed and the following committee was appointed: Hoffman of Crawford and Huser of Polk.

Representative Carroll was escorted to the Speaker's station and, being duly sworn, offered the following remarks:

Speaker Rants, Majority Leader Gipp, Minority Leader Myers and members of the Eightieth General Assembly greetings and congratulations on your election to the Iowa House of Representatives. As respected members of your community and having the majority vote of your peers you deserve the respect and honor due a person who has made the personal sacrifice to run for public office. You are among a select few who have been chosen throughout this states past 158 years of history to represent the people.

By virtue of your position and the powers given that position by our constitution and the Iowa Code you have the right and authority to pass laws. By force of law you can require a person to turn over a portion of their earnings to the state. You have the authority to tax. In addition by your vote you can deprive someone of his or her freedom. People can be put in prison because of what we do here. Your impact on business and industry and the workers they employ can mean the difference between success and failure. In certain limited cases your actions and leadership can change the course of this states' history forever. Though you have only one vote out of a hundred, it is one vote.

People will, from now on, look up to you as someone with answers. As time passes you will become recognized in public places and will be given special attention consistent with the position you now hold. Your mail is now arriving in greater quantities and with the title of Honorable before your name. You are indeed important people and you deserve special recognition.

On the other hand many people right now do not even know we are here today. Many of our constituents don't realize when the legislature convenes or what the term "General Assembly" means. As time passes people will forget that you even won an election. Often our actions as members of this law making body are not noticed for weeks or months until the rules are written to implement what we have done. For many Iowans our presence here and the work we do goes on completely unnoticed.

In a way this assembly is like the rudder of a large ship. We are under water and out of sight. As a law making body just like a ships rudder we are an important part of the ship of state. Our actions will determine if the ship navigates safe waters or crashes on the rocks. We are few in number just like a rudder is small compared to the size of the rest of the vessel. But our size is not as important as our function. What we do is vital to the well being of the passengers on board this ship of state. If we are working in harmony with the rest of the components of the ship things go well. However, if the rudder of a ship is out of synch with the rest of the operation then confusion and trouble result.

I think the comparison is further appropriate in that our presence and importance should for the most part go unnoticed. As I said earlier you are deserving of special recognition. But just like the rudder of a ship is seldom seen so too should we be content to do our work without looking for special attention. As the Bible says in Luke 18:14, "Everyone who exalts himself will be humbled and he who humbles himself will be exalted". Most of what we do here in the next few months should be to support an environment where the people of this state can grow and prosper. Government does not make the real accomplishments in life. Progress and success are the result of the hard work and discipline of our citizens. It comes from ordinary people, who get up every morning and go into the market place, assume risk, make investments and work



with their hands in order to create something of value. Government is often considered effective if it does nothing to hinder this free trade and the work of the people.

So remember as the rudder of this ship called Iowa you play an important role but the real work of production is being done on deck and in the engine room by our farmers, business owners and thousands of workers who are on the job every day putting together the pieces we call life in Iowa. Serve them with integrity and humility; stay the course of good government and you will have done the job we were sent here to do.

## REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Boal of Polk, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

## REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Horbach of Tama, Chair of the committee appointed to notify the Governor that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

## COMMITTEE FROM THE SENATE

A committee from the Senate appeared and notified the House that the Senate was duly organized and ready to receive any communications that the House might desire to transmit.

## SPECIAL ORDER

Gipp of Winneshiek moved that the assignment of seats to the members of the House be made a special order for this afternoon at 1:30 p.m., which motion prevailed.

## ADOPTION OF HOUSE RESOLUTION 1

Roberts of Carroll asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 HOUSE RESOLUTION 1
- 2 By Roberts
- 3 *Be It Resolved by the House of Representatives,*
- 4 That each member of the House of Representatives shall

5 be entitled to select and appoint a secretary, and  
6 such secretary may be called upon to aid in the  
7 discharge of the clerical work of the House of  
8 Representatives. Only expert typists will be  
9 considered qualified. The Speaker and Chief Clerk  
10 shall appoint their secretaries and pages to serve for  
11 the session, and the Chief Clerk is hereby authorized  
12 to employ such additional clerical assistance as her  
13 duties may require.

The motion prevailed and the resolution was adopted.

## ADOPTION OF HOUSE RESOLUTION 2

Roberts of Carroll asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

1 HOUSE RESOLUTION 2  
2 By Roberts  
3 *Be It Resolved by the House of Representatives,*  
4 That a committee of one be appointed to arrange for  
5 opening the sessions with prayer.

The motion prevailed and the resolution was adopted.

## COMMITTEE ON MILEAGE

Tymeson of Madison moved that a committee of three be appointed to determine the mileage due each member and report the same to the House.

The motion prevailed and the following committee was appointed: Tymeson of Madison, Chair; Chambers of O'Brien and Stevens of Dickinson.

## ADOPTION OF TEMPORARY RULES OF THE HOUSE

Roberts of Carroll moved that the permanent rules of the House and provisions for compensation of employees adopted by the Seventy-ninth General Assembly be the temporary rules and temporary compensation provisions for the House of the Eightieth General Assembly.

The motion prevailed.

## REMARKS BY MINORITY LEADER

Myers of Johnson addressed the House as follows:

Good morning. I want to begin by calling your attention to the remarkable restoration work that has been accomplished in this Chamber since we were here last. This room has always been beautiful, but today its elegance is almost overwhelming. I want to compliment the legislators, staff, architects and workers who have directed this restoration and thank you on behalf of the generations of Iowans who will enjoy the fruits of your labors.

I also want to thank the members of the Democratic caucus for the opportunity to serve again as your leader and for the support you have shown me the past two years. It has been an honor to hold this position.

And I want to welcome the 39 members of the House who were not in this Chamber last year, although six of you have served in the Legislature before. To the three former representatives who are once again serving in the House, welcome back. And to the three former senators who are now serving in the House, congratulations on seeing the light.

I have a few words of advice to the new members - reach out to your neighbors, Republicans and Democrats, and get to know them as people, not legislators. You will find you have more in common - jobs, kids, sports, hobbies - than you can imagine. And when you know your neighbor on a personal level, and you converse and share with them, it makes working together so much easier. I look forward to working with Majority Leader Gipp and Speaker Rants to give all the members more opportunities to get to know each other better.

We had another long and hard election season and Iowans have made their decisions in each of the one hundred districts. So it is time now to turn away from the partisanship of the campaigns and focus on governing this state.

If the campaign showed us one thing, it is that Democrats and Republicans have both promised to act on some fundamental issues. I believe we should set the stage for a cooperative and bipartisan session by acting on these shared priorities within the first month.

These include re-establishing our class size reduction program in the lower elementary grades; taking the next step in improving teacher compensation so that we ensure quality schools for Iowa kids; reversing the cuts to property tax credits for seniors, the disabled and veterans; creating a public-private partnership to help Iowa businesses take commercial advantage of research at our state universities; and stabilizing the increasingly dangerous situation in our prison system.

These issues are part of a larger agenda that Democrats believe is important to the future of Iowa. We believe this Legislature should concentrate its efforts in three major areas:

1. Managing and balancing the state budget.
2. Improving the economic security of Iowans today.

3. Modernizing Iowa and providing economic growth for Iowa's future.

In times like these, when we cannot be everything to everyone, we must keep our focus. I believe that any diversion from these priorities in our view is a waste of our time and taxpayers' money.

In addition to the issues which I hope we can enact in the first month, Democrats have other priorities that we will present for consideration and debate. These include:

- Making income tax rates more competitive and simplifying tax forms.
- Using the state's buying power as a lever to lower prescription drug costs.
- Incorporating character education into all public school curricula.
- Requiring insurers to treat mental illness like any covered physical illness.
- Protecting the privacy of Iowans' medical and financial records, and
- Raising the state's minimum wage.

These priorities have no significant cost, yet they offer tremendous prospects for improving the financial security of Iowans today and for preparing the state's economy for growth tomorrow.

It will be important to weigh the budget impact of all our decisions this year. Once again, due to the sluggish economy, the state budget will be extremely tight. Budget issues will no doubt command most of the headlines from now until we adjourn in April.

This will make the third consecutive year of very tough budgeting. In the past two years, state spending has been slashed significantly. Today, state government in Iowa is spending **LESS** than it did four years ago.

Yet, thanks to bipartisan cooperation, we have been able to improve public schools by reducing class sizes and improving teacher pay. The key is to set budget priorities and stick to them.

I am pleased that the majority party has decided to start the budget work early. I urge you to stay at it for as long as it takes to equip the members with sufficient knowledge to make intelligent and compassionate decisions. I did some research and came up with this startling fact: of the 63 House members serving on budget subcommittees, only 21 served on the same subcommittee last year. That means two-thirds of the subcommittee members have no experience with the budgets of the agencies and departments they are expected to oversee. It will require extensive hearing and discussion time for members to begin to grasp the mission and needs of the agencies and departments whose budgets they will recommend. We need to afford them that time.

Democrats are willing to be full partners in this legislative process. I look forward to working with Speaker Rants and Majority Leader Gipp. Mr. Speaker, I believe that through the years we have come to understand each other and have established a frank and cordial relationship, and we can build on that this year. And Mr. Gipp, you have a well-deserved reputation as a legislator who prefers consensus to confrontation, and that could lead us to some great things. Because I believe the public is best served when we work collectively toward the same goals.

Thank you, Mr. Speaker, and ladies and gentleman. Let's get down to business.

## REMARKS BY MAJORITY LEADER

Gipp of Winneshiek addressed the House as follows:

Thank you Mr. Speaker! Mr. Speaker, Ladies and Gentlemen of the House. Welcome to the Iowa House. After 12 years of serving in this body and after 12 years of opening day sessions, I have yet to tire of hearing that greeting. It is still exciting to drive up Grand Avenue, view this magnificent building and think that I actually get to work here. Think about it! Iowa has been a state since 1846. Of the millions that have called Iowa home, we are the few that have ever worked in this chamber and sat at these desks. It is a great honor to do so, but with that honor comes a tremendous responsibility to those that have entrusted us with this office. For those of us that are returning, we begin anew our service to Iowans; to the many whose names appear on the voting machine board for the first time, welcome to the team.

While many of us are new to the job, many of the problems we will face are not. Once again we will struggle to find ways to balance state revenues with expenditures. Not only does our constitution require us to do so, Iowans demand that we do so. With built-in spending obligations approaching \$400 million and new revenues of \$100 million, we have a difficult job ahead. I contend that we can no longer use stop gap methods of the past—using one time dollars and across the board cuts. Instead we must identify and prioritize the essential functions of state government. What are the statutory and constitutional responsibilities of state government?

The top priorities for everyone should be public safety and education. It is the primary responsibility of state government to ensure the safety of its citizens as well as providing educational opportunities that allow for productive taxpaying citizens. All other programs are in descending order on the priority ladder. Somewhere on that ladder we will have program number 88, 89 and 90. In order to preserve resources to appropriately fund our priorities of public safety and education, we are going to have to eliminate, albeit good stuff, programs lower on the priority list. From 12 years of serving in this body, I know that is easier said than done, but we must do it!

In the long term, we have to spur growth in this state. We can ill afford to remain last in business start-ups, capital formation, and population growth while states around us are moving ahead. We must improve our business climate by changing our tax structure and regulatory environment. It is not a matter of offering more business incentives as much as removing obstacles for those wanting to do business in this state. Job growth will result in population growth as our young return to this state after finding that the grass is not greener someplace else.

As always, there will be dozens of other issues, some expected and some unexpected, that will be considered in this chamber.

Representative Myers! I look forward to working with you and the members of your caucus. In my years of service, I have never assumed that the majority party had sole ownership of all the good ideas. We will work with you on issues that we agree on as well as attempt to bridge the differences on issues on which we do not agree. Be

assured that I will do my best to keep you apprised of bills we will debate. What I will not do is settle any differences on the golf course unless I get a lot of strokes.

Mr. Speaker, Ladies and Gentlemen—we have lots to do—let's get started.

## INTRODUCTION OF BILLS

**House File 1**, by Rants, a bill for an act relating to the allowance of and reimbursement for the homestead, agricultural land, and elderly and disabled property tax credits, increasing appropriations previously reduced, and providing an effective date.

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

**House File 2**, by Rants, J.K. Van Fossen, Boal, Rayhons, Kramer, D. Hanson, De Boef, Baudler, Chambers, Drake, Manternach, Hutter, Dix, J.R. Van Fossen, Elgin, Greiner, Lalk, Carroll, Tymeson, Boggess, Rasmussen, Watts, Huseman, Upmeyer, S. Olson, and Hahn, a bill for an act relating to the percentage of property valuation in each county and city that is subject to the ad valorem property tax and providing for the Act's applicability.

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

**House File 3**, by Boal and Roberts, a bill for an act relating to the monetary value of equipment purchased through a lease-purchase option agreement for which physical plant and equipment levy revenue may be expended.

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

**House File 4**, by Wise, Mascher, Bukta, Myers, D. Olson, Quirk, Petersen, Ford, Miller, Stevens, Lensing, Winckler, Cohoon, Mertz, Wendt, Frevert, Berry, Gaskill, Jochum, Swaim, Hogg, Whitaker, Chiodo, Connors, Kuhn, Greimann, Foege, Osterhaus, Struyk, Reasoner, Smith, Murphy, Oldson, Whitead, Lykam, Thomas, Dandekar, and McCarthy, a bill for an act making an appropriation for and extending the existence of the Iowa early intervention block grant program, and providing an effective date.

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

**House File 5**, by Thomas, Reasoner, Murphy, Oldson, Whitead, Smith, Lykam, Quirk, D. Olson, Myers, Bukta, Mascher, Whitaker, Swaim, Jochum, Gaskill, Berry, Frevert, Wendt, Mertz, Cohoon, Winckler, Lensing, Stevens, Miller, Ford, Petersen, Struyk, Foege, and Dandekar, a bill for an act creating an Iowa new economy council.

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

**House File 6**, by Wise, Mascher, Bukta, Myers, D. Olson, Ford, Miller, Stevens, Lensing, Winckler, Cohoon, Mertz, Wendt, Frevert, Berry, Gaskill, Jochum, Swaim, Chiodo, Connors, Kuhn, Greimann, Foege, Osterhaus, Struyk, Reasoner, Smith, Murphy, Oldson, Whitead, Lykam, Thomas, and Quirk, a bill for an act relating to character education, service learning, and the educational program, and providing for related matters.

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

**House File 7**, by Jochum, a bill for an act relating to qualification for membership on the board of educational examiners.

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

**House File 8**, by Connors and Jacobs, a bill for an act relating to a midwest interstate passenger rail compact and providing an effective date.

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

**House File 9**, by Lykam, Reasoner, Murphy, Oldson, Whitead, Smith, Thomas, Ford, Stevens, Lensing, Cohoon, Mertz, Frevert, Berry, Jochum, Swaim, Hogg, Whitaker, Mascher, Myers, Bukta, Osterhaus, Foege, Greimann, Kuhn, and Connors, a bill for an act relating to telecommunication services, including creating restrictions for telephone solicitors and the use of telemarketing equipment, requiring written contracts associated with telephone solicitations prior to the fund transfers or charges, establishing registration for persons choosing not to receive certain telephone solicitations, regulating certain aspects of prepaid calling services, establishing a

private cause of action, requiring consumer notification of rights, providing for the establishment of fees, and providing penalties.

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

### STANDING COMMITTEES APPOINTED

The Speaker announced the following appointments to the standing committees of the House:

#### ADMINISTRATION AND RULES – 14 Members

Roberts, Chair	Chiodo	Manternach	Rants
Boal*	Gipp	Mascher	Stevens
Bukta**	Jacobs	Myers	
Carroll	Klemme	Quirk	

#### AGRICULTURE – 21 Members

Drake, Chair	Davitt	Huseman	Rayhons
Olson, S.*	De Boef	Klemme	Stevens
Kuhn**	Dolecheck	Lalk	Struyk
Alons	Frevert	Manternach	Swaim
Baudler	Greiner	Mertz	Whitaker
Chiodo			

#### APPROPRIATIONS – 25 Members

Dix, Chair	Dandekar	Huseman	Roberts
Jenkins*	DeBoef	Jacobs	Smith
Murphy**	Dolecheck	Mertz	Taylor, T.
Alons	Eichhorn	Petersen	Thomas
Bell	Heaton	Quirk	Upmeyer
Bogges	Horbach	Reasoner	Wise
Chambers			

#### COMMERCE, REGULATION AND LABOR – 23 Members

Hansen, Chair	Hoffman	Murphy	Taylor, T.
Sands*	Horbach	Oldson	Van Fossen, J.K.
Petersen**	Jacobs	Osterhaus	Watts
Chiodo	Jenkins	Quirk	Wilderdyeke
Dix	Kurtenbach	Raecker	Wise
Ford	Manternach	Taylor, D.	

#### ECONOMIC GROWTH– 21 Members

Hoffman, Chair	Granzow	Lensing	Stevens
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Lukan*	Hanson	Miller	Struyk
Thomas**	Jenkins	Olson, D.	Swaim
Bogges	Kramer	Olson, S.	Van Fossen, J.K.
Dandekar	Lalk	Smith	Wilderdyke
Dix			

## EDUCATION – 23 Members

Tymeson, Chair	Carroll	Hansen	Schickel
Chambers*	Cohoon	Kramer	Stevens
Wise**	Dandekar	Mascher	Tjepkes
Berry	Dennis	Paulsen	Wendt
Boal	Dolecheck	Raecker	Winckler
Bukta	Foege	Roberts+	

## ENVIRONMENTAL PROTECTION – 21 Members

Greiner, Chair	Fallon	Heddens	Olson, S.
Kurtenbach*	Ford	Hogg	Olson, D.
Greimann**	Gaskill	Klemme	Shoultz
De Boef	Hahn	Kuhn	Upmeyer
Drake	Hanson	Maddox	Wilderdyke
Elgin			

## GOVERNMENT OVERSIGHT – 9 Members

Alons, Chair	Baudler	Kramer	Thomas
Raecker*	Jenkins	Oldson	Wendt
Lensing**			

## HUMAN RESOURCES – 21 Members

Boddicker, Chair	Foege	Hutter	Tymeson
Granzow*	Freeman	Miller	Upmeyer
Smith**	Greimann	Murphy	Watts
Arnold	Heaton	Osterhaus	Wendt
Berry	Heddens	Roberts	Wilderdyke
Carroll			

## JUDICIARY – 21 Members

Maddox, Chair	Boddicker	Heaton	Reasoner
Paulsen*	Dennis	Hutter	Schickel
Swaim**	Eichhorn	Jochum	Struyk
Baudler	Foege	Kramer	Van Fossen, J.R.
Berry	Greimann	Lensing	Winckler
Boal			

## LOCAL GOVERNMENT – 21 Members

Van Engelenhoven, Chair	Connors	Hoffman	Olson, D.
Schickel*	Gaskill	Huser	Reasoner

Fallon\*\*  
Arnold  
Boal  
Cohoon

Hahn  
Hansen  
Hanson

Jones  
Lensing  
Maddox

Tjepkes.  
Van Fossen, J.K.  
Whitead

#### NATURAL RESOURCES – 21 Members

Freeman, Chair  
Rasmussen\*  
Bell\*\*  
Arnold  
Baudler  
Boddicker

Bogges  
Davitt  
Dix  
Frevrt  
Granzow

Lukan  
Lykam  
Mertz  
Quirk  
Rayhons

Taylor, D.  
Van Engelenhoven  
Van Fossen, J.R.  
Whitaker  
Whitead

#### PUBLIC SAFETY – 21 Members

Baudler, Chair  
Van Fossen, J.R.\*  
Taylor, T.\*\*  
Alons  
Bell  
Boddicker

Chambers  
De Boef  
Dolecheck  
Eichhorn  
Ford

Freeman  
Heddens  
Hogg  
Horbach  
Huser

Klemme  
McCarthy  
Osterhaus  
Shoultz  
Tjepkes

#### STATE GOVERNMENT – 21 Members

Elgin, Chair  
Dennis\*  
Jochum\*\*  
Connors  
Drake  
Fallon

Gaskill  
Greiner  
Hutter  
Jacobs  
Jones

Lykam  
Manternach  
Mascher  
Oldson  
Petersen

Raecker  
Rasmussen  
Roberts  
Watts  
Whitead

#### TRANSPORTATION – 21 Members

Arnold, Chair  
Rayhons\*  
Huser\*\*  
Alons  
Bukta  
Chambers

Cohoon  
Connors  
Elgin  
Greiner  
Huseman

Klemme  
Lykam  
McCarthy  
Miller  
Olson, S

Rasmussen  
Sands  
Thomas  
Van Engelenhoven  
Whitaker

#### WAYS AND MEANS – 25 Members

Van Fossen, J.K., Chair  
Kramer\*  
Shoultz\*\*  
Boal  
Carroll  
Chiodo  
Davitt

Drake  
Frevrt  
Hahn  
Hansen  
Hogg  
Jochum

Jones  
Kuhn  
Kurtenbach  
Lalk  
Lukan  
Oldson

Paulsen  
Sands  
Taylor, D.  
Tymeson  
Wendt  
Winckler

## ETHICS – 6 Members

Raecker, Chair  
Dennis\*

Mascher\*\*  
Bukta

Huseman

McCarthy

## HOUSE APPROPRIATIONS SUBCOMMITTEES

## ADMINISTRATION AND REGULATION – 9 Members

Eichhorn, Chair  
Lalk\*  
Connors\*\*

Elgin  
Lykam

Olson, D.  
Paulsen

Taylor, T.  
Van Engelenhoven

## AGRICULTURE AND NATURAL RESOURCES – 9 Members

De Boef, Chair  
Tjepkes\*  
Mertz\*\*

Bell  
Chambers

Hahn  
Rasmussen

Reasoner  
Whitaker

## ECONOMIC DEVELOPMENT – 9 Members

Boggess, Chair  
Wildurdyke\*  
Ford\*\*

Dandekar  
Gaskill

Hoffman  
Hogg

Sands  
Schickel

## EDUCATION – 9 Members

Dolecheck, Chair  
Upmeyer\*  
Winckler\*\*

Davitt  
Dennis

Frevert  
Greimann

Kurtenbach  
Tymeson

## HUMAN SERVICES – 9 Members

Heaton, Chair  
Jones\*  
Osterhaus\*\*

Berry  
Boddicker

Granzow  
Heddens

Hutter  
Smith

## JUSTICE SYSTEMS – 9 Members

Horbach, Chair  
Hanson, D.\*  
Foegel\*\*

Lukan  
Maddox

McCarthy  
Miller

Swaim  
Van Fossen, J. R.

## TRANSPORTATION, INFRASTRUCTURE AND CAPITALS – 9 Members

Huseman, Chair  
Watts\*  
Cohoon\*\*

Arnold  
Freeman

Kuhn  
Rayhons

Struyk  
Whitead

\* Vice Chair

\*\* Ranking Member

## HOUSE COMMITTEE ASSIGNMENTS

Dwayne Alons	Agriculture Appropriations Government Oversight, Chair Public Safety Transportation
Richard Arnold	Human Resources Local Government Natural Resources Transportation, Chair Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Clel Baudler	Agriculture Government Oversight Judiciary Natural Resources Public Safety, Chair
Paul Bell	Appropriations Natural Resources, Ranking Member Public Safety Agriculture and Natural Resources, Appropriations Subcommittee
Deborah Berry	Education Human Resources Judiciary Health and Human Services, Appropriations Subcommittee
Carmine Boal	Administration and Rules, Vice Chair Education Judiciary Local Government Ways and Means
Dan Boddicker	Human Resources, Chair Judiciary Natural Resources Public Safety Health and Human Services, Appropriations Subcommittee
Effie Lee Boggess	Appropriations Economic Growth Natural Resources Economic Development, Appropriations Subcommittee, Chair

Polly Bukta	Administration and Rules, Ranking Member Education Ethics Transportation
Danny Carroll	Administration and Rules Education Human Resources Ways and Means
Royd Chambers	Appropriations Education, Vice Chair Public Safety Transportation Agriculture and Natural Resources, Appropriations Subcommittee
Frank Chiodo	Administration and Rules Agriculture Commerce, Regulation and Labor Ways and Means
Dennis Cohoon	Education Local Government Transportation Transportation, Infrastructure and Capitals, Appropriations Subcommittee
John Connors	Local Government State Government Transportation Administration and Regulation Appropriations, Subcommittee, Ranking Member
Swati Dandekar	Appropriations Economic Growth Education Economic Development, Appropriations Subcommittee
Mark Davitt	Agriculture Natural Resources Ways and Means Education, Appropriations Subcommittee
Betty De Boef	Agriculture Appropriations Environmental Protection Public Safety Agriculture and Natural Resources, Appropriations Subcommittee, Chair

Ervin Dennis	Education Ethics, Vice Chair Judiciary State Government, Vice Chair Education Appropriations, Subcommittee
Bill Dix	Appropriations, Chair Commerce Regulation and Labor Economic Growth Natural Resources
Cecil Dolecheck	Agriculture Appropriations Education Public Safety Education, Appropriations Subcommittee
Jack Drake	Agriculture, Chair Environmental Protection State Government Ways and Means
George Eichhorn	Appropriations Judiciary Public Safety Administration and Regulation Appropriations, Subcommittee, Chair
Jeff Elgin	Environmental Protection State Government, Chair Transportation Administration and Regulation, Appropriations Subcommittee
Ed Fallon	Environmental Protection Local Government, Ranking Member State Government
Ro Foegel	Education Human Resources Judiciary Justice System Appropriations, Subcommittee, Ranking Member
Wayne Ford	Commerce, Regulation and Labor Environmental Protection Public Safety Economic Development Appropriations, Subcommittee, Ranking Member

Mary Lou Freeman	Human Resources Natural Resources, Chair Public Safety Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Marcella Frevert	Agriculture Natural Resources Ways and Means Education, Appropriations Subcommittee
Mary Gaskill	Environmental Protection Local Government State Government Economic Development, Appropriations Subcommittee
Chuck Gipp	Administration and Rules
Polly Granzow	Economic Growth Human Resources, Vice Chair Natural Resources Health and Human Services, Appropriations Subcommittee
Jane Greimann	Environmental Protection, Ranking Member Human Resources Judiciary Education Appropriations, Subcommittee, Ranking Member
Sandy Greiner	Agriculture Environmental Protection, Chair State Government Transportation
Jim Hahn	Environmental Protection Local Government Ways and Means Agriculture and Natural Resources, Appropriations Subcommittee

Brad Hansen	Commerce, Regulation and Labor, Chair Education Local Government Ways and Means
Dell Hanson	Economic Growth Environmental Protection Local Government Justice System Appropriations, Subcommittee, Vice Chair
Dave Heaton	Appropriations Human Resources Judiciary Health and Human Services Appropriations, Subcommittee, Chair
Lisa Heddens	Environmental Protection Human Resources Public Safety Health and Human Services, Appropriations Subcommittee
Clarence Hoffman	Commerce, Regulation and Labor Economic Growth, Chair Local Government Economic Development, Appropriations Subcommittee
Rob Hogg	Environmental Protection Public Safety Ways and Means Economic Development, Appropriations Subcommittee
Lance Horbach	Appropriations Commerce, Regulation and Labor Public Safety Justice System Appropriations, Subcommittee, Chair
Danny Huseman	Agriculture Appropriations Ethics Transportation Transportation, Infrastructure and Capitals, Appropriations Subcommittee, Chair
Geri Huser	Local Government Public Safety Transportation, Ranking Member



Joe Hutter	Human Resources Judiciary State Government Health and Human Services, Appropriations Subcommittee
Libby Jacobs	Administration and Rules Appropriations Commerce, Regulation and Labor State Government
Willard Jenkins	Appropriations, Vice Chair Commerce Regulation and Labor Economic Growth Government Oversight
Pam Jochum	Judiciary State Government, Ranking Member Ways and Means State Government
Gerald Jones	Local Government State Government Ways and Means Health and Human Services Appropriations, Subcommittee, Vice Chair
Ralph Klemme	Administration and Rules Agriculture Environmental Protection Public Safety Transportation
Kent Kramer	Economic Growth Education Government Oversight Judiciary Ways and Means, Vice Chair
Mark Kuhn	Agriculture, Ranking Member Environmental Protection Ways and Means Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Jim Kurtenbach	Commerce, Regulation and Labor Environmental Protection, Vice Chair Ways and Means Education Appropriations, Subcommittee

David Lalk	Agriculture Economic Growth Ways and Means Transportation, Infrastructure and Capitals, Appropriations Subcommittee, Vice Chair
Vicki Lensing	Economic Growth Government Oversight, Ranking Member Judiciary Local Government
Steven Lukan	Economic Growth, Vice Chair Natural Resources Ways and Means Justice Systems Appropriations Subcommittee
Jim Lykam	Natural Resources State Government Transportation Administration and Regulation Appropriations Subcommittee
O. Gene Maddox	Environmental Protection Judiciary, Chair Local Government Justice System, Appropriations Subcommittee
Gene Manternach	Administration and Rules Agriculture Commerce, Regulation and Labor State Government
Mary Mascher	Administration and Rules Education Ethics, Ranking Member State Government
Kevin McCarthy	Ethics Public Safety Transportation Justice System, Appropriations Subcommittee
Dolores Mertz	Agriculture Appropriations Natural Resources Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member

Helen Miller	Economic Growth Human Resources Transportation Justice System Appropriations, Subcommittee
Pat Murphy	Appropriations, Ranking Member Commerce, Regulation and Labor Human Resources
Dick Myers	Administration and Rules
Jo Oldson	Commerce, Regulation and Labor Government Oversight State Government Ways and Means
Donovan Olson	Economic Growth Environmental Protection Local Government Administration and Regulation, Appropriations Subcommittee
Steven Olson	Agriculture, Vice Chair Economic Growth Environmental Protection Transportation
Robert Osterhaus	Commerce, Regulation and Labor Human Resources Public Safety Health and Human Services, Appropriations Subcommittee, Ranking Member
Kraig Paulsen	Education Judiciary, Vice Chair Ways and Means Administration and Regulation, Appropriations Subcommittee
Janet Petersen	Appropriations Commerce, Regulation & Labor, Ranking Member State Government
Brian Quirk	Administration and Rules Appropriations Commerce, Regulation and Labor Natural Resources

J. Scott Raecker	Commerce, Regulation and Labor Education Ethics, Chair Government Oversight, Vice Chair State Government
Christopher Rants	Administration and Rules
Dan Rasmussen	Natural Resources, Vice Chair State Government Transportation Agriculture and Natural Resources, Appropriation Subcommittee
Henry Rayhons	Agriculture Natural Resources Transportation, Vice Chair Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Mike Reasoner	Appropriations Judiciary Local Government Agriculture and Natural Resources, Appropriations Subcommittee
Rod Roberts	Administration and Rules, Chair Appropriations Education Human Resources State Government
Tom Sands	Commerce, Regulation and Labor, Vice Chair Transportation Ways and Means Economic Development, Appropriations Subcommittee
Bill Schickel	Education Judiciary Local Government, Vice Chair Economic Development, Appropriations Subcommittee
Don Shultz	Environmental Protection Public Safety Ways and Means, Ranking Member
Mark Smith	Appropriations Economic Growth

	Human Resources, Ranking Member Health and Human Services, Appropriations Subcommittee
Greg Stevens	Administration and Rules Agriculture Economic Growth Education
Doug Struyk	Agriculture Economic Growth Judiciary Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Kurt Swaim	Agriculture Economic Growth Judiciary, Ranking Member Justice System, Appropriations Subcommittee
Dick Taylor	Commerce, Regulation and Labor Natural Resources Ways and Means
Todd Taylor	Appropriations Commerce, Regulation and Labor Public Safety, Ranking Member Administration and Regulation, Appropriations Subcommittee
Roger Thomas	Appropriations Economic Growth, Ranking Member Government Oversight Transportation
Dave Tjepkes	Education Local Government Public Safety Agriculture and Natural Resources, Appropriations Subcommittee
Jodi Tymeson	Education, Chair Human Resources Ways and Means
Linda Upmeyer	Appropriations Environmental Protection Human Resources Education Appropriations, Subcommittee, Vice Chair

Jim Van Engelenhoven	Local Government, Chair Natural Resources Transportation Administration and Regulation, Appropriations Subcommittee
Jamie Van Fossen	Commerce, Regulation and Labor Economic Growth Local Government Ways and Means, Chair
Jim Van Fossen	Judiciary Natural Resources Public Safety, Vice Chair Justice System, Appropriations Subcommittee
Ralph Watts	Commerce, Regulation and Labor Human Resources State Government Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Roger Wendt	Education Government Oversight Human Resources Ways and Means
John Whitaker	Agriculture Natural Resources Transportation Agriculture and Natural Resources, Appropriation Subcommittee
Wes Whitead	Local Government Natural Resources State Government Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Paul Wilderdyke	Commerce, Regulation and Labor Economic Growth Environmental Protection Human Resources Economic Development, Appropriations Subcommittee
Cindy Winckler	Education Judiciary Ways and Means Education Appropriations, Subcommittee, Ranking Member

Phil Wise

Appropriations  
Commerce, Regulation and Labor  
Education, Ranking Member

## RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on administration and rules, at 3:00 p.m.

## SPECIAL PRESENTATION

Whitaker of Van Buren introduced to the House, former Representative and former Lieutenant Governor, Jo Ann Zimmerman.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 11:25 a.m., until 1:30 p.m.

## AFTERNOON SESSION

The House reconvened at 1:35 p.m., Speaker Rants in the chair.

## 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 13, 2003, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 1, a concurrent resolution designating a joint convention of the two houses of the 2003 session of the Eightieth General Assembly be held on Monday, January 13, 2003, at 1:30 p.m.

Also: That the Senate has on January 13, 2003, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 2, a concurrent resolution designating a joint convention on Wednesday, January 15, 2003, at 10:00 a.m. for Chief Justice Lavorato to deliver his condition of the judicial branch message.

Also: That the Senate has on January 13, 2003, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 3, a concurrent resolution relating to the appointment of a joint inaugural committee.

### COMMITTEE TO NOTIFY THE SENATE

Arnold of Lucas moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee: Arnold of Lucas, Greiner of Washington and Davitt of Warren.

### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Arnold of Lucas, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary of the Senate to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

### JOINT CONVENTION

In accordance with law and the concurrent resolution duly adopted, the joint convention was called to order, President Kramer presiding.

Senator Iverson moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.



President Kramer announced a quorum present and the joint convention duly organized.

### CANVASS OF VOTES

President Kramer announced that the time had arrived for the canvass of votes for the offices of Governor and Lieutenant Governor at the General Election held on November 5, 2002, and announced as teller on the part of the Senate, Senator Shull of Warren, and assistant tellers Senators McKibben of Marshall and Dvorsky of Johnson, and as teller on the part of the House, Representative Carroll of Poweshiek, and assistant tellers, Representatives Upmeyer of Hancock and Jochum of Dubuque.

President Kramer further announced that, in accordance with statute, the six tellers just named would constitute the judges of said canvass.

The joint convention stood at ease at 1:46 p.m., until the fall of the gavel.

The joint convention resumed session at 2:04 p.m., President Kramer of Polk in the chair.

The returns were opened in the presence of the joint convention and the tellers then proceeded to canvass the vote for Governor and Lieutenant Governor of the State of Iowa, cast at the General Election held on November 5, 2002.

Representative Gipp moved that the joint convention recess until 10:00 a.m., January 14, 2003.

The motion prevailed and the joint convention was recessed at 2:06 p.m.

The House reconvened at 2:08 p.m., Speaker Rants in the chair.

### SPECIAL ORDER

The hour for the special order having arrived, the members were requested to vacate their seats.

The drawing of seats was as follows:

1. Speaker of the House Rants—floor seat
2. Speaker pro tempore Carroll
3. Majority Floor Leader Gipp
4. Minority Floor Leader Myers
5. Assistant Floor Leaders —
6. Members with defective sight, hearing and physical disability
7. Drawing by seniority:
  - a. Former Speaker
  - b. Returning members, by seniority
  - c. New members

The drawing of seats proceeded with the following results:

Name	Seat No.
Dwayne Alons .....	23
Richard Arnold .....	31
Clel Baudler .....	24
Paul Bell .....	86
Deborah Berry .....	73
Carmine Boal .....	83
Dan Boddicker .....	32
Effie Lee Boggess .....	13
Polly Bukta .....	92
Danny Carroll .....	65
Royd Chambers .....	30
Frank Chiodo .....	25
Dennis Cohoon .....	67
John Connors .....	84
Swati Dandekar .....	3
Mark Davitt .....	10
Betty De Boef .....	2
Ervin Dennis .....	47
Bill Dix .....	54
Cecil Dolecheck .....	61
Jack Drake .....	46
George Eichhorn .....	55
Jeff Elgin .....	62
Ed Fallon .....	90
Ro Foege .....	96
Wayne Ford .....	34
Mary Lou Freeman .....	81
Marcella Frevert .....	79
Mary Gaskill .....	21
Chuck Gipp .....	100
Polly Granzow .....	38
Jane Greimann .....	41
Sandy Greiner .....	33

James Hahn .....	63
Brad Hansen .....	28
Dell Hanson .....	56
Dave Heaton .....	6
Lisa Heddens .....	15
Clarence Hoffman .....	53
Robert Hogg .....	17
Lance Horbach .....	8
Dan Huseman .....	45
Geri Huser .....	97
Joe Hutter .....	42
Libby Jacobs .....	66
Willard Jenkins .....	26
Pam Jochum .....	89
Gerald Jones .....	48
Ralph Klemme .....	98
Kent Kramer .....	40
Mark Kuhn .....	5
James Kurtenbach .....	52
David Lalk .....	19
Vicki Lensing .....	37
Steve Lukan .....	58
Jim Lykam .....	71
Gene Maddox .....	82
Gene Manternach .....	16
Mary Mascher .....	93
Kevin McCarthy .....	76
Dolores Mertz .....	7
Helen Miller .....	36
Pat Murphy .....	85
Richard Myers .....	99
Jo Oldson .....	78
Donovan Olson .....	27
Steven Olson .....	18
Robert Osterhaus .....	87
Kraig Paulsen .....	22
Janet Petersen .....	1
Brian Quirk .....	43
Scott Raecker .....	60
Christopher Rants .....	14
Dan Rasmussen .....	29
Henry Rayhons .....	64
Michael Reasoner .....	80
Rod Roberts .....	59
Thomas Sands .....	57
Bill Schickel .....	49
Don Shoultz .....	91
Mark Smith .....	77
Greg Stevens .....	12
Doug Struyk .....	9
Kurt Swaim .....	70
Dick Taylor .....	88

Todd Taylor .....	95
Roger Thomas .....	44
David Tjepkes .....	20
Jodi Tymeson .....	4
Linda Upmeyer .....	72
Jim Van Engelenhoven .....	35
J. K. Van Fossen .....	50
J. R. Van Fossen .....	51
Ralph Watts .....	4
Roger Wendt .....	75
John Whitaker .....	11
Wes Whitead .....	69
Paul Wilderdyke .....	68
Cindy Winckler .....	39
Philip Wise .....	94

Gipp of Winneshiek moved that the assignment of seats be accepted as listed.

The motion prevailed.

The House stood at ease at 2:49 p.m., until the fall of the gavel.

The House resumed session at 3:16 p.m., Speaker Rants in the chair.

## EMPLOYEES OF THE HOUSE

Roberts of Carroll moved that the recommendations of the House committee on administration and rules, regarding employees of the House, be accepted and that those named employees be elected as employees of the House.

The motion prevailed and the following named persons were duly elected.

## EMPLOYEES OF THE HOUSE

Margaret Thomson – Chief Clerk  
 Susan K. Jennings – Assistant Chief Clerk I  
 Paulee Lipsman – Senior Caucus Staff Director  
 Jeffrey G. Mitchell – Senior Caucus Staff Director  
 Timothy J. Albrecht – Administrative Assistant to Speaker  
 Allison G. Door Kleis – Administrative Assistant II to Speaker  
 Carolyn McNeill Gaukel – Administrative Assistant III to Leader  
 Mark W. Brandsgard – Senior Administrative Assistant to Leader  
 Susan D. Severino – Senior Administrative Assistant to Leader

Timothy R. Coonan – Legislative Research Analyst  
Mary K. Earnhardt – Legislative Research Analyst  
Stefani K. Millie – Legislative Research Analyst  
Kellie L. Paschke – Legislative Research Analyst I  
Kelly M. Ryan – Legislative Research Analyst  
Lewis E. Olson – Legislative Research Analyst III  
Bradley A. Trow – Legislative Research Analyst III  
Lon W. Anderson – Senior Legislative Research Analyst  
Bruce G. Brandt – Senior Caucus Secretary  
Dwayne Dean Fiihr, Jr. – Legislative Research Analyst I  
Anna M. Hyatt-Crozier – Legislative Research Analyst II  
Mary C. Braun – Senior Legislative Research Analyst  
Edward J. Conlow – Senior Legislative Research Analyst  
Jenifer L. Parsons – Senior Legislative Research Analyst  
Thomas R. Patterson – Senior Legislative Research Analyst  
Joseph P. Romano – Senior Legislative Research Analyst  
David L. Epley – Senior Caucus Secretary  
Sarah A. Bolton – Secretary to Leader  
Becky L. Lorenz – Confidential Secretary to Speaker  
Jacquelyn M. Seymour – Confidential Secretary II to Chief Clerk  
Betty M. Soener – Clerk to Chief Clerk  
Linda C. Rosky – Supervisor of Secretaries I  
Gayle A. Goble – Senior Editor  
Vicki L. Jones – Assistant Editor  
A. Nathan Treloar – Assistant Editor  
C. Elaine Schoonover – Text Processor II  
Debra K. Rex – Senior Finance Officer II  
Kelly M. Bronsink – Finance Officer I  
Doreen R. Terrell – Assistant Legal Counsel  
Pauline E. Kephart – Engrossing & Enrolling Processor  
Jessica M. Bash – Assistant to the Legal Counsel  
Kristin L. Wentz – Indexer II  
Barry J. Hartman – Indexing Assistant  
Paul W. Aardsma – Switchboard Operator  
Madeline E. James – Switchboard Operator  
Kerri E. Abrams – Legislative Secretary  
Nancy Alexander – Legislative Secretary  
Alyssa Beaman – Legislative Secretary  
Brad P. Bell – Legislative Secretary  
Danielle Black – Legislative Secretary  
Devin L. Boerm. – Legislative Secretary  
Thomas Brand – Legislative Secretary  
Diane K. Burget – Legislative Secretary  
Bev Burns – Legislative Secretary  
Dawn M. Chamberlain – Legislative Secretary  
Diana Clay – Legislative Secretary  
Marjorie I. Connors – Legislative Secretary  
Phyllis R. Cowles – Legislative Secretary  
Shirley M. Danskin-White – Legislative Secretary  
Mary K. Davis – Legislative Secretary  
B. LaVada Dennis – Legislative Secretary  
Mary Donahue – Legislative Secretary

A. Kathleen Eaton – Legislative Secretary  
Judith K. Elliott – Legislative Secretary  
Catherine Evans – Legislative Secretary  
Martha L. Fullerton – Legislative Secretary  
Clare Gannon – Legislative Secretary  
Camille Gjovig – Legislative Secretary  
Donna W. Greenwood – Legislative Secretary  
Autumn L. Griffieon – Legislative Secretary  
Wade Haldeman – Legislative Secretary  
Mike Halloran – Legislative Secretary  
RaMona Hanson – Legislative Secretary  
Vikki R. Hanson – Legislative Secretary  
Dave Inbody – Legislative Secretary  
Janet Haselhoff – Legislative Secretary  
H. Kay Jenkins – Legislative Secretary  
Janet M. Jones – Legislative Secretary  
Cassie Kerner – Legislative Secretary  
Traci Klein – Legislative Secretary  
Karen F. Klemme – Legislative Secretary  
Erin T. Kreiman – Legislative Secretary  
Tony Kruse – Legislative Secretary  
Debrah Lalk – Legislative Secretary  
Jamie Leyland – Legislative Secretary  
Karen A. Lischer – Legislative Secretary  
Jenny Mcarville – Legislative Secretary  
Linda McCarthy – Legislative Secretary  
Kyle S. McCullough – Legislative Secretary  
Maureen Meyer – Legislative Secretary  
Twyla L. Miller – Legislative Secretary  
Diane E. Nandell – Legislative Secretary  
Jean W. Nelson – Legislative Secretary  
Josh Nichols – Legislative Secretary  
Lacee R. Oliver – Legislative Secretary  
Jean P. Olson – Legislative Secretary  
Ann D. Osterhaus – Legislative Secretary  
Janet R. Ramsay – Legislative Secretary  
Sheila M. Rasmussen – Legislative Secretary  
Ben Roed – Legislative Secretary  
Mary M. Sanders – Legislative Secretary  
Bob Santi – Legislative Secretary  
Todd Schmidt – Legislative Secretary  
Diane G. Shoultz – Legislative Secretary  
Damien Specht – Legislative Secretary  
Jean Tannatt – Legislative Secretary  
Rosemary G. Thomas – Legislative Secretary  
Amber K. Tischer – Legislative Secretary  
Eileen M. Tyler – Legislative Secretary  
Blake A. Upmeyer – Legislative Secretary  
Jessica Van Fossen – Legislative Secretary  
Darlene A. VanOort – Legislative Secretary  
Priscilla Verdoorn – Legislative Secretary  
John Warner – Legislative Secretary

Anita Wendt – Legislative Secretary  
Mark Yegge – Legislative Secretary  
Clarice E. Alons – Legislative Committee Secretary  
Nick Barrett – Legislative Committee Secretary  
Jill J. Beni – Legislative Committee Secretary  
Susan M. Betsinger – Legislative Committee Secretary  
Opal M. Bigham – Legislative committee Secretary  
Lindsey Boo – Legislative committee Secretary  
Jacob Bossman – Legislative Committee Secretary  
Megan Bradfield – Legislative Committee Secretary  
Mary Beth Danzer – Legislative Committee Secretary  
Dawn R. Dillman – Legislative Committee Secretary  
Shirley J. Drake – Legislative Committee Secretary  
Kelley A. Fifer – Legislative Committee Secretary  
Brooke A. Findley – Legislative Committee Secretary  
Carol F. Hansen – Legislative Committee Secretary  
Lynn M. Hoffman – Legislative Committee Secretary  
Marlene J. Martens – Legislative Committee Secretary  
Melba K. Murken – Legislative Committee Secretary  
Martha S. Raecker – Legislative Committee Secretary  
Brandon J. Renz – Legislative Committee Secretary  
Vinita J. Smith – Legislative Committee Secretary  
Betty J. Sorenson – Legislative Committee Secretary  
Mary Lee A. Stephens – Legislative Committee Secretary  
Barbara B. Wennerstrum – Legislative Committee Secretary  
Kara L. Wilber – Legislative Committee Secretary  
Mildred E. Stewart – Bill Clerk  
Marie A. Kirby – Assistant Bill Clerk  
William C. Walling – Postmaster  
Wilbur N. Rhoads – Sergeant-at-Arms  
Maynard L. Boatwright – Assistant Sergeant-at-Arms  
Gerald V. Orman – Assistant Sergeant-at-Arms  
Herbert J. Beyer – Doorkeeper  
Charles L. Fogelson – Doorkeeper  
Gary D. Lynch – Doorkeeper  
Howard H. Scott, Sr. – Doorkeeper  
Robert B. Yeager – Doorkeeper

## PAGES GROUP I

Cynthia L. McAfee – Speaker's Page  
Megan E. Cross – Chief Clerk's Page  
Nicholas A. Sievert – Chief Clerk's Page  
Dean E. Calkins Jr.  
Justin W. Ehrecke  
Adam A. Frei  
Corey J. Goerdts  
Tyler R. Goings  
Klaire R. O'Rourke  
Megan J. Page  
Benjamin J. Paladino

Elizabeth J. Phillips  
John W. Pilkington  
Jessica L. Rundlett  
Sarah A. Skoog  
Noah J. Udelhoven  
Rachel M. Van Fossen  
Kelsey L. Veach  
Megan M. Warner

## PAGES GROUP II

Taryn F. Dozark  
Amelia C. Gauger  
Brent M. Geels  
Laura B. Harson  
Megan A. Horan  
April L. Myers

Natalie M. Owens  
Kathleen M. Schaben  
Timothy D. Schutte  
Elizabeth C. Skilton  
Sadie L. Stellish  
Wade J. Summers

## JOINT SENATE/HOUSE EMPLOYEES

Mark L. Willemsen – Facilities Manager II  
Shawna S. Padgett – Security Secretary I  
Nickolas S. Brown – Security Officer I  
Richard C. Clemens, Jr. – Security Officer I  
Richard A. Crawford – Security Officer I  
Marshall T. Irwin – Security Officer I  
Carl E. Lami – Security Officer I  
Mahlon Y. Lamp – Security Officer I  
Steven D. Marsh – Security Officer I  
Roy E. Paradise – Security Officer I  
Trudy L. Paulson – Security Officer I  
Robert J. Porter – Security Officer I  
Judith A. Salier – Security Officer I  
Kert J. Schnell – Security Officer I  
Mark S. Lundberg – Conservation/Restoration Specialist II

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty students from Marshalltown Area Catholic Schools, Marshalltown, Iowa. By Smith of Marshall.

## COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS  
College Bound and IMAGES Programs

Annual report, pursuant to Chapter 262.92 and 269.93, Code of Iowa.

Annual report from the University of Iowa Hospital and Clinics, pursuant to Chapter 263A.13, Code of Iowa.



Annual report on the status of the sale of the Iowa State University Ankeny Experimental Farm, pursuant to Chapter 81, Code of Iowa.

Final report on the Iowa Medical Pharmaceutical Case Management Program Evaluation from the University of Iowa, pursuant to Chapter 203 section 7.15, Acts of the Seventy-eighth General Assembly.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
Office of Renewable Fuels and Co-Products

Eighth annual report, pursuant to Chapter 159A.7, Code of Iowa.

DEPARTMENT OF COMMERCE  
Iowa Utilities Board

2001 annual report, pursuant to Chapters 7A.1, 7A.10, and 476.16, Code of Iowa.

DEPARTMENT OF CORRECTIONS  
Violator Program and Violator Aftercare Program

Legislative report, pursuant to Chapter 904.207, Code of Iowa.

DEPARTMENT OF EDUCATION

Recommendations on the Pilot for Implementations of Career Path, pursuant to Chapter 256.7, Code of Iowa.

Team-Based Variable Pay: Report of the Iowa Pilot Project, pursuant to Chapter 256.19, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Report on State Maximum Allowable Costs (SMAC) Programs, pursuant to Chapter 217.21(5), Code of Iowa.

Annual report of savings for FY02, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF INSPECTIONS AND APPEALS

Fiscal year 2002 annual report, pursuant to Chapter 7E.3(4), Code of Iowa.

DEPARTMENT OF JUSTICE

Bi-annual report pertaining to regulation of Iowa's public utilities, pursuant to Chapter 475A, Code of Iowa.

Report on study of the organization of offices of clerks of the district court, pursuant to Chapter 176, Code of Iowa.

DEPARTMENT OF MANAGEMENT  
Utility Property Tax Replacement

Annual status report, pursuant to Chapter 437A.15(7), Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Iowa's 2001 Public Drinking Water Program Annual Compliance Report, pursuant to Chapter 455B.105(5), Code of Iowa.

DEPARTMENT OF PERSONNEL

FY 2002 Affirmative Action Report, pursuant to Chapter 19B.5, Code of Iowa.

Final 2002 Early Termination Report, pursuant to Chapter 70A.38, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH  
Center for Health Statistics

The 2001 Termination of Pregnancy Report, pursuant to Chapter 144.29A, Code of Iowa.

DEPARTMENT OF REVENUE AND FINANCE  
Tax Gap Compliance Project

Annual report, pursuant to Chapter 421.17(22A), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The fourth annual recalculation of the construction and maintenance needs of roads under the jurisdiction of each county, pursuant to Chapter 307A.2(14A), Code of Iowa.

Annual report, pursuant to Chapter 8D.10, Code of Iowa.

A report on a study concerning close-clearance conditions near railroad tracks, pursuant to Chapter 24, Code of Iowa.

Center For Transportation Research and Education

Study to survey the highway and street equipment procurement policies and use of such equipment by all entities receiving Road Use Tax Funds, pursuant to Chapter 32 Acts of the Seventy-ninth General Assembly.

Midwest Regional Rail Passenger Initiative

Status report, pursuant to Chapter 327J.3(5), Code of Iowa.

DIVISION OF PERSONS WITH DISABILITIES

Annual report, pursuant to Chapter 216A.77(8), Code of Iowa.

**ENERGY FUND DISBURSEMENT COUNCIL**

Oil Overcharge Funds, pursuant to Chapter 473.11(7), Code of Iowa.

**IOWA CITIZEN FOSTER CARE REVIEW BOARD**

Annual Report, pursuant to Chapter 237.18(2b), Code of Iowa.

**IOWA COMMUNICATIONS NETWORK**

Appropriation from the Tobacco Capitalization Fund, pursuant to Chapter 28E.8, Code of Iowa.

Iowa Telecommunications and Technology Commission Report, Review of Maintenance Contract, pursuant to Chapter 8D.3(3)(g), Code of Iowa.

The, Iowa Telecommunications and Technology Commission (ITTC) five-year financial plan, pursuant to Chapter 8D.3.3.f, Code of Iowa.

Summary of identified savings with the Iowa Communications Network use of the Network during Fiscal Year 2002, pursuant to Chapter 8D.10, Code of Iowa.

**Iowa Division of Vocational Rehabilitation Services**

Annual report, pursuant to Chapter 8D.10, Code of Iowa.

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND  
STORAGE TANK FUND BOARD**

The April 2002 notice of intended action, pursuant to Chapters 17A.8(6) and 455G.4(3)(a), Code of Iowa.

**IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

ICN annual report, pursuant to Chapter 97B.61, Code of Iowa.

Annual report, pursuant to Chapter 421.17(22A), Code of Iowa.

**IOWA WORKFORCE DEVELOPMENT**

Annual Surcharge Office Report, pursuant to Chapter 96.7, Code of Iowa.

**OFFICE OF CITIZENS' AIDE/OMBUDSMAN**

The 2001 Annual Report, pursuant to Chapter 2C, Code of Iowa.

On motion by Gipp of Winneshiek the House adjourned at 3:17 p.m., until 8:45 a.m., Tuesday, January 14, 2003.

# JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 14, 2003

The House met pursuant to adjournment at 8:47 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend John Epperson, pastor of the Grinnell Christian Church, Grinnell. He was the guest of Speaker pro tempore Danny Carroll of Poweshiek County.

The Journal of Monday, January 13, 2003 was approved.

## REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage each member is entitled to begs leave to submit the following report:

Name	Round Trip Miles
Dwayne A. Alons.....	460
Richard D. Arnold .....	140
Clel E. Baudler.....	122
Paul A. Bell .....	66
Deborah L. Berry .....	260
Carmine R. Boal.....	NONE
Daniel J. Boddicker .....	300.6
Effie Lee Boggess .....	270
Mary P. Bukta .....	400
Danny C. Carroll .....	104
Royd E. Chambers .....	440
Frank J. Chiodo .....	NONE
Dennis M. Cohoon.....	322
John H. Connors .....	NONE
Swati A. Dandekar .....	252
Mark P. Davitt .....	34
Betty R. De Boef.....	166
Ervin A. Dennis .....	220
William C. Dix.....	240
Cecil Dolecheck .....	180

Jack E. Drake.....	180
George S. Eichhorn.....	132
Jeffrey C. Elgin.....	262
Edward S. Fallon, Jr.....	NONE
Romaine H. Foegen.....	270
Wayne W. Ford.....	NONE
Mary Lou Freeman.....	320
Marcella R. Frevert.....	340
Mary A. Gaskill.....	180
Charles R. Gipp.....	400
Polly A. Granzow.....	140
Jane L. Greimann.....	70
Sandra H. Greiner.....	192
James F. Hahn.....	300
Brad L. Hansen.....	280
Myron Dell Hanson Jr.....	40
David E. Heaton.....	284
Lisa K. Heddens.....	77
Clarence C. Hoffman.....	250
Robert M. Hogg.....	260
Lance J. Horbach.....	150
Daniel A. Huseman.....	330
Geri D. Huser.....	NONE
Joseph I. Hutter.....	340
Elizabeth S. Jacobs.....	NONE
G. Willard Jenkins.....	216
Mary Pamela Jochum.....	400
Gerald D. Jones.....	280
Ralph F. Klemme.....	440
Kent A. Kramer.....	NONE
Mark A. Kuhn.....	280
James Kurtenbach.....	70
David H. Lalk.....	320
Victoria S. Lensing.....	240
Steven F. Lukan.....	348
James K. Lykam.....	330
O. Gene Maddox.....	NONE
Eugene A. Manternach.....	345
Mary J. Mascher.....	240
Kevin M. McCarthy.....	NONE
Dolores M. Mertz.....	262
Helen N. Miller.....	200
Patrick J. Murphy.....	400
Richard E. Myers.....	224
Joanne M. Oldson.....	NONE
Donovan G. Olson.....	104
Steven N. Olson.....	360
Robert J. Osterhaus.....	364
Kraig M. Paulsen.....	250
Janet A. Petersen.....	NONE
Brian J. Quirk.....	320
Jeffrey S. Raecker.....	NONE

Christopher C. Rants.....	395
Daniel J. Rasmussen.....	280
Henry V. Rayhons.....	250
Michael J. Reasoner.....	150
Rodney A. Roberts.....	180
Thomas R. Sands.....	300
William P. Schickel.....	242
Donald L. Shoultz.....	220
Mark D. Smith.....	104
Gregory R. Stevens.....	400
Douglas L. Struyk.....	266
Robert Kurt Swaim.....	208
Richard D. Taylor.....	252
Todd E. Taylor.....	248
Roger D. Thomas.....	340
David A. Tjepkes.....	180
Jodi S. Tymeson.....	60
Linda L. Upmeyer.....	226
James L. Van Engelenhoven.....	92
James K. Van Fossen.....	340
James R. Van Fossen.....	340
Ralph C. Watts.....	44
Roger F. Wendt.....	400
John R. Whitaker.....	270
Wesley E. Whitead.....	402
Paul A. Wilderdyke.....	254
Cindy L. Winckler.....	334
Philip L. Wise.....	350

Respectfully submitted,  
 JODI S. TYMESON, Chair  
 ROYD E. CHAMBERS  
 GREGORY R. STEVENS

The House stood at ease at 8:53 a.m., until the fall of the gavel.

The House resumed session at 9:54 a.m., Speaker Rants in the chair.

### INAUGURAL COMMITTEE APPOINTED

The Speaker announced the appointment of the following members of the inaugural committee on the part of the House: Representatives Raecker of Polk, J.R. Van Fossen of Scott, Granzow of Hardin, Osterhaus of Jackson, Lensing of Johnson and Winckler of Scott.

## COMMITTEE TO NOTIFY THE SENATE

De Boef moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such the following committee: De Boef of Keokuk, Sands of Louisa and Gaskill of Wapello.

The House stood at ease at 9:55 a.m., until the fall of the gavel.

The House resumed session at 9:58 a.m., Speaker Rants in the chair.

## REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

De Boef of Keokuk, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that it had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

## JOINT CONVENTION

In accordance with law and House Concurrent Resolution 1, duly adopted, the joint convention was called to order, President Kramer presiding.

Senator Iverson of Wright moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Kramer announced a quorum present and the joint convention duly organized.

Senator Iverson of Wright moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to notify Governor Thomas J. Vilsack that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Gaskill of Hancock, Putney of Tama, and Holveck of Polk, on the part of the Senate, and Representatives Jenkins of Black Hawk, Lukan of Dubuque and Oldson of Polk, on the part of the House.

The Supreme Court Justice, the Justices of the Supreme Court and the Judges of the Court of Appeals were escorted into the House chamber.

Secretary of State, Chester J. Culver; Secretary of Agriculture and Land Stewardship, Patty Judge; State Auditor, David Vaudt and Attorney General Tom Miller were escorted into the House chamber.

Lieutenant Governor Sally Pederson was escorted into the House chamber.

Mrs. Christie Vilsack, wife of the Governor, was escorted into the House chamber.

The committee waited upon Governor Thomas J. Vilsack and escorted him to the Speaker's station.

President Kramer presented Governor Thomas J. Vilsack who delivered the following condition of the state and budget message:

Thank you Madam President. Thank you Mr. Speaker, members of the General Assembly, and our Supreme Court, distinguished guests, and my fellow Iowans.

We are blessed, in troubled times and in a troubled world, to live in a special place. A special place of shared values – a place where we celebrate family and community. Where we cherish learning and good health, value hard work and self-reliance. And love our land, our air and our water. To remain that special place, we must nurture hope and opportunity. For if we remain content with the Iowa of today, we will surely compromise the Iowa of tomorrow.



With our strong values, no Iowan should be satisfied if bright Iowans leave, believing there is no meaningful opportunity here; for if Iowans can't find or afford healthcare services; if Iowans are prevented from enjoying the outdoors because our rivers and streams are polluted. Sadly, this is happening in our state today.

But my fellow Iowans we should, and we must do better. Iowans must respond to the challenge by embracing and directing change. I am confident we are up to the challenge; but state government should not approach this challenge alone.

The primary responsibility for effecting change will rightfully be with the private and nonprofit sectors. State government's role is to act as a catalyst for change and remove barriers to progress. To fulfill that responsibility we must act now and we must act boldly.

The state budget complicates our task. The work begun two years ago to align revenues with expenditures must continue. Our law requires a balanced budget and we will have a balanced budget. But while complicated, the task is not impossible.

I want to acknowledge the hard work of the previous legislature. Tough unpopular choices had to be made but those choices create options today that most states do not enjoy. Few states enjoyed surpluses last year or will this year. Fewer still were able to reduce the size of government while increasing the commitment to K-12, expanding access to healthcare for children and seniors, and starting a new venture capital fund. These achievements and many others share more than being accomplished during tough times; they also share, more importantly, having been accomplished in a bipartisan effort.

Let me identify the four cornerstones to future progress that will preserve, nurture and expand hope and opportunity: a transformed Iowa economy, continuous improvement to education, expanded access to healthcare services and other community services, and renewed commitment to our environment.

The economy of Iowa, grounded in the production of ever-increasing volumes of low priced ag commodities, and the creation of well-intended but still lower paying manufacturing and service sector jobs, no longer adequately supports our values; nor will it expand hope and opportunity for the future.

For the benefit of ourselves and future generations of Iowans, we must transform our economy to one rooted in the development and growth of high priced, value added ag ingredients to be used to feed, fuel and heal, and in the creation of wealth through high paying jobs held by a highly educated Iowa workforce.

This new Iowa economy will preserve and enhance our values, better support our families and communities, and allow for continued investment in quality of life.

In the Iowa economy of today, less than thirty percent of our workforce has any college experience. Iowans who learn more earn more. Our goal in the Iowa economy of tomorrow – a high tech, bio-based economy – should be to double the number of employed Iowans with college experience. Immediate progress towards this goal should be the standard by which our work here is judged.

Now, to reach that ambitious goal requires a new, focused effort on economic development – one that is key to life sciences, value added agriculture, advanced

manufacturing, insurance, and other information solutions. Vision Iowa and its success taught us the power of state resources leveraging private and more public investment. We must apply that important lesson to economic development.

A companion fund, the Iowa Values Fund, should be created and dedicated to partnering with private investment to transform our economy. Administered and managed as a public/private partnership, the fund's investments should promote regional economic development so no part of Iowa is left behind. The fund should work more closely with the Regents universities, community colleges and independent colleges to double the number of college experienced workers in the workforce. Over the next five years we should commit \$500 million to this fund. It is that important.

The initial investment from the Iowa Values Fund should be dedicated to making Iowa the life sciences leader in protein development and production. Developing the necessary life sciences infrastructure with an appropriate regulatory structure should be a top economic development priority of the state, allowing us to reach a goal of starting 100 new life sciences companies in Iowa in the next five years.

Initial resources from the fund should also spur the development of more renewable fuel and energy of all kinds. The benefits to our economy and our environment from ethanol and biodiesel fuel are well known. Similar benefits will operate from an expansion of renewable energy production. Today, Iowa annually produces 200 megawatts of electricity from renewable energy sources – wind, solar, and biomass. By the end of the decade our goal should be to annually produce a minimum of 1,000 megawatts committed to the goal of making Iowa a net exporter of energy.

Barriers to a new Iowa economy must also be removed. Regulatory approval for new business and expansion needs to be timely for progress delayed is progress denied. A complex income tax system with loopholes places Iowa in a non-competitive position. Simplifying the system and closing loopholes will remove a barrier to progress. No Iowan, no Iowan should have to use a form larger than a postcard to report state income and pay state taxes.

At the same time, the property tax system pays for services not related to property ownership; extends credits, exemptions and benefits in a haphazard fashion; encourages inefficiencies in government; and discriminates among and between classes of property owners. Members of the General Assembly, the time has come. Sunset the system that doesn't work and replace it with one that does. Remove the barrier.

Now, as our investments result in a new economy, our values demand that we not forget those struggling in the old economy. Today in our state, there are over 100,000 Iowans working at or near a minimum wage. Many support families. Most qualify for public assistance. All work hard. Let us honor their work, and all work, by raising the minimum wage.

Each generation of Iowans carries a special responsibility to support the education of all of our children. The members of the last legislature understood that value in supporting change and continued investment in Iowa's schools even in the face of tough economic times. Their commitment to lower class sizes, reading initiatives, and improving teacher quality is already paying positive results in improved test scores and better professional development.

We cannot and should not abandon those efforts -- but more is needed to keep faith with our values and maximize hope and opportunity.

A transformed Iowa economy requires continuous improvement in education.

If we are to double the number of college experienced workers in the workforce, more children will have to attend college. To achieve success in school, children must be ready to learn before they enter school. Bold goals precede and encourage bold action. Let us work together to challenge ourselves to create an Iowa where virtually all (over 90%) of our children have access to quality preschool and where virtually all, at least 90%, of our children complete their formal education with at least 2 years college experience.

I need not remind the General Assembly that achievement gaps and dropouts carry a heavy price for failure. Just a generation ago the thought of all day kindergarten for all of our children seemed an impossible dream. Today, over 90% of our children have access to all day kindergarten. Our 90/90 goal embodies our values. This is a goal that can be reached. The goal must be reached. The goal will be reached.

The creation of the Iowa Learns Council, with representatives from all levels of education and statewide leaders will help to develop strategies and policy recommendations for accomplishing the 90/90 goal.

The goal needs resources. As investments from the Iowa Values fund are made and opportunities are expanded and benefits are realized, a portion of new revenues generated from these investments should be dedicated to achieving the 90/90 goal. In the meantime, college tuitions continue to go up and some students may be discouraged from attending. That is why this legislature should restore funding to the important work-study program to empower students to earn their way through college.

Barriers to reaching our 90/90 goal must also be removed. Today, a disparity exists in educational opportunity in our state.

Very small school districts with high schools of less than 100 students find it increasingly difficult to provide the range of opportunities necessary for success. Now, this barrier can be removed through collaboration or consolidation. The creation of a Virtual Academy allowing access to students to online courses, and Regional Academies enabling schools to combine their course opportunities will help reduce the disparity. For those districts where consolidation provides the only answer, we should provide financial incentives to encourage school consolidation.

Now some believe that a financial disparity in education exists. For more than a generation, based on a study of school finances, Iowans operated under the belief that the school funding formula promoted equity. Much has changed since that study -- and the times call for a new study of school finances. If inequities exist, they must be addressed. Our values require it. Hope and opportunity will depend on it.

Iowans have a right to expect quality healthcare. We've worked hard to extend that right to all of our children. Today, we protect almost ninety-five percent of our youngsters by providing access to healthcare through Medicaid; Hawk-I, our children's health insurance program; or other private insurance. We take pride in knowing almost ninety percent of adults are also covered.

However, access to quality healthcare, even in Iowa, remains threatened. An unfair Medicare reimbursement system, rising costs of prescription drugs, and the exploding costs of Medicaid all will test our commitment to the value of quality healthcare.

Let me be clear. We will fight whenever, wherever, and for as long as it takes for a fair Medicare reimbursement system in this state.

We will negotiate whenever, wherever, and for as long as it takes until Iowa seniors have fair drug prices.

We will negotiate whenever, wherever, and for as long as it takes for strategies to control Medicaid costs without limiting access to quality healthcare. I want to thank Senator Kramer, in particular, for her efforts in these areas and pledge to work with the President of the Senate and the General Assembly to maintain quality healthcare.

To remain true to our values and to extend hope and opportunity to all, we must protect those vulnerable Iowans who cannot protect themselves. Thousands suffering from mental illness – vulnerable Iowans – do not have access to the treatment they need. The fact is that one out of every four Iowa families have family members touched by mental illness. Barriers exist to the quality care they need.

Let us stop the needless suffering. Iowa should lead the nation with the highest percentage of residents with mental health and substance abuse coverage. Let us make the enactment of mental health parity a landmark for which this General Assembly will be remembered and celebrated for years to come.

But people with mental illness, mental retardation, or other disabilities need more than access to quality medical care; they need access to basic community resources that most of us take for granted – like housing, transportation and job opportunities – so they, too, can participate in the American dream.

This goal has been a personal passion for Lt. Governor Sally Pederson. That is why I have asked her to lead the effort to transform our system of services to respond more effectively to the needs of those with disabilities.

Changes in the system will be directed by a commission of stakeholders created through bipartisan legislation passed last year. The Lt. Governor will continue to work with the commission and Republican and Democratic legislators to create a system that supports self-determination, self-sufficiency, and independence.

It is our goal over the next four years to substantially increase residential housing and workplace opportunities through public/private partnerships and leveraging funds in new and innovative ways. I promise you this – we will make the largest investment in housing for people with disabilities in Iowa history.

And we will ask you to give the Department of Inspections & Appeals the authority to regulate adult day care facilities for dependent adults and seniors, so that families can feel secure about the quality of care their loved one is receiving.

In a special land where stewardship is a value and virtue, knowing that we have over 150 rivers and streams, a number likely to grow, impaired by pollution should be a

call to action to all of us. A new Iowa economy should support resources necessary to clean up our rivers and streams. By 2010 there should be no – I repeat no impaired waters list in Iowa. By that year Iowans should be free to swim, fish, or use this great natural resource as God intended.

Now to those who doubt such a goal is obtainable, I ask you to stand aside. Iowans working together to achieve a common goal will succeed, but to succeed there must be consensus. One hundred years ago Theodore Roosevelt brought interested parties together in a summit dedicated to conservation. The time is right for a statewide summit on water quality to eliminate the impaired waters list. So today I ask the Department of Natural Resources, the Iowa Farm Bureau, the Association of Business and Industry, and the Iowa Environmental Council and other groups each to designate a representative to work with me and representatives of the General Assembly, cities, and counties to plan and hold such a summit to develop a conservation plan to restore our waters.

Earlier I mentioned the role of the nonprofit sector to effect change. The vital role of nonprofit organizations in our state must be clearly understood and actively supported. Nonprofit organizations are often small and may need technical assistance and help. All of us need to help them. I asked Willard “Sandy” Boyd, President Emeritus of the University of Iowa, Director of the Iowa Nonprofit Resource Center, and a great Iowan, to chair a task force to be appointed for this purpose, to lay out strategies how we can strengthen nonprofits in our state.

My time with you is limited, so I cannot share thoughts about other important aspects of Iowa life, from public safety to support for arts and culture. Please know these are important in our effort to help build a better Iowa.

All will be needed in this effort.

Great values, great needs, great goals mandate from all of us, inside and outside state government, great action. Many may question if it all can be done.

Theodore Roosevelt said it so well so long ago. “It is not the critic who counts; not the person who points out how strong persons stumbled or where the doer of deeds could have done them better. The credit belongs to the person who is actually in the arena, whose face is marred by dust, and sweat, and blood; who strives valiantly; who errs and comes short again and again; who knows the great enthusiasms, the great devotions, and spends a life in a worthy cause, who at the best, knows in the end the triumph of high achievement and who at the worst, if he or she fails, at least fails while daring greatly, so that their place shall never be with those cold and timid souls who knew neither victory nor defeat.”

Ladies and Gentlemen of the General Assembly, let that be said of this generation of Iowans who risked embracing change, fought to preserve our values, and nurtured hope and opportunity for all.

God bless you. God bless our great State of Iowa, and the United States of America.

Governor Thomas J. Vilsack was escorted from the House chamber by the committee previously appointed.

On motion by Gipp of Winneshiek, the joint convention was dissolved at 10:42 a.m.

The House stood at ease at 10:42 a.m., until the fall of the gavel.

The House resumed session at 11:10 a.m., Speaker Rants in the chair.

On motion by Gipp of Winneshiek, the House was recessed at 11:11 a.m., until 3:00 p.m.

### AFTERNOON SESSION

The House reconvened at 3:05 p.m., Speaker Rants in the chair.

### INTRODUCTION OF BILLS

**House File 10**, by Tymeson, a bill for an act providing an individual income tax credit for certain teacher expenses and including a retroactive applicability date provision.

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

**House File 11**, by Jacobs and Connors, a bill for an act relating to the election of directors of local school districts, area education agencies, and merged areas, and including an effective date, applicability, and transition provision.

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

**House File 12**, by Tymeson, a bill for an act providing for state ownership of Part III Iowa communications network video connections under specified circumstances.

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

**House File 13**, by Wise, a bill for an act relating to the establishment of a public charter school pilot program and providing effective and applicability dates.

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

**House File 14**, by Bukta, a bill for an act relating to the establishment of a special classification within the residential care facility category for elders.

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

**House File 15**, by Horbach, a bill for an act relating to property taxation of certain lands leased to others by the department of corrections or department of human services and providing for the Act's applicability.

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

**House File 16**, by Maddox, a bill for an act relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with medications, equipment, and supplies for the treatment of diabetes.

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

**House File 17**, by Boddicker, a bill for an act revising requirements for the department of human services' written report of a child abuse assessment.

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

**House File 18**, by Bukta, a bill for an act including child endangerment offenses as child abuse for purposes of reporting, assessment, and disposition.

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

**House File 19**, by Smith, a bill for an act relating to the provision of an administrative hearing for tenants of assisted living programs.

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

**House File 20**, by Maddox, a bill for an act relating to the taxation of activities involving out-of-state qualified state tuition programs and including effective and retroactive applicability date provisions.

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

**House File 21**, by Boal, a bill for an act relating to resident license fees for hunting, fishing, trapping and related activities for members of the armed forces of the United States.

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

### COMMUNICATIONS RECEIVED

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

January 14, 2003

The Honorable Christopher Rants  
Speaker of the Iowa House  
Iowa House of Representatives  
State Capitol  
Des Moines, Iowa 50319

Dear Speaker Rants:

It is with both pleasure and regret that I am today submitting my resignation as a member of the Iowa House of Representatives effective at the end of the day, today. It has been my honor for the past six years to serve the people of Des Moines. But that service has come as a great sacrifice to my family.

I have been offered the opportunity to work with Mike Blouin in the Iowa Department of Economic Development. I believe that this department will spearhead many exciting new initiatives to make Iowa grow. I welcome the opportunity to be a part of that process.

In addition, my family looks forward to my now having just one job rather than the three or four I was juggling in the past. I look forward to spending more time with my wife and my two little children.

Mr. Speaker, I am sorry that I will no longer be able to work alongside of you and the other members of the Iowa House. But I look forward to working with you in my new role in the executive branch.

Sincerely,  
Representative Frank Chiodo



## 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

- |         |  |
|---------|--|
| 2003\1  | Ray Lischer, Creston – For celebrating his 85 <sup>th</sup> birthday.                                    |
| 2003\2  | Mildred Pennell, Marshalltown – For celebrating her 95 <sup>th</sup> birthday.                           |
| 2003\3  | Margaret Thomas, Marshalltown – For celebrating her 91 <sup>st</sup> birthday.                           |
| 2003\4  | Ida Schoon, Manson – For celebrating her 80 <sup>th</sup> birthday.                                      |
| 2003\5  | Betty Faulkner, Webster City – For celebrating her 88 <sup>th</sup> birthday.                            |
| 2003\6  | Wilma Brisbin, Eagle Grove – For celebrating her 90 <sup>th</sup> birthday.                              |
| 2003\7  | Mary Pringnitz, Belmond – For celebrating her 90 <sup>th</sup> birthday.                                 |
| 2003\8  | Alex Larson, Farnhamville – For celebrating his 90 <sup>th</sup> birthday.                               |
| 2003\9  | Kathleen Peterson, Webster City – For celebrating her 90 <sup>th</sup> birthday.                         |
| 2003\10 | Fred and Ruth Schwendemann, Dayton – For celebrating their 65 <sup>th</sup> wedding anniversary.         |
| 2003\11 | Charles and Rosemary Tigner, Lehigh – For celebrating their 50 <sup>th</sup> wedding anniversary.        |
| 2003\12 | Bob and Dorothy Krejci, Stratford – For celebrating their 50 <sup>th</sup> wedding anniversary.          |
| 2003\13 | Emmett and Marilyn Timm, Webster City – For celebrating their 50 <sup>th</sup> wedding anniversary.      |
| 2003\14 | Callen and Margaret Stansbury, Eagle Grove – For celebrating their 50 <sup>th</sup> wedding anniversary. |
| 2003\15 | Hope Milleson, Clarinda – For celebrating her 90 <sup>th</sup> birthday.                                 |
| 2003\16 | Riley and Ella McClintock, Essex – For celebrating their 65 <sup>th</sup> wedding anniversary.           |
| 2003\17 | Bob Stockham, Maquoketa – For celebrating his 80 <sup>th</sup> birthday.                                 |

- 2003\18 Mary Ann and Robert Schutterle, Ladora – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\19 Gladys Paynter, Brooklyn – For celebrating her 80<sup>th</sup> birthday.
- 2003\20 Rachel Mary Alice Garringer, Williamsburg – For receiving the 2002 Young Achiever Medallion Award.
- 2003\21 Ila M. Moon, Chariton – For celebrating her 90<sup>th</sup> birthday.
- 2003\22 Walter and Lucille La Hart, Albia – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\23 John S. and Doris L. Kasman, Albia – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\24 Helen Dewey, Perry – For celebrating her 80<sup>th</sup> birthday.
- 2003\25 Naomi Greiner, Keota – For celebrating her 90<sup>th</sup> birthday.
- 2003\26 Raymond Beran, Victor – For receiving the Governor's Volunteer Award.
- 2003\27 Phyllis and Bernard Hammes, Sigourney – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 3

Education: Boal, Chair; Dandekar and Tjepkes.

##### House File 6

Education: Raecker, Chair; Chambers, Roberts, Stevens and Wise.

##### House File 7

Education: Hansen, Chair; Dennis and Mascher.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### H.S.B. 1 Administration and Rules

Relating to joint rules of the Senate and House of Representatives for the Eightieth General Assembly.

**H.S.B. 2 Administration and Rules**

Relating to permanent rules of the House for the Eightieth General Assembly.

**H.S.B. 3 Judiciary**

Relating to the admission of prior sexual offenses into evidence.

**H.S.B. 4 Judiciary**

Providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

On motion by Gipp of Winneshiek the House adjourned at 3:28 p.m., until 8:45 a.m., Wednesday, January 15, 2003.

# JOURNAL OF THE HOUSE

Third Calendar Day - Third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 15, 2003

The House met pursuant to adjournment at 8:46 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend David Schafer, pastor of the Clermont Lutheran Church, Clermont. He was the guest of Majority Leader Chuck Gipp of Winneshiek County.

The Journal of Tuesday, January 14, 2003 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 1**, by J.K. Van Fossen, Boal, Rayhons, Kramer, D. Hanson, De Boef, Jones, Alons, Drake, Lukan, J.R. Van Fossen, Elgin, Greiner, Lalk, Carroll, Tymeson, Watts, Huseman, Hahn, Upmeyer, and S. Olson, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes.

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

**House File 22**, by Boddicker, a bill for an act relating to the awarding of joint physical care of a child.

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

**House File 23**, by Tymeson, a bill for an act relating to registration with the United States selective service system by application for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card.

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

**House File 24**, by J.K. Van Fossen, Boal, Rayhons, Kramer, D. Hanson, De Boef, Baudler, Chambers, Heaton, Jones, Boggess, Hutter, Wilderdyke, Alons, Drake, Hoffman, Lukan, Elgin, Greiner, Lalk, Carroll, Tymeson, Rasmussen, Dennis, Watts, Huseman, Upmeyer, S. Olson, Hahn, and J.R. Van Fossen, a bill for an act relating to a phaseout of the state income tax on certain pension or retirement pay and including a retroactive applicability date provision.

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

**House File 25**, by J.K. Van Fossen, Rayhons, Lukan, Elgin, Greiner, Dennis, Upmeyer, J.R. Van Fossen, and S. Olson, a bill for an act relating to a limitation on property taxes for cities and counties.

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

**House File 26**, by J.K. Van Fossen, Wise, and Van Engelenhoven, a bill for an act relating to the exemption of mold making equipment and materials used in the mold making process from sales and use taxes, providing refunds, and including effective and retroactive applicability date provisions.

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

**House File 27**, by J.K. Van Fossen, a bill for an act relating to the installation of certain aboveground petroleum storage tanks.

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

The House stood at ease at 8:52 a.m., until the fall of the gavel.

The House resumed session at 9:53 a.m., Speaker Rants in the chair.

#### COMMITTEE TO NOTIFY THE SENATE

Hahn of Muscatine moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such the following committee: Hahn of Muscatine, S. Olson of Clinton and D. Olson of Boone.

#### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Hahn of Muscatine, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that it had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

#### JOINT CONVENTION

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

In accordance with law and House Concurrent Resolution 2, duly adopted, the joint convention was called to order at 10:03 a.m., President Kramer presiding.

Senator Iverson of Wright moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Kramer announced a quorum present and the joint convention duly organized.

Senator Iverson of Wright moved that a committee of four, consisting of two members from the Senate and two members from the House of Representatives, be appointed to escort Governor Thomas J. Vilsack to the House chamber for the Condition of the Judicial Branch Message.

The motion prevailed and the President appointed as such committee Senators Lamberti of Polk, Boettger of Shelby and Kreiman of Davis, on the part of the Senate, and Representatives Upmeyer of Hancock, Baudler of Adair and Struyk of Pottawattamie, on the part of the House.

Senator Iverson of Wright moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to notify Chief Justice Lavorato that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Angelo of Union, Redfern of Black Hawk, and Fraise of Lee, on the part of the Senate, and Representatives Maddox of Polk, Paulsen of Linn and Miller of Webster, on the part of the House.

Secretary of State, Chester J. Culver; Secretary of Agriculture and Land Stewardship, Patty Judge; State Auditor, David Vaudt and Attorney General Tom Miller were escorted into the House chamber.

The Justices of the Supreme Court, the Chief Judge and Judges of the Appellate Court and the Chief Judges of the District Court were escorted into the House chamber.

Mrs. Janis Lavorato, the wife of the Chief Justice, his sons, Anthony and Dominick Lavorato, his step-daughter Jenna Green, his sister-in-law Delayne Johnson and her sons Matt and Jacob Johnson, were escorted into the House chamber.

Lieutenant Governor Sally Pederson was escorted into the House chamber.

The committee waited upon Governor Thomas J. Vilsack and escorted him into the House chamber.

The committee waited upon Chief Justice Louis A. Lavorato and escorted him to the Speaker's station.

President Kramer presented Chief Justice Louis A. Lavorato who delivered the following Condition of the Judicial Branch Message:

Mr. Speaker, Madam President, Members of the General Assembly, Governor Vilsack, Lieutenant Governor Pederson, distinguished guests and friends. On behalf of the Iowa Judicial Branch, thank you for the invitation to speak here today. Before I begin, I would like to invite you to join us downstairs in our courtroom for coffee and conversation following my remarks.

I would also like to extend a warm welcome to the new members of the General Assembly, and to acknowledge the newest member of the Iowa Judicial Council, Judge Michael Walsh, Chief Judge of the Third Judicial District, which encompasses most of northwest Iowa. No doubt you will encounter many challenges in your new roles, especially this year. But that's what public service is all about — finding solutions to challenges facing our society.

### **Dr. Martin Luther King**

It's appropriate to take a moment to acknowledge the birthday of Dr. Martin Luther King, Jr., which is today. Challenges did not deter Dr. King and his followers. They encountered hostile, often violent opposition to their peaceful efforts to end racial segregation and discrimination, and yet they persevered, helping bring the promise of the Constitution to all Americans.

Dr. King once said: "The ultimate measure of man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." Although the present challenges we face in Iowa are much different from those Dr. King confronted, his example and words can serve to inspire us as we work through our present difficulties.

We are concerned, as you are, about the state's fiscal problems. I'm here to report that notwithstanding continuing financial hardships and unprecedented cuts in court operations, the Judicial Branch is managing to perform its basic responsibilities. All credit for this belongs to our judges and court staff. We're immensely proud of them.

I will discuss the condition of our day-to-day operations later in my remarks. But first, some encouraging news about progress we've made in the midst of these most trying times.

### **Termination of Parental Rights: Appellate Rules**

Like you, we regard our work with troubled families, especially children, as one of the most important things we do, and we are always searching for new strategies to address their needs. One of our most notable accomplishments this year has been our continuing effort to move children out of foster care and into permanent homes faster by speeding up the process in termination of parental rights cases.

The 1997 federal Adoption and Safe Families Act, and subsequent state action, sought to reduce the amount of time children spend in foster care and to bring permanency to their lives as quickly as possible. Immediately following the adoption of the Act, our trial courts made great strides fulfilling its spirit, but the appellate process, which the Act did not address, continued to be slow in termination of parental rights cases. We sought to correct this.

Last year we adopted new court rules that simplified appellate procedures and cut the time for appeal by more than half for these cases. A process that used to drag on



for about 13 months, now takes about 4 months. That means children can be adopted sooner, or, in some cases, families wait less time before they're reunited.

The longer a case continues, the more stress on the families and children involved. Children in these situations routinely need more therapy to cope with the uncertainty of waiting for the process to conclude. Our new rules ease the strain of families and children. As Judge Stephen Clarke so aptly said, "One of the primary goals of the new rules is to let children have a childhood." Our new procedures are helping us do this. The new rules have also helped ease the workload of juvenile judges, social workers, juvenile court officers, court appointed attorneys, and county attorneys.

Many people deserve credit for this success. The new procedures were the brainchild of our Iowa Court Improvement Project Task Force. The General Assembly and the Governor also deserve praise for your part in this success story. A simple, but important statutory change that you approved in 2001, helped make the expedited procedures possible. We're grateful for your assistance.

Our new appellate rules are the first of their kind and a model for other states. Now we're ready to expand the rules to child in need of assistance cases, and again, we need your help to do so. We urge you to pass legislation, which we have submitted to you, that would allow us to expedite more of these important cases.

**[iowacourtsonline.org](http://iowacourtsonline.org)**

Perhaps our most significant advancements in the past few years have come through the use of information technology. The Internet is increasingly becoming the place where government business is conducted. According to a recent study, citizens' use of the Internet to access government services increased in the US from 24% to 43% in 2001.

Last February, we took a giant step by starting [iowacourtsonline](http://iowacourtsonline.org), a service that enables anyone with Internet access to search court records in all counties and the appellate courts. Before this, people had to travel to each clerk of court office to search for the information. Now it's at their fingertips. A person can search the records by typing in a name or case number. And the basic service, which provides important information such as criminal charges, restitution, child support payments, and criminal sentences, is free. This site has been very popular, attracting 12,000 to 15,000 hits each day.

In September last year, we expanded the service by offering more detailed case information for a monthly subscription fee of \$25. This feature is popular with lawyers, abstractors, insurance companies, and state and local government agencies.

### **E-Pay**

Before long, we'll be adding another feature: e-pay. E-pay will allow people to pay their fines and court costs online. We hope the convenience of paying online will encourage people to pay their fines promptly.

The benefits of our online services are two-fold: they serve as convenient tools for citizens, and they ease the burden on clerks' offices. The time that clerks' offices used to spend retrieving records has been freed up for other priorities.

### **Online Access: Deferred Judgment Records**

Recently, we began a new program that provides direct online access to the state's deferred judgment docket for authorized users such as judges, clerks, and county attorneys. This program places confidential deferred judgment information into the hands of county attorneys and judges faster. With your help we can improve the process even more.

We recommend that you pass legislation authorizing access to deferred judgment records by corrections officers. These officers need this information to complete sentencing reports. Online access to the records would facilitate their work. We have submitted a bill to you to accomplish this.

### **Technology Funds**

Clearly, the public is enjoying the fruits of our advances in technology. The online services I mentioned were accomplished through planning, hard work, and the dedication of resources. Many years ago, you astutely recognized that innovations of this magnitude would require a reliable and continuous funding stream, and you wisely earmarked funds for court technology. Now your foresight is paying off. Despite our present financial crisis, we're harnessing information technology to bring court services to the people, and we can do more.

We have plans to revolutionize the way in which we gather, store, and retrieve court records through electronic filing and electronic data management. The demand for this type of service is growing. But it will take a substantial investment of resources to put this technology in place. We recommend you take two steps to ensure further advancements in public service through technology: (1) transfer our on-going technology operating budget from earmarked funds to the general fund; and (2) raise the cap on the Enhanced Court Collections Fund from \$4 million to \$6 million.

### **Court Generated Revenue**

The Enhanced Court Collections Fund is derived from court-generated revenue from fines and fees that exceed the projections of the Revenue Estimating Conference. We view the collection of fines and fees as an integral part of enforcing court orders. The diligent efforts of our judges and staff produced a 6% increase in court-generated revenue last fiscal year. This was certainly a bright note in an otherwise gloomy revenue picture for the state.

### **New Judicial Branch Building**

I would be remiss not to mention and thank you for our most visible symbol of progress this year — the new Judicial Branch Building. Although the project has taken longer than originally anticipated, we are extremely pleased with the results, and we hope you are too. We are expecting to move into our new quarters later this spring, and that will free up most of our Capitol space for the General Assembly's use.

I must admit that, when legislative leaders approached the Court in 1998 about moving out of the Capitol, we were reluctant to even talk about the idea. After all, our three branches of government have worked together in the same building for over a century. On the other hand, the new building will allow us to house all of our offices

together in one facility, and its strong, identifiable civic presence reflects the independent status of the judicial branch of government.

Not only is the building capable of meeting present day needs, it has been designed to meet future demands. It was planned to handle the anticipated growth in our workload; it is wired for extensive use of electronic technology, including audio and video communications; and it was built to last as long as the Capitol. In short, it will serve the public well, and it is a solid investment.

We're pleased to report that the building has already received two honors. The American Institute of Architects recently recognized our architects DLR Group and Kaplan/McLaughlin/Diaz for the building's design. In addition, the American Council of Engineering awarded its 2003 Engineering Excellence Award to Pulley & Associates for the building's mechanical, electrical, and lighting systems.

As Sir Winston Churchill wisely recognized in 1943, when debating the reconstruction of the House of Commons after it had been destroyed in the blitz: "We shape our buildings, and afterwards, our buildings shape us." Iowa's new Judicial Branch Building, designed with that principle in mind, will support the mission of the Judicial Branch for years to come.

### **Judicial Branch Mission**

Which brings me back to the primary reason we are gathered here today, to take stock of the mission of the Judicial Branch. For the benefit of the new members of the General Assembly, I would like to briefly review our mission, which is administering justice under the law equally to all people by providing independent and accessible forums for the fair and prompt resolution of disputes.

We rely on our judges and staff, who are committed to excellence, to fulfill this critical mission. Judges serve the public by using their legal skills and knowledge to impartially interpret and apply the laws you pass. Their role is crucial, but their ability to perform this role effectively in today's complicated and litigious society requires the assistance of support staff. A team of indispensable specialists — clerks of court, court attendants, court reporters, juvenile court officers, secretaries, administrators, computer programmers, law clerks, and others — work closely with our judges, helping them coordinate the disposition of hundreds of thousands of cases from beginning to end.

Iowans have many reasons to be proud of their top rate court system. According to a national survey, Iowa is rated as one of the top five states for creating a fair and reasonable litigation environment. The survey, which was released early last year, ranked Iowa high in treatment of class actions, timeliness of summary judgments and dismissals, judges' impartiality, and judges' competence.

The fine quality of Iowa's judicial system is, in part, a result of your backing. The General Assembly and the Governor have a history of recognizing the importance of fair compensation for judges and court staff.

### **Budget Cuts and Making Ends Meet**

Our achievements over the past year, though important, are only part of the whole picture, however. We must not lose sight of the fact that these are the most difficult

times we've ever faced. The cost-cutting measures we put in place last year to help address the state's fiscal problems have taken a heavy toll on every facet of court operations.

Last year, after unprecedented staff reductions, about sixty clerk of court offices cut back their public hours so that they could focus on processing court files and data entry without interruption. Many offices are sharing staff with each other to cover for vacation and sick leave, or sometimes to help with training.

Presently, we have 14 clerks who are managing more than one office. While sharing managers works better in some offices than in others, we think it is a sound policy that would help us reallocate some resources. We recommend a statutory change that would allow us to continue this practice on a permanent basis, while maintaining a clerks' office in each county.

Our judges and employees are doing all they can to make ends meet. And many people are pitching in whenever and however they can. Here are a few more examples.

Court reporters such as Brook Davis, Mark Sturgeon, and Kathy Gray are helping clerks with jury management duties, updating law libraries, and purging files. Other court reporters such as Deb Bergman, Jodi Krueger, and Cheryl Smith are performing case scheduling and court attendant duties.

When budget cuts gutted funding for juvenile services, resourceful juvenile court officers and others found ways to continue services at minimal cost to the state. For example, Juvenile Court Officers Annette Peterson and Patty Redmond started a skill-building program for troubled young people, with the support of local community organizations. The program offers classes on topics such as teen pregnancy, anger management, and victim empathy. Annette and Patty work long hours to attend the life-skills classes, not because they must, but because they care.

In the past, the state's juvenile restitution fund paid wages to juveniles doing community service work so that they would have money to pay their victim restitution obligations. After the funds were cut, a number of juvenile court offices, and state and local agencies, worked with Peggy Sullivan, our Director of Finance and Personnel, to keep the restitution program alive through a patchwork of other funding sources.

On-going education and training for judges and staff are an essential investment for a first-rate court system. Regrettably, for the time being, all of our state-funded education programs are on hold. But we're always searching for alternative resources to fill the gap, and we've had some success with that.

Our Court Improvement Program has provided some federal funds for several juvenile law conferences. Also, thanks to the efforts of Jerry Beatty, our Director of Education, federal traffic safety funds are available to cover the cost of a judges' program. In addition, Jennifer Juhler, our Domestic Abuse Coordinator, with the help of a substantial federal grant, has developed a web-based training program for judicial magistrates. This innovative program will serve as a model for future efforts.

Unquestionably, we have a duty to the taxpayers to carefully manage the resources you provide us, and, to that end, we are doing everything in our power to operate as efficiently as possible and to channel available resources to meet our most pressing

needs. Certainly, we want to be part of the solution, but the quick fixes and band-aids will not sustain the courts indefinitely. We need to implement lasting solutions, and we must do so now. Otherwise we will be unable to fulfill our mission to the people.

### **Searching for Solutions**

The Judicial Branch must take full advantage of the benefits of state funding — system uniformity, economies of scale, and shifting resources to areas where they are most needed. Along that line, we have embarked on an ambitious effort to examine every component of our trial court operations to identify best practices, streamline procedures, develop or update staffing formulas, and achieve uniformity throughout the state, as much as possible.

The Supreme Court has established four committees to spearhead this effort. The committees are composed of court employees, judges, and attorneys — the people who are actually doing the work. There are two separate studies underway involving the operations of clerk of court offices: one to update the clerks' staffing formula, and another to identify management strategies and best business practices aimed at improving the operation of the clerks' offices within the current statutory framework and funding levels. Another committee is studying similar issues concerning the operation of our juvenile court offices. Shortly, a fourth committee will study the operation of district court administration. We look forward to receiving their recommendations for efficiencies and improvements.

### **Legislative Solutions: Streamlining the Courts**

Although the judicial branch is an independent and separate branch of government, we do not work in a vacuum. By constitutional design, the three branches of government, in differing roles, contribute to the administration of justice. Our role is to promptly but carefully decide cases according to law, equally to all people. But it is up to you, the legislature and the governor, to provide the tools and resources we need to carry out these enormous responsibilities.

As you can see, we are doing our part to watch expenses and operate within our budget constraints. With your help, we can do more. We have many sound ideas for statutory changes that would reduce costs, improve services, and enable us to do more with our existing resources. These include allowing one clerk of court to manage more than one office, realigning district court judges through attrition, delaying the filling of judicial vacancies for budgetary reasons, eliminating outdated statutory duties, and streamlining a multitude of procedures.

We suggested most of these changes to you last year, but you did not approve them. Clearly in times such as these we should not cling to the status quo. We urge you to reconsider these ideas, which have been submitted as pre-filed bills. The benefits are too great to pass up.

### **Reorganization of Judicial Districts**

One of the statutory changes we seek would establish a process for regularly reviewing and adjusting the configuration of the judicial districts. The organization of the districts has not changed for thirty years.

The court views the general concept of redistricting as a valuable tool in any comprehensive plan to effectively manage judicial resources. It has the potential to give us greater flexibility in the equitable distribution of judicial staffing power throughout our state. Given the severe budgetary constraints facing us as an institution, we cannot afford to ignore the administrative efficiencies redistricting offers.

Last month, the Court received the report of its advisory committee on judicial branch redistricting. In response to its charge, the committee proposed alternative administrative structures to address changes in demographics and judicial workload that have affected court services since our current eight-district structure was established. We commend the committee, and especially its chairs, Chief Judge David Remley and businessman David Oman. Their thoughtful analysis, enhanced by their initiative in seeking public comment, deserves our appreciation.

As our Commission on Planning for the 21st century said in its 1996 report, the Court should periodically evaluate the administrative effectiveness of the district boundaries and suggest legislative changes when appropriate. We feel it's appropriate now. After careful consideration, the court has decided to recommend legislation for redrawing judicial district boundaries. Due to the complexity of implementing such changes, we anticipate that the new boundaries would become effective no sooner than July 1, 2004.

Moreover, we do not view redistricting as an isolated or short-term solution. To be truly effective, any redistricting plan must be complimented by other important initiatives, some of which I have mentioned.

### **Impact of Legislation on Court**

There is another way you can help. The courts are charged with the responsibility of deciding cases brought before them. We have no control over the number of cases presented. Nor should we. Though well intentioned, legislation nearly always adds to our workload. We ask that when debating new laws, you carefully consider the impact your actions have on the court system. More responsibilities without commensurate resources sometimes make for poor results.

### **Conclusion**

I began this report talking about achievements and challenges — we have our share of both.

We are heartened by recent accomplishments that bolster our efforts to serve the people of Iowa. Our new procedures to expedite appeals of termination of parental rights cases are a huge benefit to troubled children and families, reducing the period of uncertainty in their lives. Technology is an enormous help to us, making us more efficient and accessible, bringing the courts closer to the people. Our achievements are cause for optimism in these otherwise gloomy times.

Certainly, we face many challenges. The greatest challenge, for all of us, will be to continue performing our constitutional responsibilities to the people despite Iowa's present fiscal hardships. While the problem is serious, it is not insurmountable. We must find lasting solutions to our problems. We have offered you many ideas for

sensible changes that would help us place scarce resources where we need them most, enabling us to deliver affordable and high quality judicial services to the citizens of Iowa, now and in the future. We cannot act unilaterally; these changes require your approval. Although we as citizens know of the demands being made upon you, we trust you will respond to the needs of the justice system. It is in the public interest to do so.

And finally, we are grateful for our dedicated judges and court employees, whose collective talents, resourcefulness, and perseverance, enable the courts to make progress and to pursue our mission with vigor. The ultimate measure of these dedicated public servants is being proven over and over again in these times of great challenges.

Thank you.

Governor Vilsack was escorted from the House chamber by the committee previously appointed.

Chief Justice Louis A. Lavorato was escorted from the House chamber by the committee previously appointed.

On motion by Gipp of Winneshiek, the joint convention was dissolved at 10:48 a.m.

### 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

- |         |  |
|---------|--|
| 2003\28 | Jan and Fred Schneck, Clinton – For celebrating their 50 <sup>th</sup> wedding anniversary.                      |
| 2003\29 | John S. and Doris L. Craig, Albia – For celebrating their 50 <sup>th</sup> wedding anniversary.                  |
| 2003\30 | Benjamin Parry, Johnston – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

### SUBCOMMITTEE ASSIGNMENTS

#### House File 21

Natural Resources: Rasmussen, Chair; Dix and Whitead.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 5 Public Safety**

Relating to a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

### **H.S.B. 6 Public Safety**

Relating to the criminal offense of identity theft.

### **H.S.B. 7 Public Safety**

Requiring motor vehicle operators to take certain precautions when passing stationary utility maintenance vehicles and making a penalty applicable.

### **H.S.B. 8 Commerce, Regulation and Labor**

Eliminating certain public disclosure requirements by state banks.

### **H.S.B. 9 Commerce, Regulation and Labor**

Relating to delinquency charges on certain precomputed consumer credit transactions.

### **H.S.B. 10 Commerce, Regulation and Labor**

Making the surcharge on employers for the workers' compensation second injury fund permanent and providing an effective date.

### **H.S.B. 11 Commerce, Regulation and Labor**

Modifying workers' compensation laws and providing an effective date.

### **H.S.B. 12 Commerce, Regulation and Labor**

Relating to workers' compensation.



### **H.S.B. 13 Economic Growth**

Creating a sales tax exemption for certain equipment to be used in a warehouse or distribution center.

### **H.S.B. 14 Economic Growth**

Relating to the licensure, permit, and approval process for site development of economic development projects.

### **H.S.B. 15 Natural Resources**

Relating to bait dealers' licenses by creating resident and nonresident wholesale bait dealer licenses, providing reciprocity, and providing effective and applicability dates.

## **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 ADMINISTRATION AND RULES**

**Committee Bill** (Formerly House Study Bill 1), relating to joint rules of the Senate and House of Representatives for the Eightieth General Assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 2003.

**Committee Bill** (Formerly House Study Bill 2), relating to permanent rules of the House for the Eightieth General Assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 2003.

## **RESOLUTION FILED**

**HR 3**, by Gaskill, Whitaker, Myers, Lykam, Wendt, Connors, Frevert, Davitt, Miller, Fallon, D. Taylor, Cohoon, Mascher, Bukta, Quirk,

Stevens, Huser, Petersen, Wise, Smith, Thomas, Berry, Whitead, T. Taylor, Mertz, Lensing, Winckler, Shoultz, and Dandekar, a resolution relating to Medicare reimbursement.

Laid over under **Rule 25.**

On motion by Gipp of Winneshiek the House adjourned at 11:01 a.m., until 8:45 a.m., Thursday, January 16, 2003.

# JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 16, 2003

The House met pursuant to adjournment at 8:48 a.m., Speaker Rants in the chair.

## SPECIAL PRESENTATION

Prior to convening, Effie Burt of Waterloo sang "What A Wonderful World", "Sweet Home Iowa", a song she wrote, and "I'll Make Me A Home In Iowa" before the House. She was the guest of the Honorable Willard Jenkins, state representative of Black Hawk County.

The House rose and expressed its welcome.

Prayer was offered by Reverend Bill Bernau, pastor of Grace Lutheran Church, Adel, and former state representative from Story County. He was the guest of Representative Dick Myers from Johnson County.

The Journal of Wednesday, January 15, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 28**, by J.K. Van Fossen, Boal, Rayhons, Kramer, Hanson, De Boef, Baudler, Chambers, Heaton, Jones, Boggess, Hutter, Wilderdyke, Alons, Drake, Hoffman, Lukan, Elgin, Greiner, Lalk, Carroll, Tymeson, Rasmussen, Dennis, Watts, Huseman, Upmeyer, S. Olson, Hahn, and Paulsen, a bill for an act phasing out the tax on social security benefits under the state individual income tax and including a retroactive applicability date provision.

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

**House File 29**, by Whitead, Reasoner, Murphy, Oldson, Smith, Thomas, Quirk, D. Olson, Myers, Bukta, Mascher, Whitaker, Hogg, Swaim, Jochum, Gaskill, Berry, Frevert, Wendt, Mertz, Cohoon, Winckler, Lensing, Stevens, Ford, Petersen, Foege, Osterhaus,

Struyk, Kuhn, Greimann, T. Taylor, Davitt, Fallon, D. Taylor, Dandekar, Bell, Connors, and Heddens, a bill for an act increasing the state minimum hourly wage rate.

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

**House File 30**, by Mascher, Bukta, D. Olson, Ford, Miller, Stevens, Lensing, Winckler, Cohoon, Wendt, Frevert, Berry, Reasoner, Smith, Murphy, Oldson, Whitead, Thomas, Quirk, Foege, Kuhn, Greimann, and McCarthy, a bill for an act reinstating the school improvement technology program, making an appropriation, and providing an effective date.

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

**House File 31**, by Raecker and Heaton, a bill for an act relating to telecommunication services, including establishing certain restrictions on solicitors and the use of telemarketing equipment, requiring written contracts associated with telephone solicitations prior to the fund transfers or charges, establishing registration for persons choosing not to receive certain telephone solicitations, regulating certain aspects of prepaid calling services, establishing a private cause of action, requiring consumer notification of rights, providing for the establishment of fees, and providing penalties.

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

### COMMUNICATIONS RECEIVED

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

#### DEPARTMENT OF CORRECTIONS

Report concerning moneys recouped from inmate earnings for reimbursement of operational expenses of the applicable facility during fiscal year beginning July 1, 2001, pursuant to Chapter 904.809(5)(c.3), Code of Iowa.

#### DEPARTMENT OF GENERAL SERVICES

Legislative fleet study, pursuant to Chapter 18.114, Code of Iowa.

## DEPARTMENT OF PUBLIC HEALTH

Annual donation and compliance report, pursuant to Chapter 142C.17, Code of Iowa.

2002 Annual Report for the Child Death Review Team, pursuant to Chapter 135.43, Code of Iowa.

Iowa Communications Network Videoconferencing

Fiscal Year 2002 Annual Report, pursuant to Chapter 8D.10, Code of Iowa.

Obstetrical and Gynecological Care in Iowa

Annual Report, pursuant to Chapter 197.1(18A), Code of Iowa.

## DEPARTMENT OF TRANSPORTATION

Annual report of Highway Division, pursuant to Chapter 310.36 and 312.3A, Code of Iowa.

## MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Annual Report, pursuant to Chapter 411.5, Code of Iowa.

## UNIVERSITY OF IOWA HOSPITALS AND CLINICS

Report on the use of home telemedicine in the University of Iowa Hospitals and Clinics' Indigent Patient Care Program, pursuant to Chapter 8(2)(b), 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

- |         |  |
|---------|--|
| 2003\31 | Urbandale High School Jaywalker Dance Team, Urbandale – For winning 1 <sup>st</sup> place in the 6 <sup>th</sup> Annual Spirit of America National Dance Team Competition. |
| 2003\32 | Christine Wittmaack, Denison – For celebrating her 107 <sup>th</sup> birthday.   |
| 2003\33 | Erma Aldag, Denison – For celebrating her 85 <sup>th</sup> birthday.   |
| 2003\34 | Madonna Segebart, Denison – For celebrating her 80 <sup>th</sup> birthday.   |
| 2003\35 | Gene and Mary Ellen Harre, Dow City – For celebrating their 50 <sup>th</sup> wedding anniversary.  |

2003\36	Virgil and Jean Jensen, Cushing – For celebrating their 50 <sup>th</sup> wedding anniversary.
2003\37	Germaine Stoffel, Guttentberg – For celebrating his 80 <sup>th</sup> birthday.
2003\38	Elsie Albrecht, Fayette – For celebrating her 95 <sup>th</sup> birthday.
2003\39	Leonard Barber, Oskaloosa – For celebrating his 90 <sup>th</sup> birthday.
2003\40	Mr. and Mrs. Omer Fleck, Oskaloosa – For celebrating their 64 <sup>th</sup> wedding anniversary.
2003\41	Edith McAdoo, Oskaloosa – For celebrating her 95 <sup>th</sup> birthday.
2003\42	Leila Emanuel, University Park – For celebrating her 80 <sup>th</sup> birthday.
2003\43	Ed and Diverta Dykstra, Oskaloosa – For celebrating their 66 <sup>th</sup> wedding anniversary.
2003\44	Leslie and Esther Hildebrand, Grinnell – For celebrating their 65 <sup>th</sup> wedding anniversary.
2003\45	Timothy Rhoads, Johnston – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2

Ways and Means: Carroll, Chair; K. Kramer and Kuhn.

##### House File 9

Commerce, Regulation and Labor: Raecker, Chair; Kurtenbach and Oldson.

##### House File 16

Commerce, Regulation and Labor: Hoffman, Chair; Ford and Sands.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 5

Public Safety: Baudler, Chair; Bell and Chambers.

##### House Study Bill 6

Public Safety: J.R. Van Fossen, Chair; Freeman and Hogg.

##### House Study Bill 7

Public Safety: Tjepkes, Chair; Bell and Klemme.

**House Study Bill 8**

Commerce, Regulation and Labor: Sands, Chair; Raecker and Wise.

**House Study Bill 9**

Commerce, Regulation and Labor: Raecker, Chair; Murphy and Sands.

**House Study Bill 10**

Commerce, Regulation and Labor: Horbach, Chair; Manternach and Osterhaus.

**House Study Bill 11**

Commerce, Regulation and Labor: Horbach, Chair; T. Taylor and Watts.

**House Study Bill 12**

Commerce Regulation and Labor: Horbach, Chair; Hoffman and T. Taylor.

**House Study Bill 13**

Economic Growth: J.K. Van Fossen, Chair; Struyk and Wilderdyke.

**House Study Bill 14**

Economic Growth: Jenkins, Chair; D. Olson and S. Olson.

**House Study Bill 15**

Natural Resources: Freeman, Chair; Arnold and Bell.

**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 APPROPRIATIONS**

**Committee Bill** (Formerly House File 1), relating to the allowance of and reimbursement for the homestead, agricultural land, and elderly and disabled property tax credits, increasing appropriations previously reduced, and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** January 15, 2003.

### RESOLUTIONS FILED

**HCR 4**, by committee on administration and rules, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eightieth General Assembly.

Placed on the **calendar**.

**HR 4**, by committee on administration and rules, a resolution relating to permanent rules of the House for the Eightieth General Assembly.

Placed on the **calendar**.

On motion by Gipp of Winneshiek the House adjourned at 8:55 a.m., until 8:45 a.m., Friday, January 17, 2003 at the Knapp Center at Drake University.



# JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

Knapp Center, Drake University  
Des Moines, Iowa, Friday, January 17, 2003

The House met pursuant to adjournment at 8:45 a.m., in the Multipurpose Room at the Knapp Center at Drake University, Speaker Rants presiding.

Prayer was offered by the Honorable President of the Senate, Mary Kramer.

The Journal of Thursday, January 16, 2003 was approved.

## COMMITTEE TO NOTIFY THE SENATE

Heaton of Henry moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Heaton of Henry, Kramer of Polk and Bukta of Clinton.

## REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Heaton of Henry, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated with the members of the House.

## JOINT CONVENTION

The joint convention reconvened at the Bell Center, Multipurpose Room on the Drake University Campus at 8:47 a.m., President Kramer presiding.

Senator Iverson of Wright moved that the roll call be dispensed with and the President of the joint convention be authorized to declare a quorum present, which motion prevailed.

President Kramer declared a quorum present and the joint convention duly organized.

The report of the canvass of the vote was read by Margaret A. Thomson, the Secretary of the joint convention as follows:

MADAM PRESIDENT AND GENTLEMEN AND LADIES OF THE JOINT  
CONVENTION:

Your tellers, appointed by the President of the Senate and the Speaker of the House of Representatives to canvass the vote cast for candidates for Governor and Lieutenant Governor at the election held November 5, 2002 beg leave to make the following report of the total vote cast for Governor:

Thomas J. Vilsack .....	540,449
Doug Gross.....	456,612
Jay Robinson.....	14,628
Clyde Cleveland.....	13,098
Scattering.....	1,015

And the total vote cast for Lieutenant Governor at the election, held November 5, 2002:

Sally Pederson .....	540,449
Debi Durham .....	456,612
Holly Jane Hart.....	14,628
Richard Campagna.....	13,098
Scattering.....	1,015

All of which is most respectfully submitted.

DOUGLAS K. SHULL  
Teller of the Senate

DANNY C. CARROLL  
Teller of the House

LARRY E. McKIBBEN  
Assistant Teller

MARY PAMELA JOCHUM  
Assistant Teller

ROBERT DVORSKY  
Assistant Teller

LINDA L. UPMEYER  
Assistant Teller

MARGARET THOMSON  
Secretary of the Joint Convention

Senator Shull of Warren County moved that the report be adopted.

The motion prevailed and the report was adopted.

President Kramer of the joint convention announced that the Honorable Thomas J. Vilsack and the Honorable Sally J. Pederson, having received the highest number of votes cast for Governor and Lieutenant Governor of the State of Iowa, respectively, for the ensuing term, or until a successor is duly elected and qualified.

The following certificates were signed in the presence of the joint convention:

CERTIFICATE OF ELECTION  
STATE OF IOWA  
GENERAL ASSEMBLY  
HALL OF THE HOUSE OF REPRESENTATIVES

GREETING:

This is to certify that upon a canvass in Joint Convention of the two Houses of the Eightieth General Assembly of the State of Iowa, of all the votes cast at the general election held November 5, 2002, for the office of Governor of the State of Iowa, it appeared that Thomas J. Vilsack received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this Thirteenth day of January, A.D., 2003.

CHRISTOPHER RANTS  
Speaker of the House

MARY E. KRAMER  
Presiding Officer of the  
Joint Convention

DOUG SHULL  
Teller of the Senate

DANNY C. CARROLL  
Teller of the House

MARGARET A. THOMSON

Chief Clerk of the House and Secretary of the Joint Convention

CERTIFICATE OF ELECTION  
STATE OF IOWA  
GENERAL ASSEMBLY  
HALL OF THE HOUSE OF REPRESENTATIVES

GREETING:

This is to certify that upon a canvass in Joint Convention of the two Houses of the Eightieth General Assembly of the State of Iowa, of all the votes cast at the general election held November 5, 2002, for the office of Lieutenant Governor of the State of Iowa, it appeared that Sally Pederson received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this Thirteenth day of January, A.D., 2003.

CHRISTOPHER RANTS  
Speaker of the House

MARY E. KRAMER  
Presiding Officer  
of the Joint Convention

DOUG SHULL  
Teller of the Senate

DANNY C. CARROLL  
Teller of the House

MARGARET A. THOMSON  
Chief Clerk of the House and Secretary of the Joint Convention

President Kramer then directed that the abstract of votes and certificates of election be filed with the Secretary of State.

Senator Iverson of Wright moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Governor Thomas J. Vilsack and Lieutenant Governor Sally J. Pederson of the official result of the canvass of votes.

The motion prevailed and the President named as such committee Senators Boettger of Shelby, Shull of Warren and Dotzler of Black Hawk, on the part of the Senate and Representatives Schickel of Cerro Gordo, S. Olson of Clinton and Bell of Jasper, on the part of the House.

The Joint Convention stood at ease at 8:50 a.m., until the fall of the gavel.

The Joint Convention reconvened at 9:08 a.m., Zieman of Allamakee presiding.

### REPORT OF COMMITTEE

Senator Iverson of Wright from the joint committee appointed to notify Thomas J. Vilsack and Sally J. Pederson of their election to the office of Governor and Lieutenant Governor of Iowa, respectively, submitted the following report and moved its adoption:

### REPORT OF COMMITTEE

MR. PRESIDENT: As a committee appointed at the Joint Convention to notify the Honorable Thomas J. Vilsack and the Honorable Sally J. Pederson of their election to the office of Governor and Lieutenant Governor, respectively, we beg leave to report that we have performed the duty assigned to us and that they stand ready to assume duties of the offices to which they were elected.

Respectfully submitted,

NANCY BOETTGER  
DOUG SHULL  
BILL DOTZLER

BILL SCHICKEL  
STEVEN OLSON  
PAUL BELL

The motion prevailed and the report was adopted.

The Joint Convention stood at ease and proceeded to the floor of the auditorium for the inauguration of Governor Thomas J. Vilsack and Lieutenant Governor Sally J. Pederson.

The Joint Convention reconvened at 9:40 a.m., President Kramer presiding.

The Legislative Inaugural Committee, consisting of Senators Hosch of Jones, Zieman of Allamakee, Putney of Tama, Kibbie of Palo Alto, Ragan of Cerro Gordo and Gronstal of Pottawattamie, on the part of the Senate and Representatives Raecker of Polk, J.R. Van Fossen of Scott, Granzow of Hardin, Lensing of Johnson, Osterhaus of Jackson and Winckler of Scott, on the part of the House, were escorted to the front of the rostrum.

State Auditor, David Vaudt; Attorney General Tom Miller; Secretary of State Chester J. Culver and his wife Mary; Secretary of Agriculture and Land Stewardship, Patty Judge and her husband Senator John Judge; State Treasurer, Michael Fitzgerald and former Governor Robert Ray were escorted to their seats.

The Sergeant-at-Arms announced the arrival of Chief Justice Lavorato.

Chief Justice Louis A. Lavorato was escorted to his seat.

The Sergeant-at-Arms announced the arrival of Lieutenant Governor Sally J. Pederson, her husband Jim Autry and their son Ronald Autry.

Lieutenant Governor Sally J. Pederson and her family were escorted to their seats.

The Sergeant-at-Arms announced the arrival of Governor Thomas J. Vilsack, his wife Christie and their sons, Doug and Jess.

Governor Thomas J. Vilsack and his family were escorted to their seats.

The colors were advanced by the Iowa National Guard.

The Pledge of Allegiance was led by firefighter Joe Coen of Newton.

The National Anthem was sung by Effie Burt of Waterloo.

The invocation was delivered by Sister Catherine Dunn, BMV, President of Clarke College in Dubuque.

Jordyn Kracht, Adrianna Schrader, Jeff Becker and Danielle Jackson read an excerpt from Maya Angelou's "On the Pulse of Morning."

The oath of office was administered to Lieutenant Governor Sally J. Pederson by Chief Justice Louis A. Lavorato, assisted by Jim Autry.

President Kramer presented Lieutenant Governor Sally J. Pederson who gave the following remarks:

Governor Vilsack, Governor Ray, Lieutenant Governor Corning, Chief Justice Lavorato, members of the Court, distinguished elected officials, family friends and Iowans everywhere.

It is an honor to be here.

Four years ago, when I first had the privilege of taking the oath of office as Lieutenant Governor, I thought I knew Iowa. After all, I was born here; went to school here; lived her all of my life.

Boy, was I wrong.

During the past four years, I have had the privilege to work with Governor Vilsack on issues ranging from workforce development to mental health to ending domestic violence and child abuse. I have appreciated the governor's commitment to making me a full partner in all the decisions of this administration, in word and deed.

This job of Lieutenant Governor also has given me an opportunity to learn about Iowa and Iowans in ways I never could have imagined. One of the most surprising experiences in this learning process was my weeklong Discover Iowa Tour in the spring of 2001.

In an effort to promote more tourism by Iowans within Iowa, I visited the arts, cultural, and historical attractions of 36 communities in every corner of our state.

I discovered a vibrant arts and cultural scene that I was only vaguely aware of, despite all my years of living here. Our ethnic heritage is celebrated with the foods and customs and arts of the Native American, English, German, Italian, Irish, Dutch, Norwegian, Czech, French, Danish, African, Asian, Pacific Islander, Mexican, Bosnian and Sudanese. All have been newcomers in their time. Each has added richness and texture to our communities – and to our state.

On this wonderful tour of the world within Iowa, I relearned the power of the arts to teach and inspire us in ways that nothing else can. And I rediscovered that, despite all the differences in our backgrounds and traditions, there are common values that unite us.

One of those Iowa values is our spirit of community; of neighbor helping neighbor; of reaching out to those in need.

Four years ago, in my inaugural speech, I pledged to honor that spirit by volunteering once a week, somewhere in Iowa.

And week after week, whether for an hour or an afternoon, this has been one of the most rewarding, inspiring and encouraging experiences of my life. I have had the opportunity to work side by side with hundreds of Iowans – young and old – in communities large and small as we have tried to make Iowa a better place to work and live.

Of the hundreds of projects on which I worked, some stand out – like the Saturday spent clearing brush in the Loess Hills near Council Bluffs, or the afternoon leading a sing-along at the nursing home in Ames, or helping blind students with the band saw in the industrial arts class at the Iowa Braille and Sight Saving School, or serving a meal at a domestic violence shelter in rural Iowa, or interviewing a young student looking for a match at the Big Brother Big Sisters program in Sioux City.

But perhaps the experience that stands out most in my mind is the day that I helped with craft projects at the day center for dependent adults in Cedar Falls.

In one of those mysterious incidents that touch us in a special way, I found myself face-to-face with a woman in her late thirties or early forties whom I had known as a child. She was the daughter of my high school principal, and she had a mental disability. As a teenager growing up in Vinton, I was her baby-sitter.

Life is a circle, and somehow, in that moment, I understood how everything about my life had prepared me in some small way for my current responsibilities.

Governor Vilsack said in his inaugural address four years ago, "Iowa is great because Iowa is good."

I have seen that goodness in our citizens and in the shared experience of helping others. It has confirmed my belief in the importance of honoring volunteerism, and in fostering public-private partnerships to make our communities better and stronger.

There is so much to do. While we know that government can do a lot, government cannot do it alone.

And here in Iowa, it doesn't have to, because all across our state, there are good people making a difference in the world by making a difference in their own communities and neighborhoods.

I have met hundreds of people who have moved to Iowa from other states or countries, or who left Iowa at one time and have now returned. And when I ask them why they want to live in Iowa, they all say something that can be boiled down to the words: "quality of life."

It is our great schools, our safe streets and communities, our caring neighbors, our good hospitals and nursing homes. It is the 15-minute "rush hour" or the ease with which you can get tickets to a ball game or the symphony or can participate in a community chorus or little theatre.

These are things native Iowans often take for granted, but that others envy. (One recent transplant from the Big Apple told me, "I love Iowa. I've seen more Broadway shows since I moved here than I saw in all my years in New York.")

As we seek to strengthen Iowa in the years ahead, we must place a renewed focus on economic development – because a good job with a future is what will draw and keep people here.



But economic development is about a lot more than just economics. If we are to grow, and grow we must, we need to create an environment attractive to the next generation of dreamers, inventors and doers.

Study after study has shown that good schools, good housing, safe neighborhoods and amenities from parks and libraries to cultural attractions are even more important than economic factors in a company's choice of where to locate – and a family's choice of where to live.

We have that special quality of life here in Iowa. It is a unique ingredient that can help us attract new businesses and new residents to our state.

And we must strive to ensure that our special Iowa quality of life is available to all our residents – no matter their backgrounds or the obstacles they face in life.

Among the family of Iowans are racial, ethnic, and religious minorities, gays and lesbians, people with mental illness, the poor, the abused and neglected, and the physically or mentally challenged.

We must call upon the very best of our Iowa values – our sense of community – to remove the barriers that keep us from tapping our full pool of talents as we seek to realize the economic and human potential of our state.

In the next four years, let us work to create an environment that allows people to step out of the shadow of poverty and abuse, and out of the closet of shame and fear; an environment that closes the achievement gap in schools and the workplace; that supports people with disabilities to live and work in the mainstream of community life; that respects the spiritual practices of every faith; that showcases the best of who we are to the rest of the nation and the world.

This is what will inspire young Iowans to build their futures here, as well as, attract new residents to our state.

This is the path to a brighter future, offering hope and opportunity to all our citizens.

This is the good Iowa we are, and the even greater Iowa we can be.

Thank you.

The Des Moines Gay Men's Chorus performed "The Promise of Living", by Aaron Copeland.

The oath of office was administered to Governor Thomas J. Vilsack by Chief Justice Louis A. Lavarato, assisted by Mrs. Christie Vilsack.

President Kramer presented Governor Thomas J. Vilsack, who delivered the following inaugural address:

My fellow Iowans:

I came to Iowa in August, 1970.

It was because of a girl.

I was 19, in college, and in love.

This girl invited me to come here and meet her family.

I got in my car and drove for 13 hours. I crossed the Mississippi at Burlington – it was the first time I had ever been that far west – and before I left, I had fallen in love for the second time.

The first time, of course, was with the girl.

The second time was with the state.

Your state. My state. Our state.

I was, naturally, predisposed to have nice thoughts about Iowa. After all, a state that produced as smart, as pretty, as wonderful a girl as Christie Bell had to be a pretty special place.

But I was instantly taken by Iowa's beauty, by her people, and by her land. I started noticing the rivers, the trees, the fields, the prairie flowers. I noticed the colors. I thought to myself, the state is as pretty as the girl.

On my first evening in Iowa those 33 years ago, Christie and her family took me to a potluck supper in a cabin on the banks of the Skunk River in Henry County. I was there two things – really my first two impressions of Iowans. I saw a sense of pride – pride in the quality of the pies and the stews and the dishes that folks brought to the potluck. And I saw a sense of community – a joy of being together, a wisdom shared between old and young, a caring about those things we should care about, a concern about those things we should be concerned about, and, most of all, a simple gratitude of being able to be among friends and one 19-year old stranger.

But that's the wrong word. I never felt like a stranger from the moment I crossed that bridge at Burlington. For me, that bridge spanned more than Mississippi. It brought me to a new life as well as a new land – one where small towns are more than a place to live. I've learned that they represent a lifestyle and values worth preserving – Iowa values, hard work, self-reliance, family, community.

It's a life, I've come to realize, that is bound tightly to the rich land that God handed to us and to the strong values our ancestors bred in us. From the beginning, Iowa's success has been rooted in its rich soil and natural bounty. That is still true today and it will be tomorrow if we have the vision to seize the opportunities of the future. A parent can give a child only a few things or real worth – love, values, knowledge, and an education. And those are the things our ancestors have passed onto us. A great capacity to love this land and the people on it, the strong values of hard work and honesty and sharing, a knowledge of our land and ourselves, and one of the best educational systems in the world.

A sense of pride, and a sense of community.

All of that, we have in abundance. Those are the strengths we must build on.

Our values, our land, our schools, and, most of all, our people. Those are the resources we must marshal to build the New Iowa. For, ladies and gentlemen, we must build a new Iowa. We must build a New Iowa that encourages entrepreneurship from within and attracts development from afar. We must build a New Iowa that guarantees the best education for all, from preschool through college and beyond. We must build a New Iowa that has the resources, and the will, to take care of the needy and the ill – the physically ill and the mentally ill – as well as our natural resources – the land, air, and water. We must build a New Iowa so rich in opportunities to succeed and so varied in resources to enjoy that our sons and daughters will want to settle here and sons and daughters from elsewhere will want to move here – even if they aren't pursuing a pretty girl from Mount Pleasant.

But wishing won't make it true.

We must act.

We must change.

Whether or not we act, we will, of course, change. But, without bold actions the change that comes will be change for the worse. For if we do not manage change, change will manage us. We have already begun to act. Through the partnerships forged by Vision Iowa – partnerships involving cities and counties and schools and private interests – through those partnerships, we are committing upwards of \$2 billion to make Iowa a better place for those of us lucky enough to live here and a more attractive place for those seeking to move here. From the spectacular new waterfront in Dubuque to Music Man Square in Mason City to the canals and windmills of Pella, we are putting Iowa on the tourism map, the economic development map, and the let's-just-have-some-fun map. We are building trails and libraries and skate parks and community centers – as well as the wondrous new downtown in Des Moines and riverfronts in Davenport, Sioux City, Council Bluffs, Waterloo, and Clinton, along with Dubuque.

This is part of the new Iowa.

And it is just a start.

It shows, though, what we can do in this great state. It shows how we can build spectacularly on our values and our resources to provide good jobs and clean fun. It shows we can work together – city with county, school with town, state with everyone – to leverage our dollars and our ideas and our energies. And it shows, most of all, that good ideas are abundant in this wonderful state and that there are legions of good people ready to bring those ideas to life. It shows that dreams can come true.

But only if we accept change. No, we must do more than accept it. We must embrace it.

Embracing change means a new, focused economic development effort. Changing our economy from one of low priced agricultural commodities and lower paying jobs to

one of high priced agricultural ingredients that feed, fuel, and heal; that create wealth through high paying jobs held by highly educated workers. The state must act as a catalyst for change building on the lessons of Vision Iowa and creating a resource to transform our economy. The state must remove barriers by simplifying our income tax system and reforming our property tax system.

We must embrace the new technologies while reaffirming the old values. We must find ways to identify and encourage the Henry Wallaces and John Vincent Atanasoffs of this generation. It is not accident that the greatest agriculture scientist in American history – Henry Wallace – was an Iowan. It is no accident that the genius behind the most important technological advancement in American history – John Vincent Atanasoff – did his work in Iowa. The environment for them was there. But now we must redouble our efforts to encourage the entrepreneur, the genius, the innovator, by providing the resources and the atmosphere for innovation and invention.

Embracing change means continuously improving education. Our values require that we remain a leader in education. We must commit to better preparing our children for school by supporting early childhood education. We must encourage more of our children to attend college. If they are to earn more, they must learn more.

We cannot just tinker – we must reinvent. For example, expanding educational opportunity by giving students access to online courses, enabling schools to combine courses to widen course selections, and encouraging consolidation where it improves educational opportunity becomes important in a regional system.

By doing so, we can tell those looking to invest in Iowa: "Put your business here – it's best for your needs."

We're making progress as class sizes are falling; test scores are rising. But we need to do better.

There will be risk. Some ideas may be difficult to accept or implement. It will not be easy. However, I sense an already great amount of cooperation between this and legislature and our administration. We are dedicated to getting the job done.

To get the job done, we must manage the power of partnerships between governments at all levels and between the public and private sectors. We can do little alone. We can do anything together.

We must take risks – as individuals and as a state. We must not be afraid to lead, not be afraid to fail.

We must be dogged in our pursuits, as dogged as Arabella Mansfield, as dogged as Alexander Clark.

Arabella Mansfield was born in Burlington, was educated at Iowa Wesleyan in Mount Pleasant, and taught at Simpson and then at Iowa Wesleyan. Even though there were no women lawyers in America, she studied law in a law office in Mount Pleasant and then applied for admission to the bar in 1869. After reading her paper, the examiners said that her performance gave "the very best rebuke possible to the imputation that ladies cannot qualify for the practice of law." They then certified her as the first woman to be admitted to the bar of any state in the union.

She took risks. She wrought change.

Alexander Clark Jr. was a loving father who thought his twelve-year-old daughter should attend the neighborhood school in Muscatine. The school board didn't think so. It said it had a special school for children like her – a separate school for “colored” children. This was in 1868, and Mr. Clark sued on behalf of his daughter. The Supreme Court said of course Susan Clark could go to the neighborhood school. Whether we are African, German, Irish, French, or English, it said we are “one harmonious people” and we all should be treated alike.

He took risks. He wrought change.

We were then, and we are today, “one harmonious people.” Irish escaping famines of the 1840's were among the first people to settle in Iowa, and they were quickly followed by Norwegians, French, Swedes, and Germans. A look at the names of our counties tells the story. Lajos Kossuth was a Hungarian patriot. Will Smith O'Brien was a leader for Irish independence. Marquis de la Fayette – for whom Fayette County was named – was a French statesman. Frederick Bremer was a Swedish author. Baron Friedrich von Humboldt was a German scientist. We must continue to be one harmonious people. We must continue to welcome anyone and everyone to this state so they enjoy the blessings of the liberties we prize and we can gain from the skills and productivity they bring.

“The liberties we prize.” That's one half of the Iowa motto. “Our liberties we prize and our rights we will maintain.” We must never forget that motto, for those liberties and rights define our state every bit as much as our fields and factories do. We have fought dear to preserve those freedoms. When Abraham Lincoln asked for troops in 1861, Iowa Governor Samuel Kirkwood said we would send one regiment. But we had tenfold that number of volunteers, and ultimately provided 48 regiments of infantry, nine regiments of cavalry, and four batteries of artillery – more than 75,000 men, about a tenth of the population of the entire state. Thirteen thousand of those men died – a higher percentage of loss than any other Union state sustained – and another 8800 were wounded.

But our liberties were saved, our rights were maintained.

The world had changed markedly since I stood before you four years ago. The national economy is weaker. Let us never forget the budget problems we have in state government reflect the day-to-day struggles of people from our state. We lost revenue. They've lost jobs and incomes. We struggle with rising health care costs. They can't find a doctor. We cut and scrimp to pay our bills, and so do they.

We face new battles – a war on terrorism at home, and, soon perhaps, a war on terrorists abroad. Already, Iowans have lost their lives to terrorists. Already, our National Guard has been called up we are bracing for the worst, hoping for the best. In difficult times our values get tested. We must be ever vigilant in protecting our liberties as well as our rights. We should not allow the terrorists to destroy our rights any more than our liberties. Our Iowa constitution is as precious as our Iowa soil. Both must be tended with care.

In the past four years, Christie and I have traveled this state from corner to corner, border to border, river to river. We will continue to do so in the years to come. We

never cease to be impressed by the landscape and awed by the people, the young and the old. We have talked with farmers and teachers and doctors and truck drivers, and, as often as not, they ask us: "What can we do for you? What can we do for Iowa?"

I've thought about that, and there is an answer.

You can dream of a better Iowa.

You can act by embracing change for a better Iowa.

Dream your dreams. Plan on how to turn them into reality. Then work to do it.

The next twelve months for this state are the most critical twelve months the state has faced for as long as I've lived here. Reforming the tax system. Redesigning the education system. Re-examining the issues involving health care. Reworking the whole theory of economic development. These all must be explored. These things are all huge undertakings.

But if all of us – farmer and factory worker, teacher and student, firefighter and chief executive, governor and legislator – if all of us dream and plan and work, if all of us are willing to take bold steps, to risk failure, to build on our strengths, to love our past and embrace our future – if we're all willing to do that, we'll have a New Iowa where all of us thrive and prosper, where we can have jobs and have fun, where we can learn and lead, where we can live and love.

By seizing the opportunities of a new transformed economy and by embracing change, we can preserve and maintain the values we cherish for generations to come. This is our challenge. This shall be our legacy.

You don't always have to cross a bridge at Burlington to get to a new land.

Sometimes, you can make a new land right where you are.

God bless you, our great state, and our nation.

The Capitol View Elementary Children's Chorus of Des Moines sang "Iowa" by Meredith Wilson.

The benediction was offered by Cantor Laura Berkson of the Temple B'Nai Jeshurun in Des Moines.

Speaker pro tempore Carroll moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened at 10:53 a.m., Speaker Rants in the chair.

## COMMUNICATIONS RECEIVED

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

### BOARD OF REGENTS

Annual Reports of technology transfer and economic development from the University of Iowa, Iowa State University, and the University of Northern Iowa, pursuant to Chapter 1003.60(3), Code of Iowa.

### DEPARTMENT OF AGRICULTURE

The State Pseudorabies Advisory Committee

Annual Report, pursuant to Chapter 166D.3, Code of Iowa.

### DEPARTMENT OF CORRECTIONS

A report regarding the status of ICON, pursuant to Chapter 904.115, Code of Iowa.

### DEPARTMENT OF ECONOMIC DEVELOPMENT

"Self-sustaining" report for the Community Economic Betterment Account, pursuant to Chapter 15.104, Code of Iowa.

Fiscal year 2002 Training and Technology Funds Report, pursuant to Chapter 15.105, Code of Iowa.

### DEPARTMENT OF EDUCATION

Student Achievement and Accountability

Annual Report, pursuant to Chapter 284.1, Code of Iowa.

### DEPARTMENT OF HUMAN SERVICES

Reports relative to Pharmaceutical Case Management, pursuant to Chapter 9, Code of Iowa.

Annual Report of the Healthy and Well Kids in Iowa (HAWK-I) Board, pursuant to Chapter 514.1(7)(g), Code of Iowa.

### DEPARTMENT OF MANAGEMENT

Contract Compliance Report for Fiscal Year 2002, pursuant to Chapter 19B.7, Code of Iowa.

### DEPARTMENT OF NATURAL RESOURCES

Report of the task force assigned to study issues related to the proper disposal of waste material from buildings demolished in cities and counties, pursuant to Chapter 73, Code of Iowa.

## DEPARTMENT OF PUBLIC DEFENSE

Annual Report regarding the status of Iowa's E911 implementations and operation, pursuant to Chapter 34A.7A, Code of Iowa.

ICN Savings Report for Fiscal Year 2002, pursuant to Chapter 8D.10, Code of Iowa.

## DIVISION OF VOCATIONAL REHABILITATION SERVICES

Report of cost savings related to holding ICN meetings, pursuant to Chapter 8D.10, Code of Iowa.

STATE OF IOWA  
Child Advocacy Board

Annual Report for Fiscal Year 2002, pursuant to Chapter 25, Code of Iowa.

## Child Advocacy Board

Report on Court Appointed Special Advocate (CASA) and Iowa Citizen Foster Care Review Board (ICFCRB) Program, pursuant to Chapter 25, Code of Iowa.

## CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the certificate of recognition has been issued as follows:

MARGARET A. THOMSON  
Chief Clerk of the House

2003\46 Ruth and William Burdt, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.

Speaker pro tempore Carroll moved that the House adjourn until 10:00 a.m., Tuesday, January 21, 2003.



# JOURNAL OF THE HOUSE

Ninth Calendar Day - Sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 21, 2003

The House met pursuant to adjournment at 10:00 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Rod Roberts, state representative from Carroll County.

The Journal of Friday, January 17, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cynthia McAfee, the Speaker's Page from Logan.

## INTRODUCTION OF BILLS

**House File 32**, by committee on appropriations, a bill for an act relating to the allowance of and reimbursement for the homestead, agricultural land, and elderly and disabled property tax credits, increasing appropriations previously reduced, and providing an effective date.

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

**House File 33**, by Alons, a bill for an act relating to licenses for bait dealers by creating resident and nonresident wholesale bait dealer licenses, providing reciprocity, and providing effective and applicability dates.

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

**House File 34**, by Wise, a bill for an act providing for the terms of office and election of state senators following legislative redistricting.

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

**House File 35**, by Jacobs, a bill for an act relating to activities of the secretary of state relating to student political awareness.

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

**House File 36**, by Drake, a bill for an act relating to the biennial election of directors of local school districts, area education agencies, and merged areas, and including an effective date, applicability, and transition provision.

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

**House File 37**, by Struyk, Reasoner, Thomas, Murphy, Oldson, Whitead, Smith, Lykam, Quirk, D. Olson, Myers, Bukta, Mascher, Connors, Kuhn, Greimann, Foege, Osterhaus, Wendt, Mertz, Frevert, Winckler, Cohoon, Lensing, Stevens, Miller, Petersen, Berry, Gaskill, Jochum, Swaim, Hogg, Whitaker, Ford, and McCarthy, a bill for an act relating to the allowance of and reimbursement for the homestead, agricultural land, military service, and elderly and disabled property tax credits, making appropriations, and providing an effective date.

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

### SPECIAL PRESENTATION

Rayhons of Hancock introduced to the House the Iowa Pork Queen, Dawn Kruger from Wesley in Hancock County.

The House rose and expressed its welcome.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-seven students from Ankeny Christian Academy, Ankeny, Iowa, accompanied by school administrator and high school teachers. By Boal of Polk.

## COMMUNICATIONS RECEIVED

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

### DEPARTMENT OF HUMAN SERVICES Mental Health and Developmental Disabilities Commission

Commission recommendations, pursuant to Chapter 135C, Code of Iowa.

### DEPARTMENT OF NATURAL RESOURCES

Report regarding the results of the Toxic Cleanup Day events conducted in the 2002 calendar year, pursuant to Chapter 455F.8, 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

- |         |   |
|---------|---|
| 2003\47 | Herman Jepsen, Jr., Ricketts – For celebrating his 80 <sup>th</sup> birthday.                           |
| 2003\48 | Bud and Darlene Dose, Anthon – For celebrating their 50 <sup>th</sup> wedding anniversary.              |
| 2003\49 | Delmond and Mary Scheer, Mapleton – For celebrating their 50 <sup>th</sup> wedding anniversary.         |
| 2003\50 | Opal Bashor, Clarinda – For celebrating her 95 <sup>th</sup> birthday.                                  |
| 2003\51 | Lois Armstrong, Shenandoah – For celebrating her 98 <sup>th</sup> birthday.                             |
| 2003\52 | Anita Scott, Sidney – For celebrating her 90 <sup>th</sup> birthday.                                    |
| 2003\53 | Lowell and Ruth Anderson, College Springs – For celebrating their 64 <sup>th</sup> wedding anniversary. |
| 2003\54 | George Joens, Independence – For celebrating his 90 <sup>th</sup> birthday.                             |
| 2003\55 | Lucille Arthur, La Porte City – For celebrating her 100 <sup>th</sup> birthday.                         |
| 2003\56 | Judd Rasmussen, Independence – For celebrating his 80 <sup>th</sup> birthday.                           |
| 2003\57 | Myrtle McCorkle, Independence – For celebrating her 85 <sup>th</sup> birthday.                          |

- 2003\58 Charles and Helen Ratliff, Newton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\59 Chris L. Collett, Jesup – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\60 Kathleen Streuber, Jewell – For celebrating her 80<sup>th</sup> birthday.
- 2003\61 Paul and Liane Bintz, Minden – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\62 Rodney and Betty Radford, Glenwood – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\63 Dorothy Roenfeldt, Glenwood – For celebrating her 90<sup>th</sup> birthday.
- 2003\64 Myrtle Carmichael, Fairfield – For celebrating her 100<sup>th</sup> birthday.
- 2003\65 John and Anna Hammes, Fairfield – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENT

##### House File 5

Economic Growth: Lukan, Chair; Lalk and Lensing.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 3

Judiciary: Maddox, Chair; Paulsen and Reasoner.

##### House Study Bill 4

Judiciary: Maddox, Chair; Berry and Heaton.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### H.S.B. 16 Economic Growth

Relating to the purposes of the community attraction and tourism program.

##### H.S.B. 17 Economic Growth

Creating a research development council.

**H.S.B. 18 State Government**

Relating to massage therapy by providing for a study regarding the modalities associated with massage therapy and providing a temporary exemption from licensure requirements.

**H.S.B. 19 Natural Resources**

Relating to all-terrain vehicles and snowmobiles, requiring annual user permits for nonresidents, and making a penalty applicable.

**H.S.B. 20 Local Government**

Relating to the maximum age for employment of reserve peace officers by cities and providing an effective date.

**H.S.B. 21 Local Government**

Relating to damage disclosure statements required for transfer of ownership of motor vehicles.

**H.S.B. 22 Local Government**

Modifying the duties of county recorders.

**H.S.B. 23 Local Government**

Relating to adjustments to incremental property valuation in an urban renewal area and providing for the Act's applicability.

**H.S.B. 24 Local Government**

Relating to certain urban renewal areas and urban revitalization areas and property tax exemptions in certain urban revitalization areas.

**H.S.B. 25 Local Government**

Requesting that the legislative council create an interim study committee to study the feasibility of making the offices of city and county assessor elective offices.

## AMENDMENT FILED

H—1001      H.C.R. 4      Roberts of Carroll

On motion by Gipp of Winneshiek the House adjourned at 10:11 a.m., until 8:45 a.m., Wednesday, January 22, 2003.

# JOURNAL OF THE HOUSE

Tenth Calendar Day - Seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 22, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Daniel Dinardo, Bishop of the Diocese of Sioux City. He was the guest of Representative Whitead and Representative Wendt of Woodbury County.

The Journal of Tuesday, January 21, 2003 was approved.

## INTRODUCTION OF BILL

**House File 38**, by Murphy, a bill for an act relating to the creation of a center for economic development and trade program and fund, including providing bonding authority to the treasurer of state, exempting certain income from taxation, and making an appropriation.

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

On motion by Gipp of Winneshiek, the House was recessed at 8:50 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 12:59 p.m., Speaker Rants in the chair.

## INTRODUCTION OF BILLS

**House File 39**, by Boddicker, a bill for an act relating to the definition of veteran and providing an effective date.

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

**House File 40**, by Shoultz, a bill for an act relating to the personal needs allowance amount of a medical assistance recipient residing in a nursing facility.

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

**House File 41**, by Tymeson, a bill for an act relating to liability for the rendering of disaster and emergency care by designated medical care professionals.

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

**House File 42**, by Shoultz, a bill for an act relating to development of recommendations regarding assisted living and adult day care.

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

**House File 43**, by Van Engelenhoven, a bill for an act lowering the blood alcohol concentration limit for motor vehicle operating while intoxicated offenses to .08.

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

**House File 44**, by Huser, Stevens, Petersen, T. Taylor, Wendt, Whitead, Bell, Connors, Ford, D. Taylor, Cohoon, and Mascher, a bill for an act relating to the restoration and maintenance of the senior living trust fund and providing an effective and retroactive date.

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

**House File 45**, by Huser, Stevens, Lensing, Greimann, Winckler, Berry, Petersen, Fallon, Foege, Jochum, Murphy, T. Taylor, Whitaker, D. Olson, Wendt, Whitead, Smith, Reasoner, McCarthy, Bell, Dandekar, Swaim, Gaskill, Oldson, Connors, Hogg, Ford, Mertz, Miller, Heddens, Davitt, Frevert, Struyk, D. Taylor, Cohoon, Quirk, Bukta, Mascher, Lykam, Wise, Osterhaus, Thomas, Kuhn, and Myers, a bill for an act relating to an increase in the personal needs allowance amount for a recipient of medical assistance residing in a nursing facility.



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

**House File 46**, by Foege, a bill for an act relating to the provision under a group health insurance policy or health maintenance organization contract for compensation of podiatrists.

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

**House File 47**, by Whitead and Wendt, a bill for an act relating to and making an appropriation for the state poison control center.

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 22, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 36, a bill for an act supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting division of the department of education, and providing effective date and applicability provisions.

MICHAEL E. MARSHALL, Secretary

### ADOPTION OF HOUSE RESOLUTION 4

Roberts of Carroll called up for consideration the following resolution and moved its adoption:

- 1 HOUSE RESOLUTION 4
- 2 BY COMMITTEE ON ADMINISTRATION AND RULES
- 3 (SUCCESSOR TO HSB 2)
- 4 A Resolution relating to permanent rules of the House
- 5 for the eightieth general assembly.
- 6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
- 7 That the permanent rules of the House for the ~~seventy-~~
- 8 ~~ninth~~ eightieth general assembly be as follows:
- 9 DIVISION I - GENERAL RULES
- 10 Rule 1
- 11 Call to Order and Order of Business
- 12 The speaker shall take the chair at the hour to

13 which the house has adjourned, and shall immediately  
14 call the members to order, correct the journal of the  
15 previous day's proceedings, and proceed to other  
16 business, including, but not limited to, introduction  
17 of bills, reports, messages, communications, business  
18 pending at adjournment, resolutions and bills on their  
19 passage.

20 Rule 2

21 Quorum Call and Time of Convening

22 The house shall convene each Monday at 1:00 p.m.  
23 and at 8:45 a.m. on all other legislative days, unless  
24 otherwise ordered. The time of convening shall be  
25 recorded in the journal. The house shall not convene  
26 on Sunday during a regular or special session.  
27 The speaker or a member may request a roll call to  
28 determine if a quorum is present..

29 Rule 3

30 Absences from the House

Page 2

1 No member shall be absent without leave while the  
2 house is in session unless the member is sick or  
3 unable to attend.

4 Rule 4

5 Preservation of Order

6 The speaker shall preserve order and decorum and  
7 speak to points of order in preference to other  
8 members. Subject to an appeal to the house by any  
9 member, the speaker shall decide questions of order  
10 which shall not be debated.

11 The speaker may have the chamber of the house  
12 cleared in case of any disturbance or disorderly  
13 conduct.

14 Only past legislators, state officials, persons  
15 whose presence is deemed by the speaker to be of  
16 special significance to the house, and school classes  
17 accompanied by teachers and seated in the galleries  
18 shall be introduced in the house.

19 The public may take photographs from the galleries  
20 at any time. However, the use of flash bulbs or any  
21 other artificial lighting is prohibited. The press  
22 may photograph from the press section, but may not use  
23 artificial lighting except for live television crews  
24 who receive permission in advance from the chief clerk  
25 of the house or the sergeant-at-arms. Photographic  
26 instruments shall not be used on the house floor at  
27 any time when the members are voting on a question put  
28 before the house. Photographic instruments may be  
29 used on the house floor at other times with the  
30 consent of the subject or subjects of the photography.

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- 1 Rule 4A  
2 Use of Telephonic or Electronic Devices  
3 in Chamber Restricted  
4 1. In order to prevent the disruption of house  
5 deliberations, a person shall not do any of the  
6 following in the chamber while the house is in  
7 session:  
8 a. Allow any audible signal to be continued to be  
9 transmitted to or from a telephonic or electronic  
10 device under the person's control.  
11 b. Disrupt house deliberations by using a  
12 telephonic or electronic device to audibly transmit or  
13 receive communications.  
14 2. A member shall not use a telephonic or  
15 electronic device to audibly transmit or receive  
16 communications while recognized by the presiding  
17 officer to speak in debate.  
18 3. The speaker or other presiding officer may have  
19 the chamber cleared of any person acting in violation  
20 of this rule.

- 21 Rule 5  
22 Rules of Parliamentary Practice  
23 The rules of parliamentary practice in Mason's  
24 Manual of Legislative Procedure shall govern the house  
25 in all cases where they are not inconsistent with the  
26 standing rules of the house or the joint rules of the  
27 senate and house.

- 28 Rule 5A  
29 House Budget  
30 The speaker of the house shall annually prepare a

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- 1 proposed budget for the house of representatives for  
2 the payment of expenses, salaries, per diems, and  
3 other items. The proposed budget shall be submitted  
4 on the fourteenth day of each legislative session to  
5 the house committee in charge of administration, which  
6 shall approve a proposed budget in house resolution  
7 form within thirty days of receiving the proposed  
8 budget from the speaker. The house shall adopt a  
9 budget within thirty days of the introduction of the  
10 house resolution.

- 11 Rule 6  
12 The Speaker Pro Tempore  
13 The house shall, at its pleasure, elect a speaker  
14 pro tempore. When the speaker shall for any cause be  
15 absent, the speaker pro tempore shall preside, except  
16 when the chair is filled by appointment by either the  
17 speaker or the speaker pro tempore. If a vacancy

18 occurs in the office of speaker, the speaker pro  
19 tempore shall assume the duties and responsibilities  
20 of the speaker until such time as the house shall  
21 elect a new speaker. The speaker or the speaker pro  
22 tempore shall have the right to name any member to  
23 perform the duties of speaker, but such substitution  
24 shall not extend beyond the adjournment. The acts of  
25 the speaker pro tempore shall have the same validity  
26 as those of the speaker. In the absence of both the  
27 speaker and the speaker pro tempore, the house shall  
28 name a speaker who shall preside over it and perform  
29 all the duties of the speaker with the exception of  
30 signing bills, until such time as the speaker or

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1 speaker pro tempore shall be present, and the person's  
2 acts shall have the same force and validity as those  
3 of the regularly elected speaker.

4 Rule 7

5 Amendment and Suspension of Rules

6 A motion to change or rescind a standing rule or  
7 order of the house requires one day's notice. A  
8 motion to suspend a rule, or to table or take from the  
9 table a matter, requires an affirmative vote of a  
10 constitutional majority. Postponing or changing the  
11 order of business requires an affirmative vote of a  
12 constitutional majority.

13 Rule 8

14 Violation of House Rules

15 The speaker shall, or any member may, call to order  
16 a member who transgresses the rules of the house.  
17 With leave of the house, the member called to order  
18 may be permitted to explain. If the case requires it,  
19 the member shall be subject to censure of the house.

20 Rule 9

21 Referral of Rule Violations

22 The speaker shall, upon complaint of a member, or  
23 upon the speaker's own motion, refer any alleged  
24 violation of house or joint rules by house members,  
25 employees or staff to the house ethics committee upon  
26 an initial finding that an investigation is warranted.  
27 The ethics committee shall investigate such  
28 allegations and report them back to the house with a  
29 recommendation.

30 Rule 10

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1 Recognition and Decorum in Debate

2 A member who wishes to speak in debate or deliver  
3 any matter to the house shall be appropriately

4 attired, with male members wearing coat or tie, and,  
5 after recognition by the chair, shall respectfully  
6 address the presiding officer by saying "Mr. or Madam  
7 Speaker", shall confine all remarks to the question  
8 under debate, and shall avoid personalities.

9 Rule 11

10 Limit on Debate

11 No member shall speak more than once on the same  
12 question, without leave of the speaker, nor more than  
13 twice until every member choosing to speak has spoken,  
14 except as provided in Rule 81. A member shall be  
15 limited to ten minutes debate on a bill being  
16 considered prior to its last reading, but may be  
17 granted an extension of time by consent of the house.

18 Rule 12

19 Decorum During Debate

20 No member shall leave the house while the speaker  
21 is putting a question. No one shall pass between the  
22 speaker and a member who is speaking or two members  
23 who have been recognized by the speaker.

24 Rule 13

25 Stating the Question

26 When a motion is made, it shall be stated by the  
27 speaker. a motion made in writing shall be passed to  
28 the desk before it is debated.

29 Rule 14

30 Putting the Question

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1 Questions shall be distinctly put in this form:  
2 "All those in favor of (the question) shall say  
3 'aye';" and after the affirmative voice is expressed,  
4 "All those opposed to (the question) shall say 'no'."  
5 If the speaker is in doubt or a member of the house  
6 requests, a nonrecord roll call vote shall be taken.

7 DIVISION II - EMPLOYEES OF THE HOUSE

8 Rule 15

9 Chief Clerk of the House

10 The chief clerk of the house shall serve as  
11 parliamentary and chief administrative officer of  
12 the house under the direction of the speaker of the  
13 house. The chief clerk shall supervise the chief  
14 clerk's office; be responsible for the custody and  
15 safekeeping of all bills, resolutions, and amendments  
16 filed, except when they are in the custody of a  
17 committee; have charge of the daily journal; have  
18 control of all rooms assigned for the use of the  
19 house; attest to the accuracy and correctness of text  
20 and action on bills and resolutions; process the  
21 handling of amendments when filed and during the floor  
22 consideration of bills; insert adopted amendments into

23 bills before transmittal to the senate and prior to  
24 final enrollment; supervise legislative printing and  
25 the distribution of printed material; and perform all  
26 other duties pertaining to the office of the chief  
27 clerk.

28 Rule 16  
29 Reserved  
30 Rule 17

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1 Sergeant-At-Arms

2 The sergeant-at-arms shall execute all orders of  
3 the house and the presiding officer; perform all  
4 assigned duties related to the policing and good order  
5 of the house; supervise the entrance and exit of all  
6 persons to and from the chamber; promptly execute all  
7 messages, etc.; provide that the chamber is properly  
8 ventilated and open for the use of the members; and  
9 perform all other services pertaining to the office of  
10 sergeant-at-arms.

11 Rule 18  
12 Secretaries

13 All secretaries of the house shall be under the  
14 general direction of the speaker and the chief clerk.  
15 Secretaries shall be on duty at the house from 8:30  
16 a.m. to 4:30 p.m. except when excused by the member to  
17 whom the secretary is assigned. Secretaries shall  
18 perform such additional duties as may be assigned to  
19 them by the chief clerk.

20 Rule 19

21 Extra Compensation of Employees

22 No employee shall receive any extra compensation,  
23 except as provided by the house, or tips for services  
24 performed while on duty. Any violation of this rule  
25 shall be grounds for removal.

26 DIVISION III - VISITORS AND LOBBYISTS

27 Rule 20

28 Admission to the House; Lobbying

29 The chamber of the house shall include the  
30 vestibule, restrooms, cloak room, lounge, visitors'

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1 galleries, and floor of the house.

2 The floor of the house shall consist of that area  
3 between the press box, speaker's station, and the  
4 south wall behind the last row of desks occupied by  
5 representatives, excluding the visitors' galleries.  
6 During a legislative day while the house is in  
7 session, and one-half hour before the house convenes  
8 and one-half hour after the house recesses or

9 adjourns, no person shall be admitted to the floor of  
10 the house except:  
11 1. Members of the general assembly and authorized  
12 house employees in the performance of their duties.  
13 2. Former members of the general assembly who are  
14 not registered lobbyists.  
15 3. A general assembly member's family.  
16 4. Representatives of the press, radio, and  
17 television who shall go directly to and from the press  
18 box.  
19 5. Legislative interns approved by the chief clerk  
20 who shall go directly to and from the seat of their  
21 assigned representative or to be seated in the  
22 perimeter seating area.  
23 6. Chair, co-chair, and the executive secretary of  
24 a political party having members serving in the  
25 general assembly.  
26 7. Personnel of the Code editor's office,  
27 legislative service bureau, legislative fiscal bureau,  
28 citizens' aide/ombudsman's office, computer support  
29 bureau and administrative rules review committee  
30 staff.

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1 8. The governor's executive assistants and  
2 administrative assistants, members of the state  
3 executive council, the lieutenant governor, the  
4 attorney general, and the administrative rules  
5 coordinator, all of whom shall be confined to the  
6 perimeter area.  
7 The current status of former members of the general  
8 assembly shall govern their access to the floor under  
9 these rules.  
10 No other persons shall be allowed on the house  
11 floor without permission of the presiding officer of  
12 the house.  
13 No person admitted to the floor of the house,  
14 except members of the general assembly, shall, while  
15 the house is in session, lobby or attempt to exercise  
16 any influence with any member for or against any  
17 matter then pending or that may thereafter be  
18 considered by the house.  
19 Notwithstanding the provisions of this rule  
20 regarding admission to the floor of the house, a  
21 registered lobbyist shall not be admitted to the floor  
22 of the house on any day when the house is in session  
23 or committees are scheduled to meet from one-half hour  
24 before the house convenes or 8:45 a.m., whichever is  
25 earlier, until one-half hour after the house adjourns  
26 or until 4:30 p.m., whichever is later. a registered  
27 lobbyist or other person may be admitted to the house

28 when the house is not in session to gain access to a  
29 committee room.  
30 Each lobbyist shall be given a copy of this rule

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1 when the lobbyist registers.  
2 Each member, employee of the house, and registered  
3 lobbyist shall report violations of this rule  
4 immediately to the sergeant-at-arms.  
5 Any person for cause may be summarily dismissed  
6 from the chamber of the house, by action of the house,  
7 and shall forfeit that person's right to admission  
8 thereafter.

9 Rule 20A

10 Legislative Interns

11 Only one legislative intern per member of the house  
12 is allowed on the floor of the house at any one time.

13 Rule 21

14 Distribution of Literature

15 No person except a member or employee of the house  
16 of representatives shall generally distribute or cause  
17 to be distributed any pamphlets, material, or other  
18 printed literature to the members' desks in the house.  
19 An employee of the house shall generally distribute or  
20 cause to be distributed such literature only on behalf  
21 of the employee's office or staff.

22 All copies of pamphlets, material, or printed  
23 literature distributed by a member or employee of the  
24 house of representatives shall bear the name of the  
25 member or employee's office or staff.

26 Other distributions of pamphlets, material, or  
27 other printed literature shall bear their source of  
28 origin and be distributed through the legislative post  
29 office by completing a form containing a member's or  
30 the chief clerk's authorization, with the

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1 authorization form attached to one copy of the  
2 distribution. The copy with the attached  
3 authorization form shall be retained for a reasonable  
4 time period by the legislative post office.

5 Rule 22

6 Distribution of Materials

7 Printed by the State

8 A member of the house shall not distribute maps,  
9 books, and pamphlets such as, but not limited to, How  
10 a Bill Becomes Law, which have been printed by the  
11 state of Iowa and upon which the name of the member of  
12 the house has been affixed unless the member has  
13 purchased the materials or unless the member has



14 affixed the words "Paid for by the citizens of Iowa  
15 and distributed by representative (member's name)."

16 DIVISION IV - FORMS AND PROCEDURES  
17 FOR BILLS AND OTHER DOCUMENTS

18 Rule 23

19 Documents Signed by the Speaker

20 All acts and joint resolutions shall be signed by  
21 the speaker, and all writs, warrants, and subpoenas  
22 issued by order of the house, shall be signed by the  
23 speaker and attested by the chief clerk. The speaker  
24 shall cause certificates of recognition or condolence  
25 to be issued by the house which shall be signed by the  
26 speaker and the chief clerk.

27 Rule 24

28 Presentation of Petitions

29 All petitions, memorials and other papers addressed  
30 to the house shall be signed by the member and filed

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1 with the chief clerk or the chief clerk's staff.

2 Rule 25

3 Consideration of Resolutions

4 Action on a resolution, except a memorial  
5 resolution, or a proposition requesting information  
6 from a state official shall not be taken until one day  
7 after the resolution has been placed on the members'  
8 desks. After the resolution is adopted, the chief  
9 clerk shall transmit certified copies and have the  
10 resolution printed in the bound journal. a resolution  
11 may be printed in the daily journal upon the approval  
12 of the speaker after consultation with the minority  
13 leader.

14 Rule 26

15 Unanimous Consent Calendar

16 The speaker may, upon the request of three members,  
17 place on a unanimous consent calendar any house  
18 resolution or concurrent resolution which does not  
19 contain an appropriation and which has been laid over  
20 under Rule 25.

21 If such resolution is placed on the unanimous  
22 consent calendar, it may be removed only upon a  
23 written request submitted to the speaker by a member  
24 of the house.

25 If not removed after five legislative days, the  
26 chief clerk shall call up the resolution and without  
27 debate the speaker shall pronounce that it has passed  
28 by unanimous consent.

29 If the resolution is removed from the unanimous  
30 consent calendar, the speaker may again lay the

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1 resolution over under Rule 25, place it on a different  
2 calendar, or refer the resolution to any of the  
3 standing committees of the house.

4 Rule 27

5 Forms of Bills and Joint Resolutions

6 Every house bill shall be introduced by one or more  
7 members or by any standing or specially authorized  
8 committee of the house, the administrative rules  
9 review committee or interim study committee. All  
10 bills and joint resolutions introduced shall be  
11 prepared by the legislative service bureau with title,  
12 enacting clause, text and explanation as directed by  
13 the chief clerk of the house. One copy of each bill  
14 shall be presented in a bill cover with the number of  
15 copies of the bill and the title as directed by the  
16 chief clerk.

17 Rule 28

18 Joint and Nullification Resolutions

19 Joint resolutions shall be framed and treated as  
20 bills.

21 A "nullification resolution" is a joint resolution  
22 which nullifies all of an administrative rule, or a  
23 severable item of an administrative rule adopted  
24 pursuant to chapter 17a of the Code. a nullification  
25 resolution shall not amend an administrative rule by  
26 adding language or by inserting new language in lieu  
27 of existing language.

28 A nullification resolution may be introduced by an  
29 individual, a standing committee or the administrative  
30 rules review committee, and may be referred to a

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1 standing committee. A nullification resolution is  
2 debatable, but cannot be amended on the floor of the  
3 house.

4 Rule 29

5 Time of Introduction of Bills

6 No bill or joint resolution under individual  
7 sponsorship, other than a nullification resolution,  
8 shall be read for the first time after 4:30 p.m. on  
9 Friday of the 6th week of the first regular session of  
10 the general assembly unless a written request for  
11 drafting the bill has been filed with the legislative  
12 service bureau before that time.

13 After adjournment of the first regular session,  
14 bills may be prefiled at any time before the convening  
15 of the second regular session. No bill or joint  
16 resolution under individual sponsorship, other than a  
17 nullification resolution, shall be read for the first

18 time after 4:30 p.m. on Friday of the second week of  
19 the second regular session of the general assembly  
20 unless a written request for drafting the bill has  
21 been filed with the legislative service bureau before  
22 that time.

23 However, bills or joint resolutions sponsored by  
24 standing committees or the administrative rules review  
25 committee, co-sponsored by the majority and minority  
26 floor leaders, or companion bills sponsored by the  
27 house majority leader and the senate majority leader  
28 may be drafted and introduced at any time permissible  
29 under Joint Rule 20. House, concurrent, and  
30 nullification resolutions may be introduced at any

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1 time.

2 Rule 30

3 Introduction and Reading of Bills

4 All bills and resolutions to be introduced in the  
5 house shall be typed in proper form and filed with the  
6 chief clerk no later than 4:30 p.m. on the legislative  
7 day preceding its introduction.

8 Every bill shall receive two readings but no bill  
9 shall receive its first and last readings on the same  
10 day.

11 A "reading of a bill" as required by these rules  
12 shall consist of a reading of the title and enacting  
13 clause unless otherwise demanded by a house member.

14 Rule 31

15 First Reading, Commitment, and Amendment

16 31.1. A bill is introduced into the house by an  
17 initial or "first reading of the bill".

18 31.2. When the house is in session the first  
19 reading shall consist of a "reading" as provided in  
20 Rule 30.

21 31.3. Upon a first reading of the bill, the  
22 speaker shall state that it is ready for commitment or  
23 amendment; and the speaker shall commit it to the  
24 standing or select committee, or to a committee of the  
25 whole house. If to a committee of the whole house,  
26 the house shall determine on what day.

27 31.4. On a day when the house is not in session,  
28 the speaker shall cause a statement, which shall  
29 consist of the title, enacting clause, bill number and  
30 committee to which the bill is referred to be

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1 published in the house journal. This publication  
2 shall constitute a first reading and commitment and  
3 shall contain the notation "read and committed under

4 Rule 31.4".

5 31.5. All amendments offered to bills on file or  
6 on the regular calendar shall be accompanied by such  
7 copies as the chief clerk shall direct.

8 31.6. Such amendments shall give the number of the  
9 bill sought to amend and the chief clerk shall  
10 designate each such amendment thus: Amendment to  
11 House File \_\_\_\_\_, or Senate File \_\_\_\_\_, by  
12 \_\_\_\_\_.

13 31.7. A bill reported out by committee shall go to  
14 the speaker who shall direct that the bill be placed  
15 on the regular calendar unless it covers subject  
16 matter more properly within the jurisdiction of some  
17 other standing committee, in which case the speaker  
18 shall refer the bill to the proper standing committee.  
19 In order to expedite important business and set a  
20 definite time for the bill's consideration, the  
21 speaker may direct the bill to be placed on the  
22 special order calendar.

23 31.8. No amendment to the rules of the house, to  
24 any resolution or bill, except technical amendments  
25 and amendments to bills substituted for by senate  
26 files containing substantially identical title,  
27 language, subject matter, purpose and intrasectional  
28 arrangement, shall be considered by the membership of  
29 the house without a copy of the amendment having been  
30 filed with the chief clerk by 4:00 p.m. or within one-

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1 half hour of adjournment, whichever is later, on the  
2 day preceding floor debate on the amendment. If the  
3 house adjourns prior to 2:00 p.m. on Friday, the final  
4 deadline is two hours after adjournment. However,  
5 committee amendments filed pursuant to the submission  
6 of the committee report may be accepted after this  
7 deadline. This provision shall not apply to any  
8 proposal debated on the floor of the house after the  
9 fourteenth week of the first session and the twelfth  
10 week of the second session. No amendment or amendment  
11 to an amendment to a bill, rule of the house, or  
12 resolution shall be considered by the membership of  
13 the house without a copy of the amendment being on the  
14 desks of the entire membership of the house prior to  
15 consideration. However, after the fourteenth week of  
16 the first session and the twelfth week of the second  
17 session, the membership of the house may consider an  
18 amendment or an amendment to an amendment to a bill,  
19 rule of the house, or resolution without a copy of the  
20 amendment being on the desks of the entire membership  
21 of the house prior to consideration if a copy of the  
22 amendment is made available to the entire membership

23 of the house electronically.

24 Rule 32

25 Commitment of Appropriation and Revenue Bills

26 All bills to appropriate money shall be referred to  
27 the appropriations committee, and all bills pertaining  
28 to the levy, assessment, or collection of taxes shall  
29 be referred to the committee on ways and means.

30 Rule 33

Page 19

1 Regular Calendar

2 Bills, nullification resolutions, and joint  
3 resolutions reported out for passage, or amendment and  
4 passage, or without recommendation, by a committee,  
5 shall be arranged on a regular calendar by the chief  
6 clerk each day at 4:30 p.m. in the order of the file  
7 number of the bills and following the preceding  
8 legislative day's regular calendar. Priority shall be  
9 given to house over senate file numbers and to joint  
10 resolutions over bills in the arrangement of the  
11 regular calendar.

12 Rule 34

13 Debate and Special Order Calendars

14 The majority floor leadership shall cause to be  
15 prepared and distributed to the members at the opening  
16 of each session day when floor action is scheduled, a  
17 daily debate calendar consisting of bills,  
18 nullification resolutions, and joint resolutions from  
19 the regular calendar setting forth the number and  
20 title of bills, nullification resolutions, and joint  
21 resolutions for the next session day that floor action  
22 is scheduled.

23 The majority floor leadership shall cause to be  
24 prepared and distributed to the members at the opening  
25 of each session day when floor action is scheduled, a  
26 special order calendar setting forth the number and  
27 title of bills, nullification resolutions, and joint  
28 resolutions and the date upon which debate is  
29 scheduled to begin on each of them, which can be no  
30 sooner than five session days from the first date of

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1 publication on the regular calendar.

2 This rule does not apply to bills which have passed  
3 both houses in different forms, reconsiderations, or  
4 veto reconsiderations.

5 Rule 35

6 Noncontroversial Calendar

7 The majority floor leadership may cause to be  
8 prepared a noncontroversial calendar consisting of

9 bills and joint resolutions from the regular calendar.  
10 The noncontroversial calendar shall appear under  
11 separate heading on the regular calendar.  
12 Notwithstanding Rule 34, a bill or joint resolution  
13 on the noncontroversial calendar may be called up for  
14 debate at any time by the majority leader beginning  
15 the third legislative day after it appears on the  
16 noncontroversial calendar. a bill or joint resolution  
17 shall be stricken from the noncontroversial calendar  
18 if a written objection to the bill or joint resolution  
19 is filed with the chief clerk prior to the time the  
20 bill or joint resolution is called up by the majority  
21 leader.  
22 Debate on a bill or joint resolution from the  
23 noncontroversial calendar shall be limited to ten  
24 minutes. If debate exceeds ten minutes, the bill or  
25 joint resolution shall be stricken from the  
26 noncontroversial calendar.  
27 Rule 36  
28 Consideration of Committee Amendments  
29 After a bill has been referred and reported back,  
30 it shall be considered on its first reading after the

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1 amendments of the committee have been read.  
2 Rule 37  
3 Amendments to Special Order Bills  
4 All amendments to bills on the special order  
5 calendar shall be filed at least three session days  
6 prior to the date set for debate. Amendments to an  
7 amendment shall be filed at least two session days  
8 prior to the date set for debate. However, corrective  
9 amendments and amendments sponsored by either the  
10 majority floor leader or the minority floor leader may  
11 be filed at any time. Rule 31.8 shall not apply to  
12 these amendments.  
13 A corrective amendment is an amendment which does  
14 not substantively change the amendment or the bill.  
15 Rule 38  
16 Irrelevant Amendments  
17 No motion or proposition on a subject different  
18 from that under consideration shall be admitted under  
19 color of an amendment.  
20 Rule 39  
21 Consideration of Bills  
22 Bills, including committee bills, and nullification  
23 resolutions, reported out for passage, for indefinite  
24 postponement, for amendment and passage, or without  
25 recommendation by the committee, shall not be acted  
26 upon until after the second legislative day following  
27 the day the report was printed in the journal.

28 Prior to noon or adjournment, whichever is later,  
29 on the last legislative day of the week, the majority  
30 leader shall prepare a list of bills reported out of

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1 committee that week which have not yet appeared on the  
2 regular calendar.

3 The reports of the committees shall not be read  
4 while the house is in session except as herein  
5 provided. The reports shall be printed in the journal  
6 immediately after they are filed with the chief clerk.  
7 Reports recommending bills for passage, for amendment  
8 and passage, or without recommendation shall stand  
9 approved unless written objections are filed during  
10 the first legislative day following their printing in  
11 the journal. If objections are filed, they shall be  
12 disposed of as soon as possible. Reports recommending  
13 indefinite postponement shall be governed by Rule 44.

14 Upon an affirmative vote of at least a  
15 constitutional majority of the members, a report may  
16 be read before it is printed in the journal and while  
17 the house is in session, and acted upon at once.

18 Rule 40

19 Consideration of Bills Upon Last Reading

20 No amendment, unless by way of correcting an error  
21 or omission, shall be received to any bill on its last  
22 reading, and no debate shall be allowed on it.

23 Rule 41

24 Printing of Bills and Joint Resolutions

25 Bills and joint resolutions shall be printed in  
26 form as provided by law and by rule. Each house may  
27 direct the printing of an additional number of its own  
28 bills.

29 Legalizing bills of a local or private nature shall  
30 be printed in bill form and placed in the files of the

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1 members, the same as other bills, in the order of  
2 their introduction. The cost of printing shall be  
3 deposited with the treasurer of state in advance at a  
4 rate to be fixed, and the newspaper publication of the  
5 bill shall be without cost to the state. No  
6 legalizing act may be introduced until all provisions  
7 of law have been complied with.

8 Rule 42

9 Certification and Engrossment of Bills

10 The chief clerk shall certify the passage of each  
11 bill and note the date of its passage.

12 In engrossing a bill, the chief clerk shall correct  
13 all obvious typographical, spelling, or other clerical

14 errors and change section subunit numbers and letters  
15 and internal references as required to conform the  
16 original bill to any amendments which have been  
17 adopted. The chief clerk shall report all such  
18 corrections or changes in the journal. The engrossed  
19 bill shall be placed in the bill file with the  
20 original bill and amendments.

21 Rule 43

22 Rereferral

23 A bill may be rereferred at any time before its  
24 passage and after the report of its referral to  
25 committee.

26 Rule 44

27 Effect of Indefinite Postponement

28 When a question is indefinitely postponed, it shall  
29 not be acted upon again during that session. Any bill  
30 which receives a committee recommendation of

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1 indefinite postponement shall be disposed of within  
2 three legislative days after the printed journal  
3 containing the report has been placed upon the desks  
4 of the members of the house, or the committee  
5 recommendation will be considered adopted.

6 Rule 45

7 Status of Bills Following

8 First Regular Session

9 Except for those bills which have been adopted by  
10 both houses in different forms, all bills which have  
11 not been withdrawn, defeated or indefinitely  
12 postponed, shall be rereferred to committee upon  
13 adjournment of the first regular session. Within  
14 seven days after the first committee meeting following  
15 convening of the second regular session, the committee  
16 chair shall submit the bill to the full committee for  
17 action or the chair shall reassign the bill to a  
18 subcommittee.

19 DIVISION V - COMMITTEE PROCEDURES

20 Rule 46

21 Appointment of Committees

22 All committees shall be appointed by the speaker,  
23 unless otherwise especially directed by the house.

24 Rule 47

25 Order on Question of Commitment

26 When a resolution is offered or a motion made to  
27 refer any subject, and different committees are  
28 proposed, the question shall be taken in the following  
29 order: The committee of the whole house; a standing  
30 committee; a select committee.



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## 1 Rule 48

## 2 Study Bills

3 A study bill is any matter which a member of the  
4 house wishes to have considered by a standing  
5 committee, other than appropriations, and which has  
6 not been included in a previously introduced bill.  
7 Upon taking possession of a study bill, the committee  
8 chair shall notify the speaker and then submit fifteen  
9 copies of the bill to the legal counsel's office for  
10 numbering.

11 A study bill shall bear the name of the member who  
12 wishes to have the bill considered. a study bill  
13 submitted by a state agency or board for consideration  
14 shall bear the name of the state agency or board. A  
15 committee chair may submit a study bill in the name of  
16 that committee.

17 Final committee action on a study bill shall not be  
18 taken until one day following the notation of the  
19 study bill assignment in the house journal.

20 A study bill not prepared by the legislative  
21 service bureau may be submitted to a standing  
22 committee, but shall not be considered by the full  
23 committee unless reviewed and typed in proper form by  
24 the legislative service bureau.

## 25 Rule 49

## 26 Committee Meetings

27 No committee, except a conference committee or the  
28 administrative rules review committee, shall meet  
29 while the house is in session without special leave.

## 30 Rule 50

Page 26

## 1 Smoking Prohibited

2 Smoking shall not be permitted in the house or in  
3 any area of the capitol building controlled by the  
4 house or controlled jointly by the house and senate.

## 5 Rule 50A

## 6 Nondegradable Polystyrene Cups

7 The use of nondegradable polystyrene cups shall not  
8 be permitted on the floor of the house, at the  
9 speaker's station, or in the press boxes.

## 10 Rule 51

## 11 Assignments to Subcommittee

12 The chair of the committee shall report to the  
13 house the bill number of each bill assigned to  
14 subcommittee and the names of the subcommittee  
15 members. The report shall be printed in the journal.

16 All bills, prior to consideration by the committee,  
17 shall be referred by the chair to a subcommittee,

18 unless acted upon by a committee of the whole.  
19 The chair may assign bills to subcommittees without  
20 a meeting of the committee, but the membership of the  
21 subcommittee so appointed shall be reported at the  
22 next meeting of the committee.

23 Rule 52

24 Open Meetings

25 Standing committee meetings shall be open, and  
26 voting by secret ballot is prohibited. The committee  
27 on administration and rules may close its meetings to  
28 evaluate the professional competency of an individual  
29 whose appointment, hiring, performance, or discharge  
30 is being considered when necessary to prevent needless

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1 and irreparable injury to that individual's reputation  
2 on the request of the affected individual.

3 Rule 53

4 Quorum and Vote Requirements

5 The committee roll shall be taken at the convening  
6 of each meeting to determine the presence of a quorum.  
7 a majority of the committee membership shall  
8 constitute a quorum.

9 An affirmative vote of a majority of the committee  
10 membership is required to report a bill out of  
11 committee or to suspend a committee rule.  
12 A motion to reconsider may be made only by a  
13 committee member who voted on the prevailing side of  
14 the question sought to be reconsidered. a motion to  
15 reconsider may only be made provided the bill is still  
16 in possession of the committee.

17 If a member, who is in the committee room when a  
18 question to report a bill out of committee is put, has  
19 not asked to be excused prior to commencing to take  
20 the vote on the question, the member shall vote aye or  
21 nay unless the committee has excused the member for  
22 special reasons. However, a member may pass on the  
23 first taking of the roll call on the question but  
24 shall vote aye or nay when the member's name is called  
25 for a second time.

26 Rule 54

27 Committee Attendance Record and Report  
28 of Committee Form

29 1. A committee attendance record shall be filed  
30 with the chief clerk no later than 10:00 a.m. or two

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1 hours after the house convenes, whichever is later, of  
2 the legislative day immediately following the day of  
3 the committee meeting. The committee attendance

4 record is a public record and may be published in the  
5 journal. The committee attendance record shall  
6 include the following information:

- 7 a. The time the meeting convened.
- 8 b. The members present at the meeting.
- 9 c. The time the meeting adjourned.
- 10 d. A list of bills receiving final committee  
11 disposition.

12 2. A report of committee form shall be filed with  
13 the chief clerk no later than 10:00 a.m. or two hours  
14 after the house convenes, whichever is later, of the  
15 legislative day immediately following the day of the  
16 committee meeting for each study bill, numbered bill  
17 or resolution receiving final committee disposition.  
18 The report of committee form is a public record and a  
19 report of committee action shall be printed in the  
20 journal. The report of committee form shall include  
21 the following information:

- 22 a. The committee action taken.
- 23 b. The committee amendment number, if any.
- 24 c. The roll call vote of the committee on final  
25 disposition.
- 26 d. The minority recommendation, if any.
- 27 3. Upon final adjournment of the first session and  
28 final adjournment of the second session of the general  
29 assembly, the chair of each committee shall have  
30 placed the committee's book of record containing

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1 minutes, roll calls, rules, etc., with the chief clerk  
2 for access of any interested person.

3 Rule 55

4 Minority Recommendation

5 The minority of the members of a committee may  
6 present its recommendations on the final disposition  
7 of a bill to the house by attaching its recommendation  
8 to the committee report and the same shall be printed  
9 in the journal with the committee report.

10 Rule 56

11 Committee Amendment

12 Whenever a committee amendment is proposed which  
13 would amend another committee amendment, the amendment  
14 shall be drafted in the form of a substitute amendment  
15 and shall be considered as such.

16 Rule 57

17 Committee Notice and Agenda

18 Each committee shall prepare and publish a notice  
19 and agenda of each committee meeting at least one  
20 legislative day prior to the meeting. The notice and  
21 agenda may be placed on the desks of or transmitted  
22 electronically to committee members.

23 The notice shall contain the committee name, the  
24 date, time, and location of the meeting.  
25 The agenda shall contain the matters to be  
26 discussed, including a list of bills, joint  
27 resolutions, nullification resolutions, and study  
28 bills by number. The agenda should contain the names  
29 of individuals who are scheduled to appear before the  
30 committee and the organization which they represent.

Page 30

1 A bill, joint resolution, nullification resolution,  
2 or study bill shall not be reported out of committee  
3 if the bill was not included in the published notice  
4 and agenda unless this rule is suspended by a majority  
5 of the total membership of the committee.  
6 A committee chair may call a meeting without  
7 providing the required notice and agenda upon leave of  
8 the house if a notice is ~~placed on the desks of either~~  
9 electronically transmitted to committee members and  
10 placed on the bulletin board or placed on the desks of  
11 committee members.

12 Rule 58

13 Clearing of Committee Room

14 The chair of a committee may clear the committee  
15 room in case of any disturbance or disorderly conduct.

16 Rule 58A

17 Use of Telephonic or Electronic Devices  
18 in Committee Rooms Restricted

19 1. In order to prevent the disruption of committee  
20 deliberations, a person shall not do any of the  
21 following in any committee room while a standing  
22 committee is in session:

23 a. Allow any audible signal to be continued to be  
24 transmitted to or from a telephonic or electronic  
25 device under the person's control.

26 b. Use a telephonic or electronic device to  
27 audibly transmit or receive communications.

28 2. The chair or acting chair of a standing  
29 committee may clear the committee room of any person  
30 acting in violation of this rule.

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1 Rule 59

2 Committee Amendments

3 All amendments to a bill or resolution adopted in  
4 committee shall be incorporated in a single committee  
5 amendment or incorporated in a new committee bill.

6 Rule 60

7 Withdrawal of Bills

8 or Nullification Resolutions

## 9 From Committee

10 A bill or nullification resolution which has been  
11 in committee for eighteen legislative days following  
12 notation of such referral in the journal may be  
13 withdrawn from the committee and placed on the  
14 calendar by an affirmative vote of not less than  
15 fifty-one members of the house.

## 16 Rule 61

## 17 Committee Public Hearings

18 The chair of a committee may call a public hearing  
19 for the purpose of receiving public comment on any  
20 matter within the purview of the committee.

21 The chair shall call a public hearing upon the  
22 written request of committee members according to  
23 committee rules, but no more than one-third of the  
24 committee members shall be required.

25 A public hearing shall not be called or requested  
26 after final action on the bill has been taken by the  
27 committee. However, a public hearing called or  
28 requested before final action has been taken by the  
29 committee may be held after final action on the bill  
30 has been taken by the committee.

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1 The chair shall designate a time and place for a  
2 public hearing and provide public notice at least five  
3 days prior to a public hearing.

4 A bill for which a public hearing has been called  
5 can be voted to the calendar but cannot be debated  
6 until after the public hearing has been held.

7 However, public hearings which have been requested  
8 during or after the 9th week of the first session and  
9 during or after the 7th week of the second session  
10 must be held within four legislative days of the date  
11 of the request.

## 12 Rule 62

## 13 Limitation on Filing of Claims

14 A claim or claim bill, the subject matter of which  
15 has been considered or filed for consideration in the  
16 house or any of its committees, in two or more prior  
17 sessions of the general assembly, shall not be  
18 considered by any committee or by the house unless it  
19 has been specifically referred to this session by a  
20 prior general assembly. The committee on  
21 appropriations is authorized to set a definite date  
22 after which it will not receive claims or claim bills  
23 for consideration.

## 24 DIVISION VI - COMMITTEE OF THE WHOLE

## 25 Rule 63

## 26 Organization of Committee of the Whole

27 In forming the committee of the whole house, the

28 speaker shall appoint a member to preside in committee  
29 and then leave the chair.  
30 Rule 64

Page 33

1 Rules in Committee of the Whole  
2 The rules of the house shall be observed in  
3 committee of the whole house, so far as they are  
4 applicable.  
5 Rule 65  
6 Bills in Committee of the Whole  
7 Bills committed to the committee of the whole house  
8 shall first be read in their entirety by the chief  
9 clerk or chair and then read again or debated by  
10 section, leaving the preamble to be considered last.  
11 After report, the bill shall again be subject to  
12 debate and amendment before a vote is had on its last  
13 reading and passage.

14 Rule 66  
15 Amendments by Committee of the Whole  
16 All amendments made to a report committed to a  
17 committee of the whole house shall be noted and  
18 reported as in the case of bills.

#### 19 DIVISION VII - MOTIONS

20 Rule 67  
21 Order and Precedence of Motions  
22 The following order and precedence of motions shall  
23 govern when a question is under debate:  
24 11. Adjourn.  
25 10. Recess.  
26 9. Questions of privilege.  
27 8. Lay on the table.  
28 7. Previous question.  
29 6. Postpone definitely or to a certain time.  
30 5. Refer or commit.

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1 4. Defer.  
2 3. Amend an amendment.  
3 2. Amend.  
4 1. Postpone indefinitely.  
5 These motions are listed in descending order of  
6 precedence.  
7 A motion to postpone definitely or to a certain time, to  
8 refer or commit, or to postpone indefinitely a particular  
9 question shall not be considered more than once on the same day.  
10 Adoption of a motion to strike the enacting words is equivalent  
11 to rejection of the question.

12 Rule 68  
13 Order of Consideration of Amendments

14 Amendments shall be considered by earliest position  
15 in the bill. Amendments to the same place in the bill  
16 shall be considered by the lowest amendment number.  
17 An amendment which inserts language after a line and  
18 an amendment which inserts language before the  
19 succeeding line shall be considered amendments to the  
20 same place in the bill.  
21 However, an amendment to strike the enacting clause  
22 shall always be considered first. An amendment filed  
23 by a committee shall have the next highest order of  
24 priority, followed by an amendment to strike  
25 everything after the enacting clause and insert new  
26 language. An amendment to strike language or to  
27 strike and insert new language, except an amendment to  
28 strike everything after the enacting clause and insert  
29 new language, shall not be considered before  
30 amendments to perfect all or part of the same portion

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1 of the bill.

2

#### Rule 69

3

#### Motions Not Debatable

4 The motions to lay on the table, to adjourn, to  
5 adjourn to a time certain, for the previous question,  
6 to defer, to rerefer, and appeals of a ruling of the  
7 presiding officer shall be decided without debate.

8

#### Rule 70

9

#### Motion to Adjourn

10 A motion to adjourn shall always be in order,  
11 except when a member is speaking or the house is  
12 voting.

13

#### Rule 71

14

#### Withdrawal of Motions

15 After a motion is stated by the speaker, or read by  
16 the chief clerk, it shall be deemed to be in  
17 possession of the house, but may be withdrawn by leave  
18 of the house.

19

#### Rule 72

20

#### Referral and Rereferral

21 Motions and reports may be referred and rereferred  
22 at the pleasure of the house.

23

#### Rule 73

24

#### Reconsideration

25 1. A motion to reconsider may be made only by a  
26 member who voted on the prevailing side of the  
27 question sought to be reconsidered.

28

29 2. A motion to reconsider may be made not later  
30 than adjournment on the day following the day of the  
action sought to be reconsidered. Where the floor

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1 manager voted on the prevailing side, the floor  
2 manager has the prior right to make the motion, until  
3 adjournment on the day of the action sought to be  
4 reconsidered. a motion to reconsider a nullification  
5 resolution shall be acted upon not later than  
6 adjournment on the legislative day following the day  
7 of the action sought to be reconsidered.  
8 3. A motion to reconsider made following the  
9 ninety-seventh calendar day of the first regular  
10 session, or the eighty-seventh calendar day of the  
11 second regular session, may be taken up when made. A  
12 motion made at any other time may be taken up prior to  
13 the third day succeeding the day of the action sought  
14 to be reconsidered only if called up by the mover, and  
15 after the second day succeeding the day of the action  
16 sought to be reconsidered if called up by any member.  
17 4. The making of a motion to reconsider takes  
18 precedence over all other questions.  
19 5. No motion to reconsider passage, adoption or  
20 failure of any bill, nullification resolution or joint  
21 resolution shall prevail unless it obtains a  
22 constitutional majority. When passage, adoption or  
23 failure is reconsidered, questions on amendments may  
24 also be reconsidered and shall be disposed of  
25 immediately.  
26 6. A motion that the motion to reconsider be laid  
27 on the table is in order. The effect of laying the  
28 motion to reconsider on the table is to cause the bill  
29 or joint resolution to proceed on its regular course  
30 immediately.

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1 7. In the event that a motion to reconsider is  
2 pending at the end of the first session or any  
3 extraordinary session of any general assembly, or the  
4 general assembly adjourns sine die, and the motion to  
5 reconsider has not been voted upon by the house, the  
6 motion shall be determined to have failed.

#### 7 DIVISION VIII - VOTING

##### 8 Rule 74

##### 9 Manner of Voting

10 Members present may cast their votes, either by  
11 operating the voting mechanism located at their  
12 assigned desk or by signaling the speaker from the  
13 floor of the house or from the south visitors' gallery  
14 if they are unable to vote at their assigned desk.  
15 The speaker shall enter the votes of members signaling  
16 their votes. Upon direction of the speaker or upon  
17 request of two members during the taking of the vote



18 of the house on any question, only those members at  
19 their desks and voting shall be counted. Members who  
20 are not present shall not cast their votes except:  
21 1. Members who have not voted may record their  
22 votes on any record roll call vote except quorum calls  
23 within ten minutes after the vote has been announced,  
24 providing the vote does not change the outcome of the  
25 vote on that question. a member may request  
26 announcement of the names of members so recorded after  
27 the ten-minute period.  
28 2. Members meeting in a conference committee or in  
29 administrative rules review committee at the time a  
30 vote is taken on a question may have their vote

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1 recorded within thirty minutes or adjournment,  
2 whichever is first of that same legislative day,  
3 providing the vote does not change the outcome of the  
4 vote on that question.

5 Rule 75

6 Duty of Voting

7 Except as limited in Rule 74, every member who is  
8 in the house when a question is put shall vote unless  
9 the house has excused that member for special reasons;  
10 however, such member must have asked to be excused  
11 prior to commencing to take the vote on the main  
12 question.

13 Rule 76

14 Limitation on Right to Vote

15 No member shall vote on any question in which that  
16 person is financially interested.

17 Rule 77

18 Call of the House

19 Upon written request of five members, the presiding  
20 officer shall compel attendance of absent and  
21 unexcused members for the consideration of specified  
22 bills or resolutions.

23 A call of the house shall specify the propositions  
24 to which it is to apply, and must be put into effect  
25 before roll call is taken on the proposition. The  
26 request may be filed at any time before final action  
27 upon the propositions with the chief clerk, who shall  
28 notify the house immediately.

29 Rule 78

30 Method of Calling the House

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1 Upon a call of the house, the names of the members  
2 shall be called by the chief clerk and the absentees  
3 noted, after which the names of the absentees shall

4 again be called. The sergeant-at-arms shall be  
5 directed by the speaker to compel the attendance of  
6 absent members, unless they are previously excused.  
7 Any member occupying the member's seat during a call  
8 of the house shall be counted by the speaker and that  
9 person's name entered in the journal as being present  
10 for the purpose of making a quorum.

11 Rule 79

12 Method of Calling the Roll

13 The electrical voting machine shall be used for a  
14 call of the house, a quorum call or a roll call vote  
15 on any question. If the electrical voting machine is  
16 not in operating order when it is necessary to take a  
17 record roll call vote, the presiding officer shall  
18 order the vote to be taken by calling the roll in  
19 alphabetical order, except the name of the presiding  
20 officer shall be called last.

21 During the casting of the vote with the voting  
22 machine, the individual votes and the vote totals  
23 shall be shown on the display boards. Before the  
24 voting machine is closed, the presiding officer shall  
25 inquire of the house, "Have you all voted?"

26 Rule 80

27 Quorum and Record Roll Call Votes

28 A majority of the members shall constitute a  
29 quorum.

30 A record roll call vote shall be ordered upon

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1 request of any two members. The names of the members  
2 requesting the record roll call shall be entered in  
3 the journal.

4 Rule 81

5 Previous Question

6 When a member moves for a previous question, that  
7 member shall state whether the motion will apply to  
8 the main question, to all the amendments, or to  
9 particular amendments. The motion requires an  
10 affirmative vote of at least a constitutional majority  
11 of the members. If the motion for a previous question  
12 is not adopted, the house shall proceed in the same  
13 manner as before the motion was made.

14 If the motion is adopted, all debate must end and  
15 the house will vote upon the question except:

16 1. If the motion applies to the main question, the  
17 member in charge of the measure will have ten minutes  
18 to speak for the purpose of closing discussion before  
19 the vote on the measure is taken.

20 2. If the motion applies to an amendment, the  
21 member proposing the amendment will have five minutes  
22 to speak for the purpose of closing discussion before

23 the vote on the amendment is taken.  
24 3. If a member has filed a written request with  
25 the chief clerk of the house indicating the member's  
26 desire to speak on a particular question. The request  
27 must be filed before the motion is made by the movant.  
28 The request allows a member to speak on a particular  
29 question before the closing discussion by the member  
30 who is in charge of the measure or who is proposing

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1 the amendment.

2 Rule 82

3 Division of the Question

4 Any member may call for a division of the question,  
5 which shall be divided if it comprehends questions so  
6 distinct that one being taken away, the remainder may  
7 stand separately for discussion by the house. A  
8 motion to strike out being lost shall not preclude  
9 either an amendment or a motion to strike out and  
10 insert. a motion to strike out and insert shall be  
11 deemed indivisible.

The motion prevailed and the resolution was adopted.

The House stood at ease at 1:08 p.m., until the fall of the gavel.

The House resumed session at 1:35 p.m., Klemmie of Plymouth in the chair.

### SPECIAL PRESENTATION

Lukan of Dubuque introduced to the House the Honorable Jim Nussle, U.S. Congressman representing the first congressional district in Iowa.

The House rose and expressed its welcome.

### SENATE MESSAGE CONSIDERED

**Senate File 36**, by committee on appropriations, a bill for an act supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting

division of the department of education, and providing effective date and applicability provisions.

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

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 4

Roberts of Carroll called up for consideration **House Concurrent Resolution 4** as follows:

1           HOUSE CONCURRENT RESOLUTION 4  
 2       BY COMMITTEE ON ADMINISTRATION AND RULES  
 3           (SUCCESSOR TO HSB 1)  
 4 A Concurrent Resolution relating to joint rules of  
 5 the Senate and House of Representatives for the  
 6 Eightieth General Assembly.  
 7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE  
 8 SENATE CONCURRING, That the joint rules of the Senate  
 9 and House of Representatives for the ~~Seventy-ninth~~  
 10 Eightieth General Assembly shall be:  
 11           JOINT RULES OF THE  
 12           SENATE AND HOUSE  
 13               Rule 1  
 14           Suspension of Joint Rules  
 15 The joint rules of the general assembly may be  
 16 suspended by concurrent resolution, duly adopted by a  
 17 constitutional majority of the senate and the house.  
 18               Rule 2  
 19           Designation of Sessions  
 20 Each regular session of a general assembly shall be  
 21 designated by the year in which such regular session  
 22 commences.  
 23               Rule 3  
 24           Sessions of a General Assembly  
 25 The election of officers, organization, hiring and  
 26 compensation of employees, and standing committees in  
 27 each house of the general assembly and action taken by  
 28 each house shall carry over from the first to the  
 29 second regular session and to any extraordinary  
 30 session of the same general assembly. The status of

Page 2

1 each bill and resolution shall be the same at the  
 2 beginning of each second session as it was immediately  
 3 before adjournment of the previous regular or  
 4 extraordinary session; however the rules of either  
 5 house may provide for re-referral of some or all bills

6 and resolutions to standing committees upon  
7 adjournment of each session or at the beginning of a  
8 subsequent regular or extraordinary session, except  
9 those which have been adopted by both houses in  
10 different forms.

11 Upon final adoption of a concurrent resolution at  
12 any extraordinary session affecting that session, or  
13 at a regular session affecting any extraordinary  
14 session which may be held before the next regular  
15 session, the creation of any calendar by either house  
16 shall be suspended and the business of the session  
17 shall consist solely of those bills or subject matters  
18 stated in the resolution adopted. Bills named in the  
19 resolution, or bills containing the subject matter  
20 provided for in the resolution, may, at any time, be  
21 called up for debate in either house by the majority  
22 leader of that house.

23 Rule 3A

24 International Relations Protocol

25 The senate and the house of representatives shall  
26 comply with the international relations protocol  
27 policy adopted by the international relations  
28 committee of the legislative council.

29 Rule 4

30 Presentation of Messages

Page 3

1 All messages between the two houses shall be sent  
2 by the secretary of the senate or the chief clerk of  
3 the house of representatives, shall be communicated to  
4 the presiding officer.

5 Rule 5

6 Printing and Form of Bills  
7 and Other Documents

8 Bills and joint resolutions shall be introduced,  
9 numbered, prepared, and printed as provided by law, or  
10 in the absence of such law, in a manner determined by  
11 the secretary of the senate and the chief clerk of the  
12 house of representatives. Proposed bills and  
13 resolutions which are not introduced but are referred  
14 to committee shall be tracked in the legislative  
15 computer system as are introduced bills and  
16 resolutions. The referral of proposed bills and  
17 resolutions to committee shall be entered in the  
18 journal.

19 All bills and joint resolutions introduced shall be  
20 in a form and number approved by the secretary of the  
21 senate and chief clerk of the house.

22 The legal counsel's office of each house shall  
23 approve all bills before introduction.

24 Rule 6

25 Companion Bills  
26 Identical bills introduced in each house shall be  
27 called companion bills. Each house shall designate  
28 the sponsor in the usual way followed in parentheses  
29 by the sponsor of the companion bill in the other  
30 house. The house where the bill is first introduced

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1 shall print the complete text.

2 Rule 7

3 Reprinting of Bills

4 Whenever any bill has been substantially amended by  
5 either house, the secretary of the senate or the chief  
6 clerk of the house shall order the bill reprinted on  
7 paper of a different color. All adopted amendments  
8 shall be distinguishable.

9 The secretary of the senate or the chief clerk of  
10 the house may order the printing of a reasonable  
11 number of additional copies of any bill, resolution,  
12 amendment, or journal.

13 Rule 8

14 Daily Clip Sheet

15 The secretary of the senate and the chief clerk of  
16 the house shall prepare a daily clip sheet covering  
17 all amendments filed.

18 Rule 9

19 Reintroduction of Bills and Other Measures

20 A bill or resolution which has passed one house and  
21 is rejected in the other shall not be introduced again  
22 during that general assembly.

23 Rule 10

24 Certification of Bills and Other Enrollments

25 When any bill or resolution which has passed one  
26 house is rejected or adopted in the other, notice of  
27 such action and the date thereof shall be given to the  
28 house of origin in writing signed by the secretary of  
29 the senate or the chief clerk of the house.

30 Rule 11

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1 Code Editor's Correction Bills

2 A bill recommended by the Code editor which is  
3 passed out of committee to the floor for debate by a  
4 committee of the house or senate within the first four  
5 weeks of convening of a legislative session and which  
6 contains Code corrections of a nonsubstantive nature  
7 shall not be amended on the floor of either house  
8 except pursuant to corrective or nonsubstantive  
9 amendments filed by the judiciary committee of the  
10 senate or the house. Such committee amendments,

11 whether filed at the time of initial committee passage  
12 of the bill to the floor for debate or after  
13 rereferral to the committee, shall not be incorporated  
14 into the bill in the originating house but shall be  
15 filed separately. Amendments filed from the floor to  
16 strike sections of the bill or the committee  
17 amendments shall be in order. Following amendment and  
18 passage by the second house, only amendments filed  
19 from the floor which strike sections of the amendment  
20 of the second house shall be in order.  
21 A bill recommended by the Code editor which is  
22 passed out of committee to the floor for debate by a  
23 committee of the house or senate within the first four  
24 weeks of convening of a legislative session and which  
25 contains Code corrections beyond those of a  
26 nonsubstantive nature shall not be amended on the  
27 floor of either house except pursuant to amendments  
28 filed by the judiciary committee of the senate or the  
29 house. Such committee amendments, whether filed at  
30 the time of initial committee passage of the bill to

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1 the floor for debate or after rereferral to the  
2 committee, shall not be incorporated into the bill in  
3 the originating house but shall be filed separately.  
4 Such a bill shall be limited to corrections which:  
5 Adjust language to reflect current practices, insert  
6 earlier omissions, delete redundancies and  
7 inaccuracies, delete temporary language, resolve  
8 inconsistencies and conflicts, update ongoing  
9 provisions, and remove ambiguities. Amendments filed  
10 from the floor to strike sections of the bill or the  
11 committee amendments shall be in order. Following  
12 amendment and passage by the second house, only  
13 amendments filed from the floor which strike sections  
14 of the amendment of the second house shall be in  
15 order.

#### Rule 12

##### Amendments by Other House

18 1. When a bill which originated in one house is  
19 amended in the other house, the house originating the  
20 bill may amend the amendment, concur in full in the  
21 amendment, or refuse to concur in full in the  
22 amendment. Precedence of motions shall be in that  
23 order. The amendment of the other house shall not be  
24 ruled out of order based on a question of germaneness.  
25 a. If the house originating the bill concurs in  
26 the amendment, the bill shall then be immediately  
27 placed upon its final passage.  
28 b. If the house originating the bill refuses to  
29 concur in the amendment, the bill shall be returned to

30 the amending house which shall either:

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1 (1) Recede, after which the bill shall be read for  
2 the last time and immediately placed upon its final  
3 passage; or

4 (2) Insist, which will send the bill to a  
5 conference committee.

6 c. If the house originating the bill amends the  
7 amendment, that house shall concur in the amendment as  
8 amended and the bill shall be immediately placed on  
9 final passage, and shall be returned to the other  
10 house. The other house cannot further amend the bill.

11 (1) If the amending house which gave second  
12 consideration to the bill concurs in the amendment to  
13 the amendment, the bill shall then be immediately  
14 placed upon its final passage.

15 (2) If the amending house refuses to concur in the  
16 amendment to the amendment, the bill shall be returned  
17 to the house originating the bill which shall either:

18 (a) Recede, after which the bill shall be read for  
19 the last time as amended and immediately placed upon  
20 its final passage; or

21 (b) Insist, which will send the bill to a  
22 conference committee.

23 2. A motion to recede has precedence over a motion  
24 to insist. Failure to recede means to insist; and  
25 failure to insist means to recede.

26 3. A motion to lay on the table or to indefinitely  
27 postpone shall be out of order with respect to motions  
28 to recede from or insist upon and to amendments to  
29 bills which have passed both houses.

30 4. A motion to concur, refuse to concur, recede,

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1 insist, or adopt a conference committee report is in  
2 order even though the subject matter has previously  
3 been acted upon.

4 Rule 13

5 Conference Committee

6 1. Within one legislative day after either house  
7 insists upon an amendment to a bill, the presiding  
8 officer of the house, after consultation with the  
9 majority leader, shall appoint three majority party  
10 members and, after consultation with the minority  
11 leader, shall appoint two minority party members to a  
12 conference committee. The majority leader of the  
13 senate, after consultation with the president, shall  
14 appoint three majority party members and, after  
15 consultation with and approval by the minority leader,



16 shall appoint two minority party members to a  
17 conference committee. The papers shall remain with  
18 the house that originated the bill.

19 2. The conference committee shall meet before the  
20 end of the next legislative day after their  
21 appointment, shall select a chair and shall discuss  
22 the controversy.

23 3. The authority of the first conference committee  
24 shall cover only issues related to provisions of the  
25 bill and amendments to the bill which were adopted by  
26 either the senate or the house of representatives and  
27 on which the senate and house of representatives  
28 differed. If a conference committee report is not  
29 acted upon because such action would violate this  
30 subsection of this rule, the inaction on the report

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1 shall constitute refusal to adopt the conference  
2 committee report and shall have the same effect as if  
3 the conference committee had disagreed.

4 4. An agreement on recommendations must be  
5 approved by at least three members from each house.  
6 The committee shall submit two originals of the report  
7 signed by at least three members of each house with  
8 one signed original and three copies to be submitted  
9 to each house. The report shall first be acted upon  
10 in the house originating the bill. Such action,  
11 including all papers, shall be immediately referred by  
12 the secretary of the senate or the chief clerk of the  
13 house of representatives to the other house.

14 5. The report of agreement is debatable, but  
15 cannot be amended. If the report contains recommended  
16 amendments to the bill, adoption of the report shall  
17 automatically adopt all amendments contained therein.  
18 After the report is adopted, there shall be no more  
19 debate, and the bill shall immediately be placed upon  
20 its final passage.

21 6. Refusal of either house to adopt the conference  
22 committee report has the same effect as if the  
23 committee had disagreed.

24 7. If the conference committee fails to reach  
25 agreement, a report of such failure signed by at least  
26 three members of each house shall be given promptly to  
27 each house. The bill shall be returned to the house  
28 that originated the bill, the members of the committee  
29 shall be immediately discharged, and a new conference  
30 committee appointed in the same manner as the first

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1 conference committee.

2 8. The authority of a second or subsequent  
3 conference committee shall cover free conference  
4 during which the committee has authority to propose  
5 amendments to any portion of a bill provided the  
6 amendment is within the subject matter content of the  
7 bill as passed by the house of origin or as amended by  
8 the second house.

9 Rule 14

10 Enrollment and Authentication of Bills

11 A bill or resolution which has passed both houses  
12 shall be enrolled in the house of origin under the  
13 direction of either the secretary or the chief clerk  
14 and its house of origin shall be certified by the  
15 endorsement of the secretary of the senate or the  
16 chief clerk of the house.

17 After enrollment, each bill shall be signed by the  
18 president of the senate and by the speaker of the  
19 house.

20 Rule 15

21 Concerning Other Enrollments

22 All resolutions and other matters which are to be  
23 presented to the governor for approval shall be  
24 enrolled, signed, and presented in the same manner as  
25 bills.

26 All resolutions and other matters which are not to  
27 be presented to the governor or the secretary of state  
28 shall be enrolled, signed, and retained permanently by  
29 the secretary of the senate or chief clerk of the  
30 house.

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1 Rule 16

2 Transmission of Bills to the Governor

3 After a bill has been signed in each house, it  
4 shall be presented by the house of origin to the  
5 governor by either the secretary of the senate or the  
6 chief clerk of the house. The secretary or the chief  
7 clerk shall report the date of the presentation, which  
8 shall be entered upon the journal of the house of  
9 origin.

10 Rule 17

11 Fiscal Notes

12 A fiscal note shall be attached to any bill or  
13 joint resolution which reasonably could have an annual  
14 effect of at least one hundred thousand dollars or a  
15 combined total effect within five years after  
16 enactment of five hundred thousand dollars or more on  
17 the aggregate revenues, expenditures, or fiscal  
18 liability of the state or its subdivisions. This rule  
19 does not apply to appropriation and ways and means  
20 measures where the total effect is stated in dollar

21 amounts.

22 Each fiscal note shall state in dollars the  
23 estimated effect of the bill on the revenues,  
24 expenditures, and fiscal liability of the state or its  
25 subdivisions during the first five years after  
26 enactment. The information shall specifically note  
27 the fiscal impact for the first two years following  
28 enactment and the anticipated impact for the  
29 succeeding three years. The fiscal note shall specify  
30 the source of the information. Sources of funds for

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1 expenditures under the bill shall be stated, including  
2 federal funds. If the fiscal director cannot make an  
3 accurate estimate, the director shall state the best  
4 available estimate or shall state that no dollar  
5 estimate can be made and state concisely the reason.  
6 The preliminary determination of whether the bill  
7 appears to require a fiscal note shall be made by the  
8 legislative service bureau which shall send a copy of  
9 the request to the legislative fiscal bureau unless  
10 the requestor specifies the request is to be  
11 confidential. Upon completion of the bill draft, the  
12 legislative service bureau shall immediately send a  
13 copy to the legislative fiscal director for review.  
14 When a committee reports a bill to the floor, the  
15 committee shall state in the report whether a fiscal  
16 note is or is not required.

17 The legislative fiscal director shall review all  
18 bills placed on the senate or house calendars to  
19 determine whether the bills are subject to this rule.

20 Additionally, a legislator may request the  
21 preparation of a fiscal note by the legislative fiscal  
22 bureau for any bill or joint resolution introduced  
23 which reasonably could be subject to this rule.

24 The legislative fiscal director shall cause to be  
25 prepared and shall approve a fiscal note within a  
26 reasonable time after receiving a request or  
27 determining that a bill is subject to this rule. All  
28 fiscal notes approved by the legislative fiscal bureau  
29 director shall be transmitted immediately to the  
30 secretary of the senate or the chief clerk of the

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1 house, after notifying the sponsor of the bill that a  
2 fiscal note has been prepared, for publication in the  
3 daily clip sheet. The secretary of the senate or  
4 chief clerk of the house shall attach the fiscal note  
5 to the bill as soon as it is available.

6 The legislative fiscal director may request the

7 cooperation of any state department or agency in  
8 preparing a fiscal note.

9 A revised fiscal note may be requested by a  
10 legislator if the fiscal effect of the bill has been  
11 changed by adoption of an amendment. However, a  
12 request for a revised fiscal note shall not delay  
13 action on a bill unless so ordered by the presiding  
14 officer of the house in which the bill is under  
15 consideration.

16 If a date for adjournment has been set, then a  
17 constitutional majority of the house in which the bill  
18 is under consideration may waive the fiscal note  
19 requirement during the three days prior to the date  
20 set for adjournment.

#### 21 Rule 18

#### 22 Legislative Interns

23 Legislators may arrange student internships during  
24 the legislative session with Iowa college, university,  
25 or law school students, for which the students may  
26 receive college credit at the discretion of their  
27 schools. Each legislator is allowed only one intern  
28 at a time per legislative session, and all interns  
29 must be registered with the offices of the secretary  
30 of the senate and the chief clerk of the house.

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1 The purpose of the legislative intern program shall  
2 be: to provide useful staff services to legislators  
3 not otherwise provided by the general assembly; to  
4 give interested college, graduate, and law school  
5 students practical experience in the legislative  
6 process as well as providing a meaningful educational  
7 experience; and to enrich the curriculum of  
8 participating colleges and universities.

9 The secretary of the senate and the chief clerk of  
10 the house or their designees shall have the following  
11 responsibilities as regards the legislative intern  
12 program:

13 1. Identify a supervising faculty member at each  
14 participating institution who shall be responsible for  
15 authorizing students to participate in the intern  
16 program.

17 2. Provide legislators with a list of  
18 participating institutions and the names of  
19 supervising professors to contact if interested in  
20 arranging for an intern.

21 3. Provide interns with name badges which will  
22 allow them access to the floor of either house when  
23 required to be present by the legislators for whom  
24 they work.

25 4. Provide orientation materials to interns prior

26 to the convening of each session.

27 Rule 19

28 Administrative Rules Review Committee Bills  
29 and Rule Referrals

30 A bill which relates to departmental rules and

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1 which is approved by the administrative rules review  
2 committee by a majority of the committee's members of  
3 each house is eligible for introduction in either  
4 house at any time and must be referred to a standing  
5 committee, which must take action on the bill within  
6 three weeks of referral, except bills referred to  
7 appropriations and ways and means committees.  
8 If, on or after July 1, 1999, the administrative  
9 rules review committee delays the effective date of a  
10 rule until the adjournment of the next regular session  
11 of the general assembly and the speaker of the house  
12 or the president of the senate refers the rule to a  
13 standing committee, the standing committee shall  
14 review the rule within twenty-one days of the referral  
15 and shall take formal committee action by sponsoring a  
16 joint resolution to disapprove the rule, by proposing  
17 legislation relating to the rule, or by refusing to  
18 propose a joint resolution or legislation concerning  
19 the rule. The standing committee shall inform the  
20 administrative rules review committee of the committee  
21 action taken concerning the rule.

22 Rule 20

23 Time of Committee Passage and Consideration of Bills

24 1. This rule does not apply to concurrent or  
25 simple resolutions, joint resolutions nullifying  
26 administrative rules, senate confirmations, bills  
27 ~~embodying redistricting plans prepared by the~~  
28 ~~legislative service bureau pursuant to chapter 42,~~ or  
29 bills passed by both houses in different forms.  
30 Subsection 2 of this rule does not apply to

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1 appropriations bills, ways and means bills, legalizing  
2 acts, administrative rules review committee bills,  
3 bills sponsored by standing committees in response to  
4 a referral from the president of the senate or the  
5 speaker of the house of representatives relating to an  
6 administrative rule whose effective date has been  
7 delayed until the adjournment of the next regular  
8 session of the general assembly by the administrative  
9 rules review committee, bills cosponsored by majority  
10 and minority floor leaders of one house, bills in

11 conference committee, and companion bills sponsored by  
12 the majority floor leaders of both houses after  
13 consultation with the respective minority floor  
14 leaders. For the purposes of this rule, a joint  
15 resolution is considered as a bill. To be considered  
16 an appropriations or ways and means bill for the  
17 purposes of this rule, the appropriations committee or  
18 the ways and means committee must either be the  
19 sponsor of the bill or the committee of first referral  
20 in the originating house.

21 2. To be placed on the calendar in the house of  
22 origin, a bill must be first reported out of a  
23 standing committee by Friday of the 10th week of the  
24 first session and the 8th week of the second session.  
25 To be placed on the calendar in the other house, a  
26 bill must be first reported out of a standing  
27 committee by Friday of the 13th week of the first  
28 session and the 11th week of the second session.  
29 3. During the 11th week of the first session and  
30 the 9th week of the second session, each house shall

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1 consider only bills originating in that house and  
2 unfinished business. During the 14th week of the  
3 first session and the 12th week of the second session,  
4 each house shall consider only bills originating in  
5 the other house and unfinished business. Beginning  
6 with the 15th week of the first session and the 13th  
7 week of the second session, each house shall consider  
8 only bills passed by both houses, bills exempt from  
9 subsection 2, and unfinished business.

10 4. A motion to reconsider filed and not disposed  
11 of on an action taken on a bill or resolution which is  
12 subject to a deadline under this rule may be called up  
13 at any time before or after the day of the deadline by  
14 the person filing the motion or after the deadline by  
15 the majority floor leader, notwithstanding any other  
16 rule to the contrary.

#### 17 Rule 21

#### 18 Resolutions

19 1. A "concurrent resolution" is a resolution to be  
20 adopted by both houses of the general assembly which  
21 expresses the sentiment of the general assembly or  
22 deals with temporary legislative matters. It may  
23 authorize the expenditure, for any legislative  
24 purpose, of funds appropriated to the general  
25 assembly. a concurrent resolution is not limited to,  
26 but may provide for a joint convention of the general  
27 assembly, adjournment or recess of the general  
28 assembly, or requests to a state agency or to the  
29 general assembly or a committee. a concurrent

30 resolution requires the affirmative vote of a majority

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1 of the senators or representatives present and voting  
2 unless otherwise specified by statute. a concurrent  
3 resolution does not require the governor's approval  
4 unless otherwise specified by statute. a concurrent  
5 resolution shall be filed with the secretary of the  
6 senate or the chief clerk of the house. a concurrent  
7 resolution shall be printed in the bound journal after  
8 its adoption.

9 2. A "joint resolution" is a resolution which  
10 requires for approval the affirmative vote of a  
11 constitutional majority of each house of the general  
12 assembly. a joint resolution which appropriates funds  
13 or enacts temporary laws must contain the clause "Be  
14 It Enacted by the General Assembly of the State of  
15 Iowa:", is equivalent to a bill, and must be  
16 transmitted to the governor for his approval. a joint  
17 resolution which proposes amendments to the  
18 Constitution of the State of Iowa, ratifies amendments  
19 to the Constitution of the United States, proposes a  
20 request to Congress or an agency of the government of  
21 the United States of America, proposes to Congress an  
22 amendment to the Constitution of the United States of  
23 America, nullifies an administrative rule, or creates  
24 a special commission or committee must contain the  
25 clause "Be It Resolved by the General Assembly of the  
26 State of Iowa:" and shall not be transmitted to the  
27 governor. A joint resolution shall not amend a  
28 statute in the Code of Iowa.

29 Rule 22

30 Nullification Resolutions

Page 19

1 A "nullification resolution" is a joint resolution  
2 which nullifies all of an administrative rule, or a  
3 severable item of an administrative rule adopted  
4 pursuant to chapter 17a of the Code. A nullification  
5 resolution shall not amend an administrative rule by  
6 adding language or by inserting new language in lieu  
7 of existing language.

8 A nullification resolution is debatable, but cannot  
9 be amended on the floor of the house or senate. The  
10 effective date of a nullification resolution shall be  
11 stated in the resolution. Any motions filed to  
12 reconsider adoption of a nullification resolution must  
13 be disposed of within one legislative day of the  
14 filing.

15 Rule 23

## 16 Consideration of Vetoes

17 1. The senate and house calendar shall include a  
18 list known as the "Veto Calendar." The veto calendar  
19 shall consist of:

20 a. Bills returned to that house by the governor in  
21 accordance with Article III, section 16 of the  
22 Constitution of the State of Iowa.

23 b. Appropriations items returned to that house by  
24 the governor in accordance with Article III, section  
25 16 of the Constitution of the State of Iowa.

26 c. Bills and appropriations items received from  
27 the other house after that house has voted to override  
28 a veto of them by the governor.

29 2. Vetoes bills and appropriations items shall  
30 automatically be placed on the veto calendar upon

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1 receipt. Vetoes bills and appropriations items shall  
2 not be referred to committee.

3 3. Upon first publication in the veto calendar,  
4 the senate majority leader or the house majority  
5 leader may call up a vetoed bill or appropriations  
6 item at any time.

7 4. The affirmative vote of two-thirds of the  
8 members of the body by record roll call is required on  
9 a motion to override an executive veto or item veto.

10 5. a motion to override an executive veto or item  
11 veto is debatable. a vetoed bill or appropriation  
12 item cannot be amended in this case.

13 6. The vote by which a motion to override an  
14 executive veto or item veto passes or fails to pass  
15 either house is not subject to reconsideration under  
16 senate rule 24 or house rule 73.

17 7. The secretary of the senate or the chief clerk  
18 of the house shall immediately notify the other house  
19 of the adoption or rejection of a motion to override  
20 an executive veto or item veto.

21 8. All bills and appropriations items on the veto  
22 calendar shall be disposed of before adjournment sine  
23 die, unless the house having a bill or appropriation  
24 item before it declines to do so by unanimous consent.

25 9. Bills and appropriations items on the veto  
26 calendar are exempt from deadlines imposed by joint  
27 rule 20.

28 ~~Rule 24~~29 ~~Special Rules Regarding Redistricting for 2001~~

30 ~~1. If, pursuant to chapter 42, either the senate~~

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1 ~~or the house of representatives rejects a~~



2 redistricting plan submitted by the legislative  
3 service bureau, the house rejecting the plan shall  
4 convey the reasons for the rejection of the plan to  
5 the legislative service bureau by resolution.  
6 2. If, pursuant to chapter 42, the legislative  
7 service bureau submits a third redistricting plan as  
8 provided by law, the senate and the house of  
9 representatives, when considering a bill embodying  
10 plan III, shall be allowed to accept for filing as  
11 amendments only such amendments which constitute the  
12 total text of a congressional plan without striking a  
13 legislative redistricting plan, the total text of a  
14 legislative redistricting plan without striking a  
15 congressional plan, or the combined total text of a  
16 congressional plan and a legislative redistricting  
17 plan, and nonsubstantive, technical corrections to the  
18 text of any such bills or amendments.

Roberts of Carroll offered the following amendment H-1001 filed by him and moved its adoption:

H-1001

1 Amend House Concurrent Resolution 4 as follows:  
2 1. Page 16, line 1, by inserting after the words  
3 "means bills," the following: "government oversight  
4 bills,".  
5 2. Page 16, by striking lines 16 through 18 and  
6 inserting the following: "an appropriations, or ways  
7 and means, or government oversight bill for the  
8 purposes of this rule, the appropriations committee,  
9 or the ways and means committee, or the government  
10 oversight committee must either be the".  
11 3. Page 16, line 23, by striking the figure  
12 "10th" and inserting the following: "10th 9th".

Amendment H-1001 was adopted.

Roberts of Carroll moved the adoption of House Concurrent Resolution 4, as amended.

The motion prevailed and the resolution, as amended, was adopted.

### IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House Concurrent Resolution 4** be immediately messaged to the Senate.

## COMMUNICATIONS RECEIVED

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

### BOARD OF REGENTS

Annual submittal of the Board of Regents Five-Year Capital Building Program for Fiscal Year 2004 through Fiscal Year 2008, pursuant to Chapter 262A.3, Code of Iowa.

### DEPARTMENT OF CORRECTIONS

Intermediate Criminal Sanctions Report, pursuant to Chapter 901B.1, Code of Iowa.

### DEPARTMENT OF ECONOMIC DEVELOPMENT

Report of funds received from the Iowa Seed Capital Liquidation Corporation for Fiscal Year 2002, pursuant to Chapter 15.106(9), Code of Iowa.

### DEPARTMENT OF EDUCATION

The Iowa Communications Network Usage Reports for Fiscal Year 2002, pursuant to Chapter 8D.10, Code of Iowa.

### DEPARTMENT OF ELDER AFFAIRS

2002 Annual Report of the Office of the Long Term Care Ombudsman, pursuant to Chapter 321.8.4(3)e, Code of Iowa.

### DEPARTMENT OF HUMAN SERVICES

Report of the Iowa TeleCare Consortium, pursuant to Chapters 1218.2 and 1228.2.1(b), Code of Iowa.

### DEPARTMENT OF PUBLIC HEALTH

Adolescent Pregnancy Report, pursuant to Chapter 100(13)(d), Code of Iowa.

### IOWA WORKFORCE DEVELOPMENT

Fiscal Year 2002 Annual Report, pursuant to Chapter 84A.5(d), Code of Iowa.

### STATE LIBRARY OF IOWA

The Fiscal year 2002 – Iowa Communications Network Usage Annual 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

- |         |   |
|---------|---|
| 2003\66 | Kevin Sandall, Charles City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2003\67 | Jean Clausen, Osage – For celebrating her 80 <sup>th</sup> birthday.  |
| 2003\68 | Ida Groth, Elma – For celebrating her 90 <sup>th</sup> birthday.  |
| 2003\69 | Elizabeth Popp, Osage – For celebrating her 99 <sup>th</sup> birthday.  |
| 2003\70 | Nick Hauser, Solon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.          |
| 2003\71 | Fred Lehman, Mt. Vernon – For celebrating his 80 <sup>th</sup> birthday.  |
| 2003\72 | Marvin and Ruth Knowler, Delta – For celebrating their 50 <sup>th</sup> wedding anniversary.                        |
| 2003\73 | Harold and Maxine Mohr, Brooklyn – For celebrating their 60 <sup>th</sup> wedding anniversary.                      |
| 2003\74 | Opal Mason, North English – For celebrating her 100 <sup>th</sup> birthday.   |
| 2003\75 | William and Leona Glandon, Williamsburg – For celebrating their 65 <sup>th</sup> wedding anniversary.               |
| 2003\76 | Clara Krukow, Hampton – For celebrating her 100 <sup>th</sup> birthday.   |
| 2003\77 | Ruth Tarr Seidel, Clear Lake – For celebrating her 95 <sup>th</sup> birthday.                                       |
| 2003\78 | Chris Frenz, Mason City – For winning the Iowa Farm Bureau Excellence in Ag Reporting Award.                        |
| 2003\79 | Fern Snow Zinser, Clear Lake – For celebrating her 90 <sup>th</sup> birthday.                                       |
| 2003\80 | Marcella (Oswald) Lee, Clear Lake – For celebrating her 90 <sup>th</sup> birthday.                                  |
| 2003\81 | Robert and Marlis Ames, Rockwell – For celebrating their 55 <sup>th</sup> wedding anniversary.                      |
| 2003\82 | Ann VanBlaricom, Rockwell – For celebrating her 90 <sup>th</sup> birthday.  |

- 2003\83 Roger E. and Irene M. (Barker) Massee, Sheffield – For celebrating their 64<sup>th</sup> wedding anniversary.
- 2003\84 B.L. Berge, Garner – For celebrating her 90<sup>th</sup> birthday.
- 2003\85 Charles Broghammer, West Union – For being named Citizen of the Year.
- 2003\86 Jeanie Eglseider, Garnavillo – for celebrating her 80<sup>th</sup> birthday.
- 2003\87 Theresa Thompson, Elkader – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2003\88 Beth Dennler, Elkader – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2003\89 Elaine Landis, Elkader – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2003\90 Erica McCorkindale, Elkader – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2003\91 Melinda Jaster, Elkader – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2003\92 Bill and Karleen Ferguson, Hartley – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\93 Swede Erickson, Peterson – For celebrating his 80<sup>th</sup> birthday.
- 2003\94 Arta Plender, Orange City – For celebrating her 90<sup>th</sup> birthday.
- 2003\95 Joel Hartman, Everly – For being named Outstanding Cattleman of the Year.
- 2003\96 Eula Hungate, Everly – For celebrating her 95<sup>th</sup> birthday.
- 2003\97 Jeremy Ansel, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\98 Stephen Schwab, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\99 Dale and Sally Allee, Beacon – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\100 Gene Ferguson, Oskaloosa – For celebrating his 80<sup>th</sup> birthday.
- 2003\101 Charlotte Levgold, Oskaloosa – For celebrating her 80<sup>th</sup> birthday.
- 2003\102 Mr. and Mrs. Leland Robertson, Oskaloosa – For celebrating their 61<sup>st</sup> wedding anniversary.

- 2003\103 Irene Ford, Oskaloosa – For celebrating her 90<sup>th</sup> birthday.
- 2003\104 Merlin “Bud” and Coletta Schultz, Dubuque – For celebrating their 53<sup>rd</sup> wedding anniversary.
- 2003\105 Ove and Mildred Storla, Dubuque – For celebrating their 62<sup>nd</sup> wedding anniversary.
- 2003\106 Karl Glaspie, North English – For being named 2002 Master Pork Producer.
- 2003\107 Merrill and Clara Atwell, Chariton – For celebrating their 66<sup>th</sup> wedding anniversary.
- 2003\108 Audrey M. Haven, Davenport – For celebrating her 100<sup>th</sup> birthday.
- 2003\109 Frieda M. Goldner, Davenport – For celebrating her 100<sup>th</sup> birthday.
- 2003\110 Don and Marge Karns, Anita – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\111 Colen Roberts, Panora – For celebrating his 95<sup>th</sup> birthday.
- 2003\112 Helen Moylan, Bayard – For celebrating her 87<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 14

Human Resources: Upmeyer, Chair; Freeman and H. Miller.

##### House File 17

Human Resources: Boddicker, Chair; Greimann and Roberts.

##### House File 18

Human Resources: Tymeson, Chair; Berry and Boddicker.

##### House File 19

Human Resources: Upmeyer, Chair; Freeman and Wendt.

##### House File 22

Human Resources: Boddicker, Chair; Carroll and Smith.

##### House File 27

Environmental Protection: Wilderdyke, Chair; Greimann and S. Olson.

**House File 33**

Natural Resources: Freeman, Chair; Lykam and J.R. Van Fossen.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT****House Study Bill 19**

Natural Resources: Boggess, Chair; Baudler and Davitt.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 26 Judiciary**

Eliminating the limitation on the reduction in damages awarded to plaintiffs who fail to wear a safety belt or safety harness.

**H.S.B. 27 Judiciary**

Relating to recovery of prejudgment interest in relation to an offer to confess judgment.

**H.S.B. 28 Judiciary**

Relating to the criminal offense of identity theft by making changes in the elements of the offense.

**H.S.B. 29 Judiciary**

Providing that interest on weekly workers' compensation payments is paid at the same rate as for court judgments and decrees.

**H.S.B. 30 Judiciary**

Relating to the nondisclosure of certain information contained in psychological test material.

**H.S.B. 31 Commerce, Regulation and Labor**

Relating to the definition and authorized activities of a licensed real estate broker and making criminal penalties applicable.

## HOUSE COMMITTEE APPOINTMENT

The Speaker announced the following appointment to the Human Resources Standing Committee: Representative Lukan of Dubuque replaces Representative Arnold of Lucas.

## RESOLUTION FILED

**HCR 5**, by Alons, Boal, Rayhons, De Boef, Freeman, Baudler, Maddox, Tymeson, Greiner, Heaton, Chambers, Eichhorn, Hoffman, Raecker, J.K. Van Fossen, Dix, Huseman, Tjepkes, Boggess, Elgin, Paulsen, Lalk, Lukan, Jenkins, Jacobs, Granzow, D. Hanson, Rasmussen, Schickel, Upmeyer, Dolecheck, Hahn, J.R. Van Fossen, Hutter, S. Olson, Sands, Dennis, Drake, Klemme, Kramer, Kurtenbach, and Arnold, a concurrent resolution to recognize February 6 as Ronald Reagan Day in the State of Iowa.

Laid over under **Rule 25**.

On motion by Jacobs of Polk the House adjourned at 1:44 p.m., until 8:45 a.m., Thursday, January 23, 2003.

# JOURNAL OF THE HOUSE

Eleventh Calendar Day - Eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 23, 2003

The House met pursuant to adjournment at 8:46 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend David Ruhl, pastor of Plymouth Congregational Church, Des Moines. He was the guest of Representative Jacobs of Polk County.

The Journal of Wednesday, January 22, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 48**, by Jones, a bill for an act relating to formatting standards for recording documents or instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date.

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

**House File 49**, by Greimann and B. Hansen, a bill for an act relating to the healthy and well kids in Iowa program.

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

**House File 50**, by Alons, Arnold, D. Hanson, Baudler, Chambers, Horbach, J. R. Van Fossen, and Klemme, a bill for an act applying the death penalty or life imprisonment for the offense of first degree murder, by establishing circumstances under which the death penalty will be applied, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing an effective date and for the Act's applicability.

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



**House File 51**, by Smith, a bill for an act relating to child endangerment offenses that result in the death of a child or minor and providing a penalty.

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

**House File 52**, by Murphy, a bill for an act relating to homeowners' associations.

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

**House File 53**, by Wilderdyke, a bill for an act permitting the use of residential elevators in certain churches to transport persons with disabilities.

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

#### SPECIAL PRESENTATIONS

Elgin of Linn introduced to the House the Honorable Rosemary Thomson former Representative from Linn County.

The House rose and expressed its welcome.

Speaker Rants introduced several community college students from community colleges across the state that were here visiting the Capitol.

The House rose and expressed its welcome.

#### SPONSORS ADDED (House Resolution 3)

Greimann of Story requested to be added as a sponsor of House Resolution 3.

Heddens of Story requested to be added as a sponsor of House Resolution 3.

Hogg of Linn requested to be added as a sponsor of House Resolution 3.

### 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

- |          |   |
|----------|---|
| 2003\113 | John "Jack" Barker, Indianola – For celebrating his 80 <sup>th</sup> birthday.  |
| 2003\114 | Kathryn Petrositch, Battle Creek – For celebrating her 100 <sup>th</sup> birthday.  |
| 2003\115 | Lee Walter, Cresco – For his dedicated volunteerism in radio communications for disaster relief.  |
| 2003\116 | Ernie Martin, Cresco – For his dedicated volunteerism in radio communications for disaster relief.  |
| 2003\117 | Gordon Jorgensen, Milford – For achieving his 300 <sup>th</sup> Career Victory in Varsity Basketball on 1-21-03.  |
| 2003\118 | Ted and Louise Venenga, Little Rock – For celebrating their 60 <sup>th</sup> wedding anniversary.   |
| 2003\119 | Ken Sabers, Rock Valley – For receiving the Karl King Distinguished Service Award by the Northwest Iowa Band Master Association.  |
| 2003\120 | Ryan Jesse, Roland – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.  |
| 2003\121 | Samuel Steven Becker, Storm Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.  |
| 2003\122 | Elmer "Bud" Heth, Cedar Falls – For celebrating his 80 <sup>th</sup> birthday.  |
| 2003\123 | Warren Thomas, Cedar Falls – For celebrating his 80 <sup>th</sup> birthday.   |
| 2003\124 | Mr. and Mrs. George Pearce, Cedar Falls – For celebrating their 65 <sup>th</sup> wedding anniversary.   |
| 2003\125 | Iowa Army National Guard 1133 <sup>rd</sup> Transportation Company, Mason City – For their dedicated service to the United State of America as they leave their families, friends and communities and depart for active duty. |

2003\126 Peggy and Eldon Vercande, North English – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 8

State Government: Connors, Chair; Dennis and Manternach.

##### House File 11

State Government: Jacobs, Chair; Dennis, M. Gaskill, Greiner, Mascher, Petersen and Rasmussen.

##### House File 12

State Government: Raecker, Chair; Oldson and Watts.

##### House File 23

Transportation: Alons, Chair; McCarthy, S. Olson, Rasmussen and Whitaker.

##### House File 29

Commerce, Regulation and Labor: Horbach, Chair; Petersen and Watts.

##### House File 31

Commerce, Regulation and Labor: Raecker, Chair; Kurtenbach and Oldson.

##### House File 40

Human Resources: Heaton, Chair; Granzow and Osterhaus.

##### House File 41

Human Resources: Boddicker, Chair; Heddens and Tymeson.

##### House File 42

Human Resources: Upmeyer, Chair; Murphy and Tymeson.

##### House File 45

Human Resources: Heaton, Chair; Granzow and Osterhaus.

##### House File 46

Commerce, Regulation and Labor: Hansen, Chair; Jacobs and Osterhaus.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 16**

Economic Growth: Wilderdyke, Chair; Dandekar and Lukan.

**House Study Bill 17**

Economic Growth: Jenkins, Chair; K. Kramer and Thomas.

**House Study Bill 18**

State Government: Hutter, Chair; Greiner and Whitead.

**House Study Bill 20**

Local Government: Van Engelenhoven, Chair; Boal and Huser.

**House Study Bill 21**

Local Government: Hoffman, Chair; D. Olson and Schickel.

**House Study Bill 22**

Local Government: Jones, Chair; Hanson and Lensing.

**House Study Bill 23**

Local Government: Hahn, Chair; Fallon and Tjepkes.

**House Study Bill 24**

Local Government: Jones, Chair; Arnold and Fallon.

**House Study Bill 25**

Local Government: Hanson, Chair; Jones and Reasoner.

**House Study Bill 26**

Judiciary: Maddox, Chair; Eichhorn and Winckler.

**House Study Bill 27**

Judiciary: Paulsen, Chair; Heaton and Swaim.

**House Study Bill 28**

Judiciary: Maddox, Chair; Berry and Hutter.

**House Study Bill 29**

Judiciary: Hutter, Chair; Dennis and Reasoner.

**House Study Bill 30**

Judiciary: Heaton, Chair; Boal and Greimann.

**House Study Bill 31**

Commerce, Regulation and Labor: Kurtenbach, Chair; Jacobs and Quirk.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 32 Economic Growth**

Relating to economic growth strategic planning.

**H.S.B. 33 Local Government**

Relating to the valuation of agricultural land for property tax purposes and including an applicability date provision.

**AMENDMENT FILED**

H—1002

H.F. 32

Jenkins of Black Hawk

On motion by Gipp of Winneshiek the House adjourned at 9:00 a.m., until 8:45 a.m., Friday, January 24, 2003.

# JOURNAL OF THE HOUSE

Twelfth Calendar Day - Ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 24, 2003

The House met pursuant to adjournment at 8:51 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Mary Gaskill, state representative from Wapello County.

The Journal of Thursday, January 23, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 54**, by Alons, Klemme, Manternach, Lalk, Huseman, Boggess, Mertz, De Boef, Eichhorn, and Chambers, a bill for an act relating to certification fees charged to commercial manure applicators, and providing an effective date.

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

**House File 55**, by D. Olson, Bukta, Myers, Ford, Berry, Reasoner, Murphy, Kuhn and McCarthy, a bill for an act making an appropriation to the department of education for purposes of making technology available to students of accredited nonpublic schools.

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

**House File 56**, by Wise, a bill for an act increasing the limitation on compensation to a member of the board of directors of a school corporation under certain circumstances.

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

**House File 57**, by McCarthy, Kramer, Murphy, and Jenkins, a bill for an act requiring members of the clergy to be mandatory reporters of child abuse under certain circumstances.

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

**House File 58**, by Winckler, Lensing, Greimann, Jochum, Foege, D. Olson, Berry, Stevens, Mascher, Murphy, Osterhaus, Cohoon, Lykam, Wendt, Heddens, Whitead, Kuhn, Frevert, D. Taylor, and Davitt, 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 59**, by Fallon, a bill for an act legalizing the sale and use of fireworks, providing for exceptions and limitations on sales and use, and providing penalties.

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

**House File 60**, by Boddicker and Upmeyer, a bill for an act designating advanced registered nurse practitioners as providers of health care services pursuant to managed care or prepaid services contracts under the medical assistance program.

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

**SPONSOR ADDED**  
(House File 57)

Mertz of Kossuth requested to be added as a sponsor of House File 57.

**COMMUNICATIONS RECEIVED**

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

**DEPARTMENT OF CORRECTIONS**  
Iowa Prison Industries

2001/2002 Annual Report, pursuant to Chapter 904.102, Code of Iowa.

**DEPARTMENT OF INFORMATION TECHNOLOGY**

Annual Report for Agency Revolving Fund, Sources and Uses for Fiscal Year 2002, pursuant to Chapter 14B.103, Code of Iowa.

## DEPARTMENT OF NATURAL RESOURCES

Report of the State Preserves Advisory Board for the Biennium 2001-2002, pursuant to Chapter 465C.8, Code of Iowa.

## SUBCOMMITTEE ASSIGNMENT

## House File 48

Local Government: Jones, Chair; M. Gaskill and Maddox.

## 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 PUBLIC SAFETY

**Committee Bill (Formerly House Study Bill 5)**, relating to a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

Fiscal Note is not required.

Recommended **Do Pass** January 23, 2003.

**Committee Bill (Formerly House Study Bill 7)**, requiring motor vehicle operators to take certain precautions when passing stationary utility maintenance vehicles and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** January 23, 2003.

On motion by Lukan of Dubuque the House adjourned at 8:54 a.m., until 1:00 p.m., Monday, January 27, 2003.



# JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 27, 2003

The House met pursuant to adjournment at 1:03 p.m., Speaker pro tempore Carroll in the chair.

Prayer was offered by Reverend David Larson, pastor of the First Baptist Church, Independence. He was the guest of Representative Dan Rasmussen of Buchanan County.

The Journal of Friday, January 24, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nicholas A. Sievert, the Chief Clerk's Page from West Des Moines.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Klemme of Plymouth on request of Gipp of Winneshiek.

## INTRODUCTION OF BILLS

**House File 61**, by Tymeson, Alons, Lukan, Paulsen, and D. Taylor, a bill for an act extending veterans benefits, preferences, and tax exemptions to certain members of reserve forces of the United States and the Iowa national guard, and providing an effective date.

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

**House File 62**, by Osterhaus, a bill for an act relating to required disclosure of information to residents of continuing care retirement communities and senior adult congregate living facilities and making penalties applicable.

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

**House File 63**, by Jochum, Reasoner, Murphy, Oldson, Whitead, Lykam, D. Olson, Myers, Bukta, Whitaker, Hogg, Gaskill, Berry, Frevert, Wendt, Mertz, Cohoon, Winckler, Lensing, Miller, Ford, Petersen, Thomas, Osterhaus, Foege, Mascher, Kuhn, Greimann, Dandekar, Heddens, Davitt, Fallon, Smith, Shoultz, Connors, T. Taylor, D. Taylor, and Stevens, a bill for an act relating to third-party payment of health care coverage costs for mental health conditions, including substance abuse treatment services.

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

**House File 64**, by Boddicker, a bill for an act relating to modification of a child custody order based on exposure of the child to a cohabiting intimate partner.

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

## CONSIDERATION OF BILLS

### Appropriations Calendar

**House File 32**, a bill for an act relating to the allowance of and reimbursement for the homestead, agricultural land, and elderly and disabled property tax credits, increasing appropriations previously reduced, and providing an effective date, was taken up for consideration.

Jenkins of Black Hawk offered amendment H-1002 filed by him as follows:

H-1002

- 1 Amend House File 32 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. HOMESTEAD TAX CREDIT.
- 5 1. There is appropriated from the general fund of
- 6 the state to the department of revenue and finance for
- 7 the fiscal year beginning July 1, 2002, and ending
- 8 June 30, 2003, the following amount for the purpose
- 9 designated:
- 10 For reimbursing counties for granting homestead tax
- 11 credits as provided in subsection 2:
- 12 ..... \$ 2,375,123
- 13 2. The appropriation made in subsection 1 shall be

14 used to reimburse counties, to the extent not  
15 previously reimbursed, that granted to taxpayers the  
16 homestead credit pursuant to section 425.1 for taxes  
17 payable in the fiscal year beginning July 1, 2002. If  
18 the amount appropriated is insufficient to reimburse  
19 all credits granted, the department shall prorate the  
20 reimbursements. Payments made pursuant to this  
21 subsection shall not be made sooner than March 15,  
22 2003.

23 3. The appropriation in subsection 1 is in  
24 addition to the appropriation made in section 425.1 as  
25 limited by 2002 Iowa Acts, chapter 1171, section 175,  
26 subsection 10, as amended by 2002 Iowa Acts, Second  
27 Extraordinary Session, chapter 1003, section 181.

28 Sec. 2. ELDERLY AND DISABLED TAX CREDIT.

29 1. There is appropriated from the general fund of  
30 the state to the department of revenue and finance for  
31 the fiscal year beginning July 1, 2002, and ending  
32 June 30, 2003, the following amount for the purpose  
33 designated:

34 For reimbursing counties for granting elderly and  
35 disabled tax credits as provided in subsection 2:  
36 .....\$ 355,349

37 2. The appropriation made in subsection 1 shall be  
38 used to reimburse counties, to the extent not  
39 previously reimbursed, that granted to taxpayers the  
40 elderly and disabled tax credit pursuant to section  
41 425.23 for taxes payable in the fiscal year beginning  
42 July 1, 2002. If the amount appropriated is  
43 insufficient to reimburse all credits granted, the  
44 department shall prorate the reimbursements. Payments  
45 made pursuant to this subsection shall not be made  
46 sooner than March 15, 2003.

47 3. The appropriation in subsection 1 is in  
48 addition to the appropriation made in section 425.39  
49 as limited by 2002 Iowa Acts, chapter 1171, section  
50 176, as amended by 2002 Iowa Acts, Second

Page 2

1 Extraordinary Session, chapter 1003, section 182.

2 Sec. 3. AGRICULTURAL LAND TAX CREDIT.

3 1. There is appropriated from the general fund of  
4 the state to the department of revenue and finance for  
5 the fiscal year beginning July 1, 2002, and ending  
6 June 30, 2003, the following amount for the purpose  
7 designated:

8 For reimbursing counties for granting agricultural  
9 land tax credits as provided in subsection 2:  
10 .....\$ 798,515

11 2. The appropriation made in subsection 1 shall be  
12 used to reimburse counties, to the extent not

13 previously reimbursed, that granted to taxpayers the  
14 agricultural land tax credit pursuant to section 426.7  
15 for taxes payable in the fiscal year beginning July 1,  
16 2002. If the amount appropriated is insufficient to  
17 reimburse all credits granted, the department shall  
18 prorate the reimbursements. Payments made pursuant to  
19 this subsection shall not be made sooner than March  
20 15, 2003.

21 3. The appropriation in subsection 1 is in  
22 addition to the appropriation made in section 426.1 as  
23 limited by 2002 Iowa Acts, chapter 1171, section 175,  
24 subsection 11, as amended by 2002 Iowa Acts, Second  
25 Extraordinary Session, chapter 1003, section 181.

26 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
27 immediate importance, takes effect upon enactment."

28 2. Title page, by striking lines 1 through 4, and  
29 inserting the following: "An Act relating to  
30 supplemental appropriations to reimburse counties for  
31 certain property tax credits and exemptions allowed  
32 and including an effective date."

Gipp of Winneshiek asked and received unanimous consent that House File 32 be deferred and that the bill retain its place on the calendar. (Amendment H-1002 pending)

On motion by Gipp of Winneshiek, the House was recessed at 1:17 p.m., until 4:30 p.m.

### AFTERNOON SESSION

The House reconvened at 4:34 p.m., Speaker Rants in the chair.

### INTRODUCTION OF BILLS

**House File 65**, by committee on public safety, a bill for an act providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

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

**House File 66**, by committee on public safety, a bill for an act requiring motor vehicle operators to take certain precautions when passing stationary utility maintenance vehicles and making a penalty applicable.

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

The House stood at ease at 4:35 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., Speaker Rants in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

D. Taylor of Linn on request of T. Taylor of Linn.

The House resumed consideration of **House File 32**, a bill for an act relating to the allowance of and reimbursement for the homestead, agricultural land, and elderly and disabled property tax credits, increasing appropriations previously reduced, and providing an effective date, found on pages 168-170 of the House Journal. (Amendment H-1002 pending)

On motion by Jenkins of Black Hawk, amendment H-1002 was adopted.

Jenkins of Black Hawk 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. 32)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevrt	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.

Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdike	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 2:

Klemme                      Taylor, D.

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

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 32** be immediately messaged to the Senate.

### COMMUNICATIONS RECEIVED

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

#### DEPARTMENT OF CORRECTIONS

Intermediate Criminal Sanctions Report, pursuant to Chapter 902.3A, Code of Iowa.

#### DEPARTMENT OF INSPECTIONS AND APPEALS

Annual Report of ICN Savings, pursuant to Chapter 8D.1, 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

- 2003\127 Wilbert Stroebele, Council Bluffs – For celebrating his 90<sup>th</sup> birthday.
- 2003\128 Howard Nielsen, Council Bluffs – For celebrating his 80<sup>th</sup> birthday.
- 2003\129 Jim Marshall, Council Bluffs – For celebrating his 80<sup>th</sup> birthday.
- 2003\130 Elmer and Lorine Petersen, Council Bluffs – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\131 Robert and Joan Olsen, Council Bluffs – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\132 LeRoy and Barbara Oamek, Council Bluffs – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\133 Dorothy Sherman, Eagle Grove – For celebrating her 85<sup>th</sup> birthday.
- 2003\134 Martha Ruiter, Clarion – For celebrating her 90<sup>th</sup> birthday.
- 2003\135 Ella Ludwig, Webster City – For celebrating her 90<sup>th</sup> birthday.
- 2003\136 Kenneth Johnson, Stratford – For celebrating his 86<sup>th</sup> birthday.
- 2003\137 Marie Stecher, Belmond – For celebrating her 85<sup>th</sup> birthday.
- 2003\138 Bonnie and Robert Brayton, Eagle Grove – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\139 Eleanor and Wilbur Schumaker, Webster City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\140 Naomi and Clarence Peterson, Clarion – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2003\141 Marion and Gerhard Gabrielson, Belmond – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\142 Bernice and Richard Trausch, Belmond – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\143 Mr. and Mrs. Raymond Johnson, La Porte City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\144 Linda Hilmer, La Porte City – For celebrating her 100<sup>th</sup> birthday.
- 2003\145 Mr. and Mrs. Floyd Koob, Jesup – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\146 Henry and Gertie Vander Ploeg, Paullina – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2003\147     Hattie Berghorst, Hull – For celebrating her 90<sup>th</sup> birthday.
- 2003\148     Kristoffer Andrew Griffith, Burlington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\149     Arthur Kirchoff, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2003\150     Irma Jean Pullin, Waterloo – For celebrating her 95<sup>th</sup> birthday.
- 2003\151     John Oliphant, Waterloo – For celebrating his 93<sup>rd</sup> birthday.
- 2003\152     Ray and Jeanette Speckmann, Sioux City – For celebrating their 58<sup>th</sup> wedding anniversary.
- 2003\153     Delores Morrissey, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2003\154     Cedric D. and Lydia M. Glick, Cedar Rapids – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\155     Dean Harold and Marjorie Anne Twaddle, Cedar Rapids – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\156     Wendel J. and Mary M. McAfee, Cedar Rapids – For celebrating their 50<sup>th</sup> anniversary.
- 2003\157     Gordan and Beverly Danielson, Cedar Rapids – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\158     Laura Mae Hicks, Walker – For celebrating her 80<sup>th</sup> birthday.
- 2003\159     Nettie Rammelsburg, Vinton – For celebrating her 94<sup>th</sup> birthday.
- 2003\160     Dale Thompson, Farmersburg – For celebrating his 87<sup>th</sup> birthday.
- 2003\161     Mr. and Mrs. Albert M. Ohlsen, Davenport – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\162     Ellen Marie Novak, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2003\163     Kenneth Hazleton, Shambaugh – For celebrating his 90<sup>th</sup> birthday.
- 2003\164     Elsie Morgan, Hamburg – For celebrating her 98<sup>th</sup> birthday.
- 2003\165     Viva Pearson, Clarinda – For celebrating her 95<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 10

Ways and Means: Tymeson, Chair; Kurtenbach and Wendt.



**House File 15**

Ways and Means: J. Drake, Chair; Hogg and Lalk.

**House File 20**

Ways and Means: Tymeson, Chair; Frevert and Lukan.

**House File 24**

Ways and Means: Boal, Chair; K. Kramer and Oldson.

**House File 25**

Ways and Means: Carroll, Chair; Lalk and Shoultz.

**House File 26**

Ways and Means: Hahn, Chair; Jochum and Paulsen.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 32**

Economic Growth: Wilderdyke, Chair; Granzow and H. Miller.

**House Study Bill 33**

Local Government: Hanson, Chair; Arnold and Fallon.

On motion by Jacobs of Polk the House adjourned at 5:19 p.m., until 8:45 a.m., Tuesday, January 28, 2003.

# JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 28, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Dan Witkowski, pastor of St. John's Lutheran Church, Des Moines. He was the guest of Representative Cindy Winckler of Scott County.

The Journal of Monday, January 27, 2003 was approved.

## COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 21, 2003, and is on file in the office of the Chief Clerk:

January 21, 2003

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 50 claims of general nature that were denied by the State Appeal Board during May 2002 through January, 2003.

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

Sincerely,  
Cynthia P. Eisenhauer  
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 80<sup>TH</sup> GENERAL ASSEMBLY  
May 2002 Through January 2003

<u>CLAIM</u>	<u>FULL NAME</u>	<u>CITY</u>	<u>STATE</u>	<u>TYPE</u>	<u>AMOUNT</u>
D020018	Anamosa State Penitentiary	Anamosa	IA	Grievance Sett-Reimb	\$5,847.00
G000184	Mar A Mar Inc. dba Mark Goranson	Red Oak	IA	License Refund	\$1,687.84
G020007	Hannah Witter	Cedar Rapids	IA	License Refund	\$155.00
G020120	Maxine M. Hunt	Des Moines	IA	Disabled Vet Hmstd Cr	\$1,920.00
G020165	Randall John Wheeler	Waterloo	IA	License Refund	\$931.00
G020372	Hubbard Feeds Inc.	Storm Lake	IA	IRP Refund	\$1,703.30
G020417	Heather Hackbarth	West Des Moines	IA	Back Pay	Unspecified
G020418	Wilwertl's Inc.	Dubuque	IA	License Refund	\$400.00
G020551	Great Lakes Cooperative f/k/a Superior Cooperative Elevator Company	Everly	IA	MVF Tax Refund	\$46,975.46
G020554	Maria Evans	Marion	IA	License Refund	\$52.00
G020555	Maria Evans	Marion	IA	License Refund	\$26.00
G020556	Maria Evans	Marion	IA	License Refund	\$5.00
G020557	Maria Evans	Marion	IA	License Refund	\$5.00
G020562	Steve Arends	Little Rock	IA	License Refund	\$2,219.77
G020626	David Crow	Waterville	MN	License Refund	Unspecified

<u>CLAIM</u>	<u>FULL NAME</u>	<u>CITY</u>	<u>STATE</u>	<u>TYPE</u>	<u>AMOUNT</u>
G020709	William L Anthony	Greer	SC	License Refund	\$131.00
G020743	Jeris William DeBoer	Sioux Center	IA	License Refund	\$190.00
G020790	Lloyd Grotenhuis	Sheldon	IA	License Refund	\$248.00
G020791	Lloyd Grotenhuis	Sheldon	IA	License Refund	\$166.00
G020794	Ray Gosch	Charter Oak	IA	License Refund/IRP Refund	\$715.34
G020806	Ecosystems Inc	Ottumwa	IA	IRP	\$543.90
G020838	Tri-County Community School District	Thornburg	IA	State aid	\$6,209.03
G020839	Jack I. Sutcliffe	Mason City	IA	Real Estate Transfer	\$125.95
G020873	Rhonda R. Burrage	Knoxville	TN	Child Care	\$480.00
G020874	Jimmy Glen Wood, Sr.	Hornick	IA	Penalty Refund	\$307.81
G020877	Jack L. Bristow	Sioux City	IA	License Refund	Unspecified
G020887	G. LaVere Cook	Winterset	IA	License Refund	Unspecified
G020902	Loren P. Dostal	Toledo	IA	License Refund	\$416.16
G020915	McCabe Trucking-Tammy Krana	Davenport	IA	Refund Penalty	Unspecified
G020958	Kenneth Rohde	Boyden	IA	Outdated Warrant	\$148.03
G020959	Thomas A. Guntren	Sioux City	IA	IRP Refund	\$1,600.00
G020961	Jerold R. Juett	Marion	IA	Refund Penalty	\$100.00
G020967	Kathleen H. Paul	Des Moines	IA	Refund Penalty	\$50.00
G020978	Kathryn J. Greenwood	Edwards	MO	License Refund	\$137.00
G021042	Travis Dwight Foley	Storm Lake	IA	License Refund	\$15.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>CITY</u>	<u>STATE</u>	<u>TYPE</u>	<u>AMOUNT</u>
G030008	Dale Vonnahme dba Vonnahme Construction	Carroll	IA	Refund Penalty	\$1,596.61
G030056	Roland Tiemeyer/Tiemeyer Enterprises, Inc	Shenandoah	IA	IRP Refund	Unspecified
G030067	Eric Stephen Meyer	Sabula	IA	IRP Refund	Unspecified
G030069	Kenneth S. Wayne	Ottumwa	IA	Refund Penalty	\$184.00
G030132	Southwest Iowa Services, LLC - Bruce Lauver, Owner	Council Bluffs	IA	License Refund	\$3,038.15
G030150	Lori Christine Beckman	Waterloo	IA	License Refund	\$172.00
G030153	Kristina Marie Monahan	Ankeny	IA	License Refund	\$92.00
G030193	Mount Ayr Community Schools -Tyler Williams- Superintendent	Mount Ayr	IA	Professional Services	\$14,989.00
G030205	Ames Community School District	Ames	IA	Professional Services	\$8,358.10
G030227	Central Lyon Community Schools	Rock Rapids	IA	Professional Services	\$5,601.47
G030297	City of Granger, Iowa	Granger	IA	Sales/Use Tax Refund	\$14,640.20
G030321	Pleasant Valley Community School District	Pleasant Valley	IA	FY02 Reimburse- ment	\$7,149.49
G030330	Tim Hains	Sioux City	IA	License Refund	\$559.00
G030331	Timothy Laverne Hains	Sioux City	IA	License Refund	\$70.00
G030332	Timothy Laverne Hains	Sioux City	IA	License Refund	\$9.00

## 2003 HOUSE COMMITTEE REVISIONS

The Speaker announced the following appointments to the standing committees of the House due to the resignation of Representative Frank Chiodo of Polk:

**John Connors**

Commerce, Regulation and Labor

(will no longer serve on the Transportation committee)

**Geri Huser**

Ways and Means

(will no longer serve on the Public Safety committee)

**Kevin McCarthy**

Natural Resources

Public Safety (Ranking Member)

**Robert Osterhaus**

(will no longer serve on the Human Resources committee)

**Brian Quirk**

Agriculture

**Todd Taylor**

Administration and Rules

(will no longer serve on the Administration and Regulation Budget Subcommittee)

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, January 27, 2003. Had I been present, I would have voted "aye" on House File 32.

KLEMME of Plymouth

I was necessarily absent from the House chamber on Monday, January 27, 2003. Had I been present, I would have voted "aye" on House File 32.

D. TAYLOR of Linn

## COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

## BOARD OF REGENTS

Annual Report on the Beginning Farm Center at Iowa State University, pursuant to Chapter 266.39E, 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

- |          |   |
|----------|---|
| 2003\166 | Kent Pliner, Otho – For winning the Hog Wild Award.   |
| 2003\167 | Marcidas “Babe” Simon, Cedar Falls – For celebrating her 80 <sup>th</sup> birthday.                     |
| 2003\168 | Glen and Cheryl Christensen, Scranton – For being named 2002 Master Pork Producer.                      |
| 2003\169 | Bill and Pat Jensen, Battle Creek – For celebrating their 50 <sup>th</sup> wedding anniversary.         |
| 2003\170 | Jim and Carol Kolb, Arthur – For celebrating their 50 <sup>th</sup> wedding anniversary.                |
| 2003\171 | Lester R. Weifenbach, Schleswig – For celebrating his 80 <sup>th</sup> birthday.                        |
| 2003\172 | Mr. and Mrs. Keith Cooper, Davenport – For celebrating their 50 <sup>th</sup> wedding anniversary.      |
| 2003\173 | Raymond Perlick, Davenport – For celebrating his 81 <sup>st</sup> birthday.                             |
| 2003\174 | Howard Abel Jr., Davenport – For celebrating his 80 <sup>th</sup> birthday.                             |
| 2003\175 | Clarence and Donna Klodt, Milton – For celebrating their 50 <sup>th</sup> wedding anniversary.          |
| 2003\176 | Francis and Clara Tenge, North Washington – For celebrating their 50 <sup>th</sup> wedding anniversary. |
| 2003\177 | George Dahms, Gladbrook – For celebrating his 100 <sup>th</sup> birthday.                               |
| 2003\178 | Walter Bergeson, Ames – For celebrating his 90 <sup>th</sup> birthday.                                  |

- 2003\179 Dorothy Claussen, Bettendorf – For celebrating her 80<sup>th</sup> birthday.
- 2003\180 Lloyd Jungman, Adel – For 50 years of business in cattle reproduction, as the owner and operator of Hawkeye Breeders Service, Inc.
- 2003\181 Mr. and Mrs. Leo Weil, Adel – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\182 Steven Thompson, Van Meter – For winning the school level competition of the National Geographic Bee.
- 2003\183 Mr. and Mrs. Al Harms, Sioux City – For celebrating their 74<sup>th</sup> wedding anniversary.
- 2003\184 Martin and Barbara Martens, Sioux City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\185 Jim and Joyce Kelley, Glenwood – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\186 Wayne and Lila Hopping, Oakland – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\187 Bob and Betty Beecher, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\188 Frank and Fay McCauley, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\189 Warren and Bernice Gulick, Garrison – For celebrating their 52<sup>nd</sup> wedding anniversary.
- 2003\190 Ilma Schminke, Vinton – For celebrating her 97<sup>th</sup> birthday.
- 2003\191 Michael Harland, Letts – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\192 Mr. and Mrs. Robert Garvey, Dunkerton – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\193 Eldon Schmidtke, Fairbank – For celebrating his 81<sup>st</sup> birthday.
- 2003\194 Ruby Schmidtke, Fairbank – For celebrating her 80<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

#### House File 35

State Government: Jacobs, Chair; Dennis, M. Gaskill, Greiner, Mascher, Petersen and Rasmussen.



**House File 36**

State Government: Jacobs, Chair; Dennis, M. Gaskill, Greiner, Mascher, Petersen and Rasmussen.

**House File 49**

Human Resources: Boddicker, Chair; Greimann and Heaton.

**House File 52**

Commerce, Regulation and Labor: Raecker, Chair; Murphy and Watts.

**House File 53**

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

**House File 57**

Human Resources: Boddicker, Chair; Roberts and Smith.

**House File 60**

Human Resources: Upmeyer, Chair; Boddicker and Wendt.

**House File 62**

Human Resources: Granzow, Chair; Osterhaus and Upmeyer.

**House File 63**

Commerce, Regulation and Labor: Hansen, Chair; Osterhaus and Sands.

**House File 64**

Human Resources: Boddicker, Chair; Carroll and Foege.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 34 Economic Growth**

Establishing a growth restriction for the state general fund expenditure limitation.

**H.S.B. 35 Economic Growth**

Relating to cluster groups under the new jobs and income program.

**H.S.B. 36 Natural Resources**

Relating to the registration of hunting outfitters or hunting guides and providing a penalty.

**H.S.B. 37 Transportation**

Relating to the jurisdiction and funding of roads by transferring jurisdiction of and funding for certain primary and farm-to-market roads, increasing the local effort required to receive and use certain road funds, modifying the method for classification of area service "C" roads, and establishing a street construction fund distribution advisory committee, and making appropriations.

**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 APPROPRIATIONS**

**Senate File 36** (Formerly Senate Study Bill 1006), supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting division of the department of education, and providing effective date and applicability provisions.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-1004** January 27, 2003.

**RESOLUTION FILED**

**HR 5**, by Hansen and Hoffman, a resolution designating January 29, 2003, as Iowa Insurance Day.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1004	S.F. 36	Committee on Appropriations
H—1005	H.F. 65	Shoultz of Black Hawk
H—1006	H.F. 66	Tjepkes of Webster

On motion by Jacobs of Polk the House adjourned at 8:52 a.m., until 8:45 a.m., Wednesday, January 29, 2003.

# JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 29, 2003

The House met pursuant to adjournment at 8:46 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Orris L. Drake, pastor of Shelby United Methodist Church, Shelby. He was the guest of Representative Drake of Pottawattamie County.

The Journal of Tuesday, January 28, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 67**, by Foege, a bill for an act establishing a children's environmental health and protection advisory council.

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

**House File 68**, by Wise, a bill for an act relating to the authority of the county board of supervisors to approve or disapprove certain city zoning ordinances or regulations and providing for the Act's applicability.

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

**House File 69**, by Foege, a bill for an act relating to children's product safety and providing civil penalties.

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

**House File 70**, by Eichhorn, a bill for an act establishing a biennial appropriations process and providing effective and applicability dates.

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

**House File 71**, by Alons, a bill for an act prohibiting the cancellation or nonrenewal of property and casualty insurance policies due to certain claims involving no fault of the insureds.

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

**House File 72**, by Jochum, a bill for an act relating to the classification as commercial property for property taxation of certain animal feeding operation structures and including an applicability date provision.

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

**House File 73**, by Jochum, a bill for an act providing for the assignment of pension benefits from state-administered retirement systems for the payment of health insurance coverage premiums.

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

**House File 74**, by Foege, a bill for an act providing for a study of mental health treatment in correctional settings.

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

**House File 75**, by Jochum, a bill for an act relating to mandatory disclosures in certain political telephone communications, and applying a penalty.

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

**House File 76**, by Hansen, a bill for an act relating to the protection of animals from injury or torment in contest events, and providing penalties.

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

**House File 77**, by Jochum, a bill for an act relating to bingo games and games using pull-tab tickets conducted by qualified organizations.

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

**House File 78**, by Eichhorn, a bill for an act relating to failure-to-warn claims in product liability actions.

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

**House File 79**, by Jochum, a bill for an act relating to the jurisdiction of the utilities board to regulate rates and services of water distributed from a privately owned water well.

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

**House File 80**, by Wendt and Whitead, a bill for an act transferring the powers and duties of the Missouri river preservation and land use authority to the loess hills development and conservation authority and providing effective dates.

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

**House File 81**, by Jochum, a bill for an act relating to disclosure of information on use of tax revenues for economic development purposes.

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

**House File 82**, by Jochum, a bill for an act creating an energy conservation program, tax credits, and an energy conservation program revolving fund and including effective and retroactive applicability date provisions.

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

#### RULE 39 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 39, relating to the House Calendar, for the immediate consideration of Senate File 36.

## CONSIDERATION OF BILL Appropriations Calendar

**Senate File 36**, a bill for an act supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting division of the department of education, and providing effective date and applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Dix of Butler offered the amendment H-1004 filed by the committee on appropriations as follows:

H-1004

- 1 Amend Senate File 36, as passed by the Senate, as
- 2 follows:
- 3 1. Page 8, by striking lines 7 through 19.
- 4 2. Title page, by striking lines 4 and 5 and
- 5 inserting the following: "defender, and providing
- 6 effective date and".
- 7 3. By renumbering as necessary.

The House stood at ease at 8:58 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 36 and the committee amendment H-1004, at 9:17 a.m., Speaker Rants in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterhaus of Jackson on request of Mascher of Johnson.

On motion by Dix of Butler, the committee amendment H-1004 was adopted.

Dix of Butler 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. 36)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 1:

Van Fossen, J.K.

Absent or not voting, 1:

Osterhaus

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

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 36** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 9:25 a.m., until 1:00 p.m.



## AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Carroll in the chair.

### INTRODUCTION OF BILLS

**House File 83**, by Drake and Baudler, a bill for an act relating to the number of controlled burns of demolished buildings conducted by certain cities.

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

**House File 84**, by Wendt and Whitead, a bill for an act allowing cities and counties to create enterprise zones near modes of transportation.

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

**House File 85**, by Whitead, Wendt, Kuhn, and Miller, a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty.

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

**House File 86**, by Murphy, a bill for an act specifying that health insurance benefits for retirees are included within the topic of insurance as a mandatory subject of bargaining for public employees.

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

**House File 87**, by Murphy, a bill for an act relating to the determination of time of death and signing of the death certificate by an advanced registered nurse practitioner.

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

**House File 88**, by Murphy, a bill for an act relating to the appointment and compensation of the administrator of the state racing and gaming commission.

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

**House File 89**, by Murphy, a bill for an act relating to city or county civil service commissions.

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

**House File 90**, by Raecker, a bill for an act providing a tax credit under the individual income tax for an individual who provides household services and care for certain dependents and including a retroactive applicability date provision.

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

### ADOPTION OF HOUSE RESOLUTION 5

Klemme of Plymouth asked and received unanimous consent for the immediate consideration of **House Resolution 5**, a resolution designating January 29, 2003, as Iowa Insurance Day.

Hoffman of Crawford moved the adoption of House Resolution 5.

The motion prevailed and the resolution was 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

- |          |  |
|----------|--|
| 2003\195 | Robert and Barbara Davin, Charles City – For celebrating their 60 <sup>th</sup> wedding anniversary. |
| 2003\196 | Larry and Donna Stewart, Charles City – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2003\197 | Shane DeBord, Atlantic – For receiving the Promotion Award at the 2003 Iowa Pork Congress.           |
| 2003\198 | Donnie Dreager, Atlantic – For receiving the Hog Wild Award at the 2003 Iowa Pork Congress.          |
| 2003\199 | Dawn Dreager, Atlantic – For receiving the Bell Ringer Award at the 2003 Iowa Pork Congress.         |

- 2003\200     Nelsine Schroeder, Sheffield – For celebrating her 80<sup>th</sup> birthday.
- 2003\201     John and Frances Schwichtenberg, Clear Lake – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\202     Mark Miller, Johnston – For being named Johnston Business Person of the Year.
- 2003\203     Dave Moody, Nevada – For receiving the 2002 Iowa Pork All-American Award from the Iowa Pork Producers Association.
- 2003\204     Dave and Becky Struthers, Collins – For being named a 2002 Iowa Master Pork Producer by the Iowa Pork Producers Association.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 4**

Appropriations: Dix, Chair; Jenkins and Wise.

##### **House File 13**

Education: Carroll, Chair; K. Kramer and Wise.

##### **House File 28**

Ways and Means: Boal, Chair; Lukan and Shoultz.

##### **House File 30**

Appropriations: Dix, Chair; Jenkins and Murphy.

##### **House File 39**

Ways and Means: Tymeson, Chair; Sands and D. Taylor.

##### **House File 44**

Appropriations: Dix, Chair; Jenkins and Murphy.

##### **House File 47**

Appropriations: Dix, Chair; Jenkins and Murphy.

##### **House File 55**

Appropriations: Dix, Chair; Jenkins and Murphy.

##### **House File 56**

Education: Boal, Chair; Schickel and Wise.

**House File 58**

Education: Dolecheck, Chair; Paulsen and Winckler.

**House File 61**

Ways and Means: Tymeson, Chair; Lukan and D. Taylor.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 34**

Economic Growth: K. Kramer, Chair; Lalk and Swaim.

**House Study Bill 35**

Economic Growth: Lukan, Chair; Dix and Stevens.

**House Study Bill 36**

Natural Resources: Baudler, Chair; Frevert and Lukan.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 38 Economic Growth**

Relating to the enterprise zone program and including effective date and applicability provisions.

**H.S.B. 39 Economic Growth**

Limiting damages for noneconomic losses arising out of the personal injury or death of a resident of a health care facility.

**H.S.B. 40 Education**

Relating to school district transportation of students participating in open enrollment.

**H.S.B. 41 Judiciary**

Relating to the commutation procedure for a class "A" felon.

## COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 2), relating to the percentage of property valuation in each county and city that is subject to the ad valorem property tax and providing for the Act's applicability.

Fiscal note is not required.

Recommended **Amend and Do Pass** January 29, 2003.

On motion by Klemme of Plymouth the House adjourned at 1:10 p.m., until 8:45 a.m., Thursday, January 30, 2003.

# JOURNAL OF THE HOUSE

Eighteenth Calendar Day - Thirteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 30, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Ron Burcham, pastor of Gloria Dei Lutheran Church, Urbandale. He was the guest of Representative Raecker of Polk County.

The Journal of Wednesday, January 29, 2003 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterhaus of Jackson on request of T. Taylor of Linn.

## INTRODUCTION OF BILLS

**House File 91**, by Elgin, a bill for an act exempting from state individual income tax the active duty pay of a member of the Iowa national guard or the armed forces of the United States and including effective and retroactive applicability dates.

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

**House File 92**, by Foege, a bill for an act relating to the required provider provisions under group health insurance policies and health maintenance organization contracts.

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

**House File 93**, by Elgin, a bill for an act modifying allocations and apportionments of road use tax funds.

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

**House File 94**, by Mascher, Hogg, Foege, and Lensing, a bill for an act relating to the age at which an elector is eligible to register to vote and to vote in a school district election.

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

**House File 95**, by Roberts, a bill for an act allowing deer hunters to use first regular gun deer hunting season licenses with unused tags during a second regular gun deer hunting season.

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

**House File 96**, by committee on ways and means, a bill for an act relating to the percentage of property valuation in each county and city that is subject to the ad valorem property tax and providing for the Act's applicability.

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

**House File 97**, by Huser, Schickel, T. Taylor, Jochum, Whitaker, McCarthy, Foege, Hogg, Whitead, Winckler, Lensing, Berry, Lykam, Greimann, Osterhaus, Miller, Wise, Bukta, Fallon, Bell, Heddens, Myers, Smith, Frevert, Shoultz, Cohoon, Kuhn, Dandekar, Struyk, Wendt, Gaskill, D. Olson, Davitt, Stevens, Reasoner, Murphy, Petersen, Mertz, Swaim, Mascher, Thomas, Connors, and D. Taylor, a bill for an act relating to mandated insurance coverage for physician-recommended mammography for women with a family history of breast cancer.

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

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF HUMAN RIGHTS  
Iowa Commission on the Status of Women

2002 Annual Report, pursuant to Chapter 435-5.6(216A), 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

- |          |   |
|----------|---|
| 2003\205 | Bill and Cora Scholten, Sully – For celebrating their 60 <sup>th</sup> wedding anniversary.           |
| 2003\206 | Jerry Castonguay, Newton – For celebrating his 80 <sup>th</sup> birthday.                             |
| 2003\207 | Bernard Linder, Osceola – For celebrating his 85 <sup>th</sup> birthday.                              |
| 2003\208 | Jim and Ellen (Nolta) Hutcheson, Albion – For celebrating their 55 <sup>th</sup> wedding anniversary. |
| 2003\209 | Helen Pace, Indianola – For celebrating her 80 <sup>th</sup> birthday.                                |
| 2003\210 | Fred Wilson, Indianola – For celebrating his 103 <sup>rd</sup> birthday.                              |

## SUBCOMMITTEE ASSIGNMENTS

### House File 54

Agriculture: Alons, Chair; Lalk and Whitaker.

### House File 71

Commerce, Regulation and Labor: Hoffman, Chair; Oldson and Watts.

### House File 74

Judiciary: Heaton, Chair; Foege and Schickel.

### House File 78

Judiciary: Boddicker, Chair; Eichhorn and Greimann.

### House File 79

Commerce, Regulation and Labor: Manternach, Chair; Connors and J.K. Van Fossen.

### House File 80

Natural Resources: Boggess, Chair; Rayhons and Whitead.

### House File 85

Natural Resources: Rasmussen, Chair; Granzow and Whitead.



**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 38**

Economic Growth: Jenkins, Chair; Boggess, Hanson, D. Olson and Smith.

**House Study Bill 39**

Economic Growth: K. Kramer, Chair; H. Miller and S. Olson.

**House Study Bill 40**

Education: Tymeson, Chair; Bukta, Raecker, Roberts and Wise.

**House Study Bill 41**

Judiciary: Schickel, Chair; Baudler and Winckler.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 42 Ethics**

Relating to the House code of ethics.

**H.S.B. 43 Ethics**

Relating to the rules governing lobbyists in the House of Representatives.

**H.S.B. 44 Local Government**

Relating to the various duties of the county treasurer.

**H.S.B. 45 Local Government**

Allowing county recorders to collect fees for planning and implementation of electronic recording and transactions and for development of electronic access websites.

**H.S.B. 46 Commerce, Regulation and Labor**

Relating to provision of telecommunications services by municipal utilities, including the burden of proof for disclosure of business information, and limiting cross-subsidization of telecommunications systems and services from other funding sources.

**H.S.B. 47 State Government**

Amending certain procedures for local government consolidation and allowing formation of local government empowerment committees.

**H.S.B. 48 Judiciary**

Requiring third-party providers of policies, contracts, or plans that provide payment or prepayment of health or medical expenses to provide coverage for neurobiological disorders and underlying comorbidity based on rates, terms, and conditions that are no more restrictive than the rates, terms, and conditions for other health or medical conditions under the policy, contract, or plan, and providing for studies by the insurance division of the department of commerce, and by the department of public health.

**H.S.B. 49 Agriculture**

Relating to the composition of the Iowa egg council.

**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 ETHICS**

**Committee Resolution** (Formerly House Study Bill 42), a resolution relating to the House code of ethics.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 2003.

**Committee Resolution** (Formerly House Study Bill 43), a resolution relating to the rules governing lobbyists in the House of Representatives.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 2003.

## RESOLUTIONS FILED

**HR 6**, by committee on ethics, a resolution relating to the House code of ethics.

Placed on the **calendar**.

**HR 7**, by committee on ethics, a resolution relating to the rules governing lobbyists in the House of Representatives.

Placed on the **calendar**.

On motion by Gipp of Winneshiek the House adjourned at 8:58 a.m., until 8:45 a.m., Friday, January 31, 2003.

# JOURNAL OF THE HOUSE

Nineteenth Calendar Day - Fourteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 31, 2003

The House met pursuant to adjournment at 8:50 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by former state representative Vern Schroeder from Polk County.

The Journal of Thursday, January 30, 2003 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 2**, by Jochum, Eichhorn, Elgin, Gaskill, Connors, Heddens, and Smith, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

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

**House File 98**, by B. Hansen, a bill for an act relating to a long-term care insurance tax credit under the individual income tax and including a retroactive applicability date provision.

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

**House File 99**, by Lalk, a bill for an act relating to the recycling property exemption from property tax and including an applicability date.

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

**House File 100**, by Smith, a bill for an act increasing the penalty for violating the requirements for securing a child under six years of age during transit in a motor vehicle.

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

**House File 101**, by Murphy, a bill for an act relating to the development and implementation of a citizenship grade by the board of directors of a school district.

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

**House File 102**, by B. Hansen, 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 103**, by Winckler, a bill for an act relating to manufactured and mobile homes by providing for tenants' rights and safety.

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

**House File 104**, by Murphy and Frevert, a bill for an act requiring third-party payors of health or medical expenses to provide coverage for screening tests for women who are at risk for ovarian cancer.

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

**House File 105**, by Jochum, Fallon, Heddens, Greimann, T. Taylor, Kuhn, Mertz, Lensing, Winckler, Mascher, Shoultz, D. Taylor, Whitaker, Frevert, Smith, and Whitead, a bill for an act relating to the Iowa clean elections Act and providing an effective date.

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

**House File 106**, by Frevert, a bill for an act providing for exceptions to municipal tort liability for claims arising from unicycling on public property.

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

**House File 107**, by Boal and Roberts, a bill for an act relating to the use of physical plant and equipment levy revenue, and providing an effective date.

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

**House File 108**, by Rayhons, Lukan, and Dolecheck, a bill for an act establishing the assessment of fees and the creation of a fund to support producers of corn and soybeans suffering losses due to contamination of their crops and appropriating moneys from the fund.

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

### CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

MARGARET A. THOMSON  
Chief Clerk of the House

2003\211      Mark Ketcham, Marshalltown – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

#### House Study Bill 46

Commerce, Regulation and Labor: Kurtenbach, Chair; Hansen and Quirk.

#### House Study Bill 47

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Lykam, Roberts and Watts.

#### House Study Bill 48

Judiciary: Maddox, Chair; Heaton and Jochum.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

#### H.S.B. 50 Commerce, Regulation and Labor

Increasing the surcharge for certain dishonored negotiable instruments.

On motion by Heaton of Henry the House adjourned at 8:54 a.m., until 1:00 p.m., Monday, February 3, 2003.

# JOURNAL OF THE HOUSE

Twenty-second Calendar Day - Fifteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 3, 2003

The House met pursuant to adjournment at 1:09 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Phil Barrett, pastor of the General Presbytery, Des Moines. He was the guest of Representative Gene Maddox of Polk County.

The Journal of Friday, January 31, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Megan Cross, the Chief Clerk's Page from Ames.

## INTRODUCTION OF BILL

**House File 109**, by Gipp, a bill for an act relating to the qualification of property for purposes of the forest reservation property tax exemption and including an applicability date provision.

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Frevert of Palo Alto and D. Taylor of Linn on request of Bukta of Clinton; Stevens of Dickinson, until his arrival, by T. Taylor of Linn.

## RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on appropriations at 3:00 p.m. today.

## CONSIDERATION OF BILL

### Regular Calendar

**House File 66**, a bill for an act requiring motor vehicle operators to take certain precautions when passing stationary utility maintenance vehicles and making a penalty applicable, was taken up for consideration.

Tjepkes of Webster offered the following amendment H-1006 filed by him and moved its adoption:

H-1006

- 1 Amend House File 66 as follows:
- 2 1. Page 1, line 5, by inserting after the word.
- 3 "vehicle," the following: "a stationary municipal
- 4 maintenance vehicle,".
- 5 2. Page 1, line 11, by inserting after the words
- 6 "utility maintenance," the following: "municipal
- 7 maintenance,".
- 8 3. Title page, line 2, by inserting after the
- 9 word "maintenance" the following: "or municipal
- 10 maintenance".
- 11 4. By renumbering as necessary.

Amendment H-1006 was adopted.

Tjepkes of Webster 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. 66)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing



Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Struyk	Swaim
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 3:

Frevert                      Stevens                      Taylor, D.

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

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 66** be immediately messaged to the Senate.

### INTRODUCTION OF BILLS

**House File 110**, by Wendt, a bill for an act allocating moneys to the Iowa Lewis and Clark bicentennial fund and providing an effective date.

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

**House File 111**, by Alons, Boddicker, Mertz, Roberts, Boal, De Boef, Lukan, Chambers, Manternach, Kramer, and Hoffman, a bill for an act relating to criteria to be used in the awarding of grants or contracts relating to family planning and reproductive health services.

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

**House File 112**, by Dolecheck, Tymeson, Boggess, Upmeyer, Tjepkes, Hahn, Roberts, Boal, Carroll, and De Boef, a bill for an act

changing the annual deadline for establishing the state percent of growth for school district budgets, and providing an effective date.

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

### APPOINTMENTS

The following individuals are appointed to the Legislative Council and Committees of the Council:

#### 2003-2004 LEGISLATIVE COUNCIL (Chapter 2.41, Code of Iowa)

Representative Christopher Rants  
Representative Danny Carroll  
Representative Chuck Gipp  
Representative Richard Myers  
Representative Bill Dix  
Representative Pat Murphy  
Representative John Connors  
Representative Sandra Greiner  
Representative Elizabeth "Libby" S. Jacobs  
Representative Willard Jenkins  
Representative Dolores Mertz  
Representative Janet Petersen

#### ADMINISTRATION COMMITTEE

Representative Danny Carroll  
Representative Elizabeth "Libby" S. Jacobs  
Representative Janet Petersen

#### CAPITAL PROJECTS

Representative Elizabeth "Libby" S. Jacobs  
Representative Bill Dix  
Representative Chuck Gipp  
Representative Patrick J. Murphy  
Representative Janet Petersen

#### FISCAL COMMITTEE

Representative Bill Dix  
Representative Elizabeth "Libby" S. Jacobs  
Representative Patrick J. Murphy  
Representative Don Shultz  
Representative Jamie Van Fossen

## INTERNATIONAL RELATIONS

Representative Willard Jenkins  
Representative Paul Bell  
Representative Swati Dandekar  
Representative Ervin A. Dennis  
Representative Elizabeth "Libby" S. Jacobs  
Representative Helen Miller  
Representative Scott Raecker

## SERVICE

Representative Christopher Rants  
Representative Danny Carroll  
Representative John Connors

## STUDIES

Representative Sandra Greiner  
Representative Chuck Gipp  
Representative Dolores Mertz  
Representative Richard Myers  
Representative Christopher Rants

## COMMUNICATIONS RECEIVED

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

### IOWA DEPARTMENT FOR THE BLIND

Report concerning the plastic and recycled content products and the soy-based inks regularly purchased by the department, pursuant to Chapter 216B.3(12d), Code of Iowa.

### IOWA HIGHER EDUCATION LOAN AUTHORITY

Annual Report, pursuant to Chapter 261A.21, Code of Iowa.

### IOWA JUDICIAL BRANCH

2002 Annual Report regarding the Enhanced Court Collections Fund and the Court Technology Fund, pursuant to Chapter 1003, Section 173(9), 2002 Iowa Acts.

## 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

- 2003\212 Harry and Lola Lake, Marshalltown – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\213 Edna Downs, Marshalltown – For celebrating her 90<sup>th</sup> birthday.
- 2003\214 Cora Yetley, Marshalltown – For celebrating her 100<sup>th</sup> birthday.
- 2003\215 Betty Halverson, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2003\216 Ada Vreeland, Marshalltown – For celebrating her 82<sup>nd</sup> birthday.
- 2003\217 Edna and Walter Jahn, Ute – For celebrating their 62<sup>nd</sup> wedding anniversary.
- 2003\218 Carl and Leona Simmons, Danbury – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\219 Laura Ortner, Mapleton – For celebrating her 80<sup>th</sup> birthday.
- 2003\220 Vernon and Leona Hollrah, Charter Oak – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\221 Irene Lakner, Mapleton – For celebrating her 92<sup>nd</sup> birthday.
- 2003\222 Donna and Don Taylor, Maquoketa – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\223 Betty and Glynn Noonan, Bernard – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\224 Don and Barb Small, Sioux City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\225 Bernard and Lenice Reilly, Sioux City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\226 Verda Muth, Sioux City – For celebrating her 90<sup>th</sup> birthday.
- 2003\227 Leonard Homan, Sioux City – For celebrating his 90<sup>th</sup> birthday.
- 2003\228 Mr. and Mrs. Wallace Kaufman, Fairbank – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\229 Mr. and Mrs. Bob Fridley, Independence – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\230 Audrey Carroll Havens, Davenport – For celebrating her 100<sup>th</sup> birthday.
- 2003\231 Frieda Guldner, Davenport – For celebrating her 100<sup>th</sup> birthday.

- 2003\232 Fr. John O'Connor, SS. Peter and Paul and St. Boniface Parishes, Petersburg – For celebrating 45 years as a Roman Catholic Priest.
- 2003\233 Joe and Rose Stalzer, Haverhill – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\234 Norman and Beverly Faucher, Waterloo – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\235 James Baker, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2003\236 Spencer Drewelow, Waterloo – For attaining the rank of, Eagle, Scout, the highest rank in the Boy Scouts of America.
- 2003\237 Mr. and Mrs. John Erickson, Davenport – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\238 Vice and Irene Schlautman, Council Bluffs – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\239 Carl and Mary Tedesco, Council Bluffs – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\240 Leora "Jo" Aughe, Council Bluffs – For celebrating her 80<sup>th</sup> birthday.
- 2003\241 Mary Clemens-Clark, Council Bluffs – For celebrating her 80<sup>th</sup> birthday.
- 2003\242 Alvin and Dorothy Denny, Klemme – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\243 Bud and Marge Schleusner, Garner – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\244 Dallas and Gladys Allen, Dumont – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\245 Mr. Royal Molander, Garner – For celebrating his 80<sup>th</sup> birthday.
- 2003\246 Carrie Wickwire, Rockwell – For celebrating her 80<sup>th</sup> birthday.
- 2003\247 Willis E. Koenigsberg, Sheffield – For celebrating his 80<sup>th</sup> birthday.
- 2003\248 Ada Assink, Kanawha – For celebrating her 83<sup>rd</sup> birthday.
- 2003\249 Matthew Hackman, Fort Atkinson – For receiving the University of Northern Iowa's Sperry Scholarship recognizing Academic Achievement and leadership.
- 2003\250 Dale and Emma Belle Edwards, Vinton – For celebrating their 60<sup>th</sup> wedding anniversary.

**SUBCOMMITTEE ASSIGNMENTS****House File 38**

Economic Growth: Hoffman, Chair; Lukan and Stevens.

**House File 83**

Environmental Protection: J. Drake, Chair; Hogg and Upmeyer.

**House File 84**

Economic Growth: Jenkins, Chair; Boggess, Hanson, D. Olson and Smith.

**House File 86**

Commerce, Regulation and Labor: Horbach, Chair; Kurtenbach and Murphy.

**House File 89**

Local Government: Schickel, Chair; Hansen and D. Olson.

**House File 92**

Commerce, Regulation and Labor: Hansen, Chair; Osterhaus and Sands.

**House File 97**

Commerce, Regulation and Labor: Hansen, Chair; Petersen and Sands.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 44**

Local Government: Tjepkes, Chair; Cohoon and Schickel.

**House Study Bill 45**

Local Government: Schickel, Chair; Arnold and Whitead.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 51 Education**

Relating to a review of statistical information compiled by the board of educational examiners from Praxis II examinations administered to initial, provisional teaching license applicants.

**H.S.B. 52 Education**

Creating a revolving fund in the state treasury to be administered by the board of educational examiners, appropriating moneys in the fund to the board, and providing for related matters.

**H.S.B. 53 Judiciary**

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

**H.S.B. 54 Judiciary**

Relating to the representation of indigent persons and indigent defense claims.

**H.S.B. 55 Judiciary**

Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

**H.S.B. 56 Judiciary**

Providing for the creation of the position of identity theft advocate.

**H.S.B. 57 Economic Growth**

Providing for a limit on the recovery of punitive or exemplary damages in a civil case.

**H.S.B. 58 Economic Growth**

Relating to the new jobs and income program and including effective and retroactive applicability date provisions.

**H.S.B. 59 Economic Growth**

Relating to economic development programs for targeted small businesses.

**H.S.B. 60 Economic Growth**

Relating to the shelter assistance fund.

**H.S.B. 61 Economic Growth**

Relating to certain tax increment finance revenues set aside for low and moderate income housing assistance and providing for the Act's applicability.

**H.S.B. 62 Commerce, Regulation and Labor**

Relating to housing assistance and improvement funds.

**H.S.B. 63 Economic Growth**

Relating to the procedures for certificates of completion of property rehabilitation projects for which tax credits may be available.

**RESOLUTIONS FILED**

**HCR 6**, by Gipp, Myers, Alons, Arnold, Baudler, Bell, Berry, Boal, Boddicker, Boggess, Bukta, Carroll, Chambers, Connors, Dandekar, De Boef, Dennis, Dix, Dolecheck, Drake, Eichhorn, Fallon, Foege, Freeman, Frevert, Gaskill, Granzow, Greimann, Greiner, Hahn, B. Hansen, D. Hanson, Heaton, Heddens, Hoffman, Hogg, Horbach, Huseman, Huser, Hutter, Jacobs, Jochum, Jones, Klemme, Kramer, Kurtenbach, Lalk, Lensing, Lukan, Lykam, Manternach, Mascher, McCarthy, Miller, Murphy, Oldson, D. Olson, S. Olson, Osterhaus, Paulsen, Petersen, Raecker, Rayhons, Reasoner, Roberts, Sands, Schickel, Smith, Stevens, Struyk, Swaim, D. Taylor, T. Taylor, Thomas, Tjepkes, Tymeson, Upmeyer, Van Engelenhoven, J.K. Van Fossen, J.R. Van Fossen, Watts, Wendt, Whitaker, Wilderdyke and Winckler, a concurrent resolution relating to the federal Medicare program and requesting assistance from the federal government.

Laid over under **Rule 25**.



**HCR 7**, by Fallon, a concurrent resolution requesting that the legislative council establish an interim study committee to study instant runoff voting.

Laid over under **Rule 25**.

**HR 8**, by Mascher, Bell, Berry, Bukta, Cohoon, Connors, Dandekar, Davitt, Fallon, Foege, Gaskill, Greimann, Heddens, Huser, Jochum, Lensing, Lykam, Mertz, Miller, Murphy, Myers, Oldson, D. Olson, Petersen, Quirk, Shoultz, Smith, Struyk, Swaim, D. Taylor, T. Taylor, Thomas, Wendt, Whitaker, Whitead, Winckler and Wise, a resolution to honor former President Jimmy Carter for winning the Nobel Peace Prize for the year 2002.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 1:25 p.m., until 8:45 a.m., Tuesday, February 4, 2003.

# JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Sixteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 4, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by the Reverend Jack Gannett, pastor of St. John's Episcopal Church, Mason City. He was the guest of Representative Bill Schickel of Cerro Gordo County.

The Journal of Monday, February 3, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 113**, by S. Olson, a bill for an act authorizing the issuance of special cattlemen's registration plates to owners of motor trucks.

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

**House File 114**, by Jones, a bill for an act changing the budget certification date applicable to school districts, and providing an applicability provision.

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

**House File 115**, by De Boef, a bill for an act creating the criminal offense of invasion of privacy in one's residence and providing a penalty.

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

**House File 116**, by Maddox, a bill for an act requiring a physician to report certain burn injuries to the state fire marshal's office, and providing a penalty.

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

**House File 117**, by Jochum, a bill for an act relating to absentee ballot applications.

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

**House File 118**, by S. Olson, a bill for an act expanding the child and dependent care credit under the individual income tax and including a retroactive applicability date.

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

### 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 February 3, 2003, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 4, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eightieth General Assembly.

Also: That the Senate has on February 3, 2003, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 1, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

MICHAEL E. MARSHALL, Secretary

### SENATE MESSAGE CONSIDERED

**Senate Joint Resolution 1**, by Kramer and Iverson, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time and referred to committee on **administration and rules**.

### ADOPTION OF HOUSE RESOLUTION 6

Raecker of Polk called up for consideration **House Resolution 6**, as follows, and moved its adoption:

1 HOUSE RESOLUTION 6  
2 BY COMMITTEE ON ETHICS  
3 (SUCCESSOR TO HSB 42)  
4 A Resolution relating to the House code of ethics.  
5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
6 That the House ~~code of ethics~~ Code of Ethics shall be  
7 as follows:  
8 HOUSE CODE OF ETHICS  
9 PREAMBLE. Every legislator and legislative  
10 employee has a duty to uphold the integrity and honor  
11 of the general assembly, to encourage respect for the  
12 law and for the general assembly, and to observe the  
13 house code of ethics. The members and employees of  
14 the house have a responsibility to conduct themselves  
15 so as to reflect credit on the general assembly, and  
16 to inspire the confidence, respect, and trust of the  
17 public. The following rules are adopted pursuant to  
18 chapter 68B of the Code, to assist the members and  
19 employees in the conduct of their activities:  
20 1. DEFINITIONS. The definitions of terms provided  
21 in chapter 68B of the Code apply to the use of those  
22 terms in these rules.  
23 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF  
24 HOUSE.  
25 a. Economic or investment opportunity. A member  
26 or employee of the house shall not solicit or accept  
27 economic or investment opportunity under circumstances  
28 where the member or employee knows, or should know,  
29 that the opportunity is being afforded with the intent  
30 to influence the member's or employee's conduct in the

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1 performance of official duties. If a member or  
2 employee of the house learns that an economic or  
3 investment opportunity previously accepted was offered  
4 with the intent of influencing the member's or  
5 employee's conduct in the performance of the official  
6 duties, the member or employee shall take steps to  
7 divest that member or employee of that investment or  
8 economic opportunity, and shall report the matter in  
9 writing to the chairperson of the house ethics  
10 committee.  
11 b. Excessive charges for services, goods, or  
12 property interests. A member or employee of the house  
13 shall not charge to or accept from a person known to  
14 have a legislative interest, a price, fee,  
15 compensation, or other consideration for the sale or  
16 lease of any property or the furnishing of services  
17 which is in excess of that which the member or  
18 employee would ordinarily charge another person.  
19 c. Use of confidential information. A member or

20 employee of the house, in order to further the  
21 member's or employee's own economic interests, or  
22 those of any other person, shall not disclose or use  
23 confidential information acquired in the course of the  
24 member's or employee's official duties. For the  
25 purpose of this rule, information disclosed in open  
26 session at a public meeting under chapter 21 of the  
27 Code and information that is a public record under  
28 chapter 22 of the Code is not confidential  
29 information.  
30 d. Employment. A member or employee of the house

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1 shall not accept employment, either directly or  
2 indirectly, from a political action committee. A  
3 member of the house shall not act as a paid lobbyist  
4 for any organization. However, this paragraph shall  
5 not prohibit a member or employee of the house from  
6 working for a candidate's committee, a political  
7 party's action committee, or a political action  
8 committee which does not expressly advocate the  
9 nomination, election, or defeat of a candidate for  
10 public office in this state or expressly advocate the  
11 passage or defeat of a ballot issue in this state and  
12 which is not interested in issues before the general  
13 assembly.  
14 For the purpose of this rule, a political action  
15 committee means a committee, but not a candidate's  
16 committee, which accepts contributions, makes  
17 expenditures, or incurs indebtedness in the aggregate  
18 of more than ~~five~~ seven hundred ~~fifty~~ dollars in any  
19 one calendar year to expressly advocate the  
20 nomination, election, or defeat of a candidate for  
21 public office or to expressly advocate the passage or  
22 defeat of a ballot issue or for the purpose of  
23 influencing legislative action.  
24 e. A member or employee of the house shall not  
25 solicit employment on behalf of the member or  
26 employee, or on behalf of another legislator or  
27 employee, as a lobbyist while the general assembly is  
28 in session.  
29 f. Certain goods or services. A member or  
30 employee of the house shall not solicit or obtain

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1 goods or services from another person under  
2 circumstances where the member or employee knows or  
3 should know that the goods or services are being  
4 offered or sold with the intent to influence the

5 member's or employee's conduct in the performance of  
6 official duties. If a member or employee of the house  
7 is afforded goods or services by another person at a  
8 price that is not available to other members or  
9 classes of members of the general public or is  
10 afforded goods or services that are not available to  
11 other members or classes of members of the general  
12 public by another person where the member or employee  
13 knows or should know that the other person intends to  
14 influence the member's or employee's official conduct,  
15 the member or employee shall not take or purchase the  
16 goods or services.

17 3. APPEARANCE BEFORE STATE AGENCY. A member or  
18 employee of the house may appear before a state agency  
19 in any representation case but shall not act as a  
20 lobbyist with respect to the passage, defeat,  
21 approval, veto, or modification of any legislation,  
22 rule, or executive order. Whenever a member or  
23 employee of the house appears before a state agency,  
24 the member or employee shall carefully avoid all  
25 conduct which might in any way lead members of the  
26 general public to conclude that the member or employee  
27 is using the member's or employee's official position  
28 to further the member's or employee's professional  
29 success or personal financial interest.

30 4. CONFLICTS OF INTEREST. In order for the

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1 general assembly to function effectively, members of  
2 the house may be required to vote on bills and  
3 participate in committee work which will affect their  
4 employment and other areas in which they may have a  
5 monetary interest. Action on bills and committee work  
6 which furthers a member's specific employment,  
7 specific investment, or other specific interest, as  
8 opposed to the interests of the public in general or  
9 the interests of a profession, trade, business, or  
10 other class of persons, shall be avoided. In making a  
11 decision relative to a member's activity on particular  
12 bills or in committee work, the following factors  
13 should be considered:

14 a. Whether a substantial threat to the member's  
15 independence of judgment has been created by the  
16 conflict situation.

17 b. The effect of the member's participation on  
18 public confidence in the integrity of the general  
19 assembly.

20 c. Whether the member's participation is likely to  
21 have any significant effect on the disposition of the  
22 matter.

23 d. The need for the member's particular

24 contribution, such as special knowledge of the subject  
25 matter, to the effective functioning of the general  
26 assembly.  
27 If a member decides not to participate in committee  
28 work or to abstain from voting because of a possible  
29 conflict of interest, the member should disclose this  
30 fact to the legislative body. The member shall not

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1 vote on any question in which the member has an  
2 economic interest that is distinguishable from the  
3 interests of the general public or a substantial class  
4 of persons.  
5 5. STATUTORY REQUIREMENTS. Members and employees  
6 of the house shall comply with the requirements  
7 contained in chapters 68B (Conflicts of Interest of  
8 Public Officers and Employees), 721 (Official  
9 Misconduct), and 722 (Bribery and Corruption), and  
10 sections 2.18 (Contempt) and 711.4 (Extortion) of the  
11 Code.  
12 6. CHARGE ACCOUNTS. Members and employees of the  
13 house shall not charge any amount or item to a charge  
14 account to be paid for by a lobbyist or any client of  
15 a lobbyist.  
16 7. TRAVEL EXPENSES. A member or employee of the  
17 house shall not charge to the state of Iowa amounts  
18 for travel and expenses unless the member or employee  
19 actually has incurred those mileage and expense costs.  
20 Members or employees shall not file the vouchers for  
21 weekly mileage reimbursement required by section 2.10,  
22 subsection 1 of the Code, unless the travel expense  
23 was actually incurred.  
24 A member or employee of the house shall not file a  
25 claim for per diem compensation for a meeting of an  
26 interim study committee or a visitation committee  
27 unless the member or employee attended the meeting.  
28 However, the speaker may waive this provision and  
29 allow a claim to be filed if the member or employee  
30 attempted to attend the meeting but was unable to do

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1 so because of circumstances beyond the member's or  
2 employee's control.  
3 8. GIFTS ACCEPTED OR RECEIVED. Members and  
4 employees of the house shall comply with the  
5 restrictions relating to the receipt or acceptance of  
6 gifts contained in section 68B.22 of the Code.  
7 9. HONORARIA RESTRICTIONS. Members and employees  
8 of the house shall comply with the restrictions  
9 relating to the receipt of honoraria contained in

10 section 68B.23 of the Code.

11 10. DISCLOSURE REQUIRED. Each member of the house  
12 and the chief clerk of the house shall file the  
13 personal financial disclosure statements required  
14 under section 68B.35 of the Code by February 15 of  
15 each year for the prior calendar year.

16 11. SEXUAL HARASSMENT. Members and employees of  
17 the house shall not engage in conduct which  
18 constitutes sexual harassment as defined in section  
19 19B.12 of the Code or pursuant to the sexual  
20 harassment policy adopted by the house committee on  
21 administration and rules.

22 12. COMPLAINTS.

23 a. Filing of complaint. Complaints may be filed  
24 by any person believing that a member or employee of  
25 the house, a lobbyist, or a client of a lobbyist is  
26 guilty of a violation of the house code of ethics, the  
27 house rules governing lobbyists, or chapter 68B of the  
28 Code.

29 b. Complaints by committee. The ethics committee  
30 may initiate a complaint on its own motion. Committee.

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1 complaints may be initiated by the committee as a  
2 result of a committee investigation or as a result of  
3 receipt of any complaint or other information that  
4 does not meet the requirements of these rules  
5 regarding the form of a complaint but that contains  
6 allegations that would form the basis for a valid  
7 complaint.

8 c. Form and contents of complaint. A complaint  
9 shall be in writing.

10 Complaint forms shall be available from the chief  
11 clerk of the house, but a complaint shall not be  
12 rejected for failure to use the approved form if it  
13 complies with the requirements of these rules. The  
14 complaint shall contain a certification made by the  
15 complainant, under penalty of perjury, that the facts  
16 stated in the complaint are true to the best of the  
17 complainant's knowledge.

18 To be valid, a complaint shall allege all of the  
19 following:

20 (1) Facts, including the approximate date and  
21 location of any event, incident, or transaction that,  
22 if true, establish a violation of a provision of  
23 chapter 68B of the Code, the house code of ethics, or  
24 house rules governing lobbyists for which penalties or  
25 other remedies are provided.

26 (2) That the conduct providing the basis for the  
27 complaint occurred within three years of the filing of  
28 the complaint.



29 (3) That the party charged with a violation is a  
30 member or employee of the house, a lobbyist, or a

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1 client of a lobbyist.

2 d. Confidentiality of complaint. The filing of  
3 the complaint and the contents of the complaint shall  
4 be confidential until the time that the committee  
5 meets to determine whether the complaint is valid,  
6 unless either the complainant or the party charged in  
7 the complaint makes the existence of, or the  
8 information contained in, the complaint public.  
9 However, if either the complainant or party alleged to  
10 have committed the violation requests that the meeting  
11 to determine whether the complaint is valid be a  
12 closed meeting and the filing of the complaint or the  
13 contents of the complaint have not been disclosed, the  
14 meeting shall be closed.

15 e. Notice of complaint. Upon receipt of the  
16 complaint, the chief clerk of the house shall promptly  
17 notify the chairperson and ranking member of the  
18 ethics committee that a complaint has been filed and  
19 provide both the chairperson and the ranking member  
20 with copies of the complaint and any supporting  
21 information. Within two working days, the chief clerk  
22 shall send notice, either by personal delivery or by  
23 certified mail, return receipt requested, to the  
24 person or persons alleged to have committed the  
25 violation, along with a copy of the complaint and any  
26 supporting information. The notice to the accused  
27 person shall contain a request that the person submit  
28 a written response to the complaint within ten working  
29 days of the date that the notice was sent by the chief  
30 clerk. At the request of the accused person, the

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1 committee may extend the time for the response, not to  
2 exceed ten additional calendar days.

3 f. Hearing regarding validity of complaint. The  
4 committee chairperson and the ranking member shall  
5 review the complaint and supporting information to  
6 determine whether the complaint meets the requirements  
7 as to form. If the complaint is deficient as to form,  
8 the complaint shall be returned to the complainant  
9 with instructions indicating the deficiency unless the  
10 committee decides to proceed on its own motion. If  
11 the complaint is in writing and contains the  
12 appropriate certification, as soon as practicable, the  
13 chairperson shall call a meeting of the committee to  
14 review the complaint to determine whether the

15 complaint meets the requirements for validity and  
16 whether the committee should request that the chief  
17 justice of the supreme court appoint an independent  
18 special counsel to conduct an investigation to  
19 determine whether probable cause exists to believe  
20 that a violation of the house code of ethics, house  
21 rules governing lobbyists, or chapter 68B of the Code,  
22 has occurred.  
23 If the committee finds that a complaint does not  
24 meet the content requirements for a valid complaint,  
25 the committee shall dismiss the complaint and notify  
26 both the complainant and the party alleged to have  
27 committed the violation of the dismissal and the  
28 reasons for dismissal. A dismissal for failure to  
29 meet the formal requirements for the filing of a  
30 complaint shall be without prejudice and the

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1 complainant may refile the complaint at any time  
2 within three years of the date that the alleged  
3 violation took place. If the dismissal is based upon  
4 a failure to allege facts and circumstances necessary  
5 for a valid complaint, the dismissal shall be with  
6 prejudice and the party shall not be permitted to file  
7 a complaint based upon the same facts and  
8 circumstances.  
9 g. Request for appointment of independent special  
10 counsel. If, after review of the complaint and any  
11 response made by the party alleged to have committed  
12 the violation, the committee determines that the  
13 complaint meets the requirements for form and content,  
14 the committee shall request that the chief justice of  
15 the supreme court appoint independent special counsel  
16 to investigate the matter and determine whether  
17 probable cause exists to believe that a violation of  
18 chapter 68B of the Code, the house code of ethics, or  
19 the house rules governing lobbyists has occurred.  
20 h. Receipt of report of independent special  
21 counsel. The report from independent special counsel  
22 regarding probable cause to proceed on a complaint  
23 shall be filed with the chief clerk of the house.  
24 Upon receipt of the report of the independent special  
25 counsel, the chief clerk shall notify the chairperson  
26 of the filing of the report and shall send copies of  
27 the report to the members of the ethics committee. As  
28 soon as practicable after the filing of the report,  
29 the chairperson shall schedule a public meeting for  
30 review of the report. The purpose of the public

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1 meeting shall be to determine whether the complaint  
2 should be dismissed, whether a formal hearing should  
3 be held on the complaint, or whether other committee  
4 action is appropriate. The complainant and the person  
5 alleged to have committed the violation shall be given  
6 notice of the public meeting, shall have the right to  
7 be present at the public meeting, and may, at the  
8 discretion of the committee, present testimony in  
9 support of or against the recommendations contained in  
10 the report.

11 If the committee determines that the matter should  
12 be dismissed, the committee shall cause an order to be  
13 entered dismissing the matter and notice of the  
14 dismissal shall be given to the complainant and the  
15 party alleged to have committed the violation. If the  
16 committee determines that the complaint should be  
17 scheduled for formal hearing, the committee shall  
18 issue a charging statement which contains the charges  
19 and supporting facts that are to be set for formal  
20 hearing and notice shall be sent to the complainant  
21 and the accused person.

22 The notice shall include a statement of the nature  
23 of the charge or charges, a statement of the time and  
24 place of hearing, a short and plain statement of the  
25 facts asserted, and a statement of the rights of the  
26 accused person at the hearing.

27 i. Formal hearing. Formal hearings shall be  
28 public and conducted in the manner provided in section  
29 68B.31, subsection 8 of the Code. At a formal hearing  
30 the accused shall have the right to be present and to

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1 be heard in person and by counsel, to cross-examine  
2 witnesses, and to present evidence. Members of the  
3 committee shall also have the right to question  
4 witnesses.

5 Evidence at the formal hearing shall be received in  
6 accordance with rules and procedures applicable to  
7 contested cases under chapter 17A of the Code.

8 The committee chairperson, or the vice chairperson  
9 or ranking member in the absence of the chairperson,  
10 shall preside at the formal hearing and shall rule on  
11 the admissibility of any evidence received. The  
12 ruling of the chairperson may be overturned by a  
13 majority vote of the committee. Independent special  
14 counsel shall present the evidence in support of the  
15 charge or charges. The burden shall be on the  
16 independent special counsel to prove the charge or  
17 charges by a preponderance of clear and convincing

18 evidence. Upon completion of the formal hearing, the  
19 committee shall adopt written findings of fact and  
20 conclusions concerning the merits of the charges and  
21 make its report and recommendation to the house.

22 j. Recommendations by the committee. The  
23 committee shall recommend to the house that the  
24 complaint be dismissed, or that one or more of the  
25 following be imposed:

26 (1) That the member or employee of the house or  
27 lobbyist or client of a lobbyist be censured or  
28 reprimanded, and the recommended appropriate form of  
29 censure or reprimand be used.

30 (2) That the member of the house be suspended or

#### Page 14

1 expelled from membership in the house and required to  
2 forfeit the member's salary for that period, the  
3 employee of the house be suspended or dismissed from  
4 employment, or that the lobbyist's or lobbyist's  
5 client's lobbying privileges be suspended.

6 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a  
7 complaint has been filed or an investigation has been  
8 initiated, a party to the complaint or investigation  
9 shall not communicate, or cause another to  
10 communicate, as to the merits of the complaint or  
11 investigation with a member of the committee, except  
12 under the following circumstances:

13 a. During the course of any meetings or other  
14 official proceedings of the committee regarding the  
15 complaint or investigation.

16 b. In writing, if a copy of the writing is  
17 delivered to the adverse party or the designated  
18 representative for the adverse party.

19 c. Orally, if adequate prior notice of the  
20 communication is given to the adverse party or the  
21 designated representative for the adverse party.

22 d. As otherwise authorized by statute, the house  
23 code of ethics, house rules governing lobbyists, or  
24 vote of the committee.

25 14. PERMANENT RECORD. The chief clerk of the  
26 house shall maintain a permanent record of all  
27 complaints filed and any corresponding committee  
28 action. The permanent record shall be prepared by the  
29 ethics committee and shall contain the date the  
30 complaint was filed, name and address of the

#### Page 15

1 complainant, name and address of the accused person, a  
2 brief statement of the charges made, any evidence  
3 received by the committee, any transcripts or

4 recordings of committee action, and ultimate  
5 disposition of the complaint. The chief clerk shall  
6 keep each complaint confidential until public  
7 disclosure is made by the ethics committee.  
8 15. MEETING AUTHORIZATION. The house ethics  
9 committee is authorized to meet at the discretion of  
10 the committee chairperson in order to conduct hearings  
11 and other business that properly may come before it.  
12 If the committee submits a report seeking house action  
13 against a member or employee of the house or lobbyist  
14 after the second regular session of a general assembly  
15 has adjourned sine die, the report shall be submitted  
16 to and considered by the subsequent general assembly.  
17 16. ADVISORY OPINIONS.  
18 a. Requests for formal opinions. A request for a  
19 formal advisory opinion may be filed by any person who  
20 is subject to the authority of the ethics committee.  
21 The ethics committee may also issue a formal advisory  
22 opinion on its own motion, without having previously  
23 received a formal request for an opinion, on any issue  
24 that is within the jurisdiction of the committee.  
25 Requests shall be filed with either the chief clerk of  
26 the house or the chairperson of the ethics committee.  
27 b. Form and contents of requests. A request for a  
28 formal advisory opinion shall be in writing and may  
29 pertain to any subject matter that is related to  
30 application of the house code of ethics, the house

**Page 16**

1 rules governing lobbyists, or chapter 68B of the Code  
2 to any person who is subject to the authority of the  
3 ethics committee. Requests shall contain one or more  
4 specific questions and shall relate either to future  
5 conduct or be stated in the hypothetical. A request  
6 for an advisory opinion shall not specifically name  
7 any individual or contain any other specific  
8 identifying information, unless the request relates to  
9 the requester's own conduct. However, any request may  
10 contain information which identifies the kind of  
11 individual who may be affected by the subject matter  
12 of the request. Examples of this latter kind of  
13 identifying information may include references to  
14 conduct of a category of individuals, such as but not  
15 limited to conduct of legislators, legislative staff,  
16 or lobbyists.  
17 c. Confidentiality of formal requests and  
18 opinions. Requests for formal opinions are not  
19 confidential and any deliberations of the committee  
20 regarding a request for a formal opinion shall be  
21 public. Opinions issued in response to requests for  
22 formal opinions are not confidential, shall be in

23 writing, and shall be placed on file in the office of  
 24 the chief clerk of the house. Persons requesting  
 25 formal opinions shall personally receive a copy of the  
 26 written formal opinion that is issued in response to  
 27 the request.  
 28 17. PERSONAL FINANCIAL DISCLOSURE FORM. The  
 29 following form shall be used for disclosure of  
 30 economic interests under these rules and section

**Page 17**

1 68B.35 of the Code:

2 STATEMENT OF ECONOMIC INTERESTS

3 Name: \_\_\_\_\_

4 (Last) (First) (Middle Initial)

5 Address: \_\_\_\_\_

6 (Street Address, Apt.#/P.O. Box)

7 \_\_\_\_\_

8 (City) (State) (Zip)

9 Phone:(Home) \_\_\_\_/\_\_\_\_-(Business) \_\_\_\_/\_\_\_\_

10 \*\*\*\*\*

11 This form is due each year on or before February

12 15. The reporting period is the most recently

13 completed calendar year.

14 In completing Division III of this form, if your  
 15 percentage of ownership of an asset is less than 100  
 16 percent, multiply your percentage of ownership by the  
 17 total revenue produced to determine if you have  
 18 reached the \$1,000 threshold.

19 Do not report income received by your spouse or  
 20 other family members.

21 In completing this form, if insufficient space is  
 22 provided for your answer, you may attach additional  
 23 information/answers on full-size sheets of paper.

24 Division I. Business, Occupation, Profession.

25 List each business, occupation, or profession in  
 26 which you are engaged, the nature of the business if  
 27 not evident, and your position or job title. No  
 28 income threshold or time requirement applies.

29 Examples:

30 If you are employed by an individual, state the

**Page 18**

1 name of the individual employer, the nature of the  
 2 business, and your position.

3 If you are self-employed and are not incorporated  
 4 or are not doing business under a particular business  
 5 name, state that you are self-employed, the nature of  
 6 the business, and your position.

7 If you own your own corporation, are employed by a  
 8 corporation, or are doing business under a particular

9 business name, state the name and nature of the

10 business or corporation and your position.

11 1 \_\_\_\_\_

12 2 \_\_\_\_\_

13 3 \_\_\_\_\_

14 4 \_\_\_\_\_

15 5 \_\_\_\_\_

16 6 \_\_\_\_\_

17 Division II. Commissions from Sales of Goods or  
18 Services to Political Subdivisions.

19 This part is to be completed only by Legislators.

20 If you received income in the form of a commission

21 from the sale of goods or services to a political

22 subdivision, state the name of the purchasing

23 political subdivision. The amount of commission

24 earned is not required to be listed.

25 1 \_\_\_\_\_

26 2 \_\_\_\_\_

27 3 \_\_\_\_\_

28 4 \_\_\_\_\_

29 5 \_\_\_\_\_

30 6 \_\_\_\_\_

## Page 19

1 Division III. Sources of Gross Income.

2 In each one of the following categories list each

3 source which produces more than \$1,000 in annual gross

4 income, if the revenue produced by the source was

5 subject to federal or state income taxes last year.

6 List the nature or type of each company, business,

7 financial institution, corporation, partnership, or

8 other entity which produces more than \$1,000 of annual

9 gross income. Neither the amount of income produced

10 nor value of the holding is required to be listed in

11 any of the items.

12 A. Securities: State the nature of the business of

13 any company in which you hold stock, bonds, or other

14 pecuniary interests that generate more than \$1,000 in

15 annual gross income. Income generated by multiple

16 holdings in a single company are deemed received from

17 a single source.

18 \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

24 B. Instruments of Financial Institutions: State the

25 types of institutions in which you hold financial

26 instruments, such as certificates of deposit, savings

27 accounts, etc., that produce annual gross income in

28 excess of \$1,000, e.g., banks, savings and loans, or  
29 credit unions.  
30 \_\_\_\_\_

**Page 20**

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

6 C. Trusts: State the nature or type of any trust  
7 from which you receive more than \$1,000 of gross  
8 income annually.

9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_

15 D. Real Estate: State the general nature of real  
16 estate interests that generate more than \$1,000 of  
17 gross income annually, e.g., residential leasehold  
18 interest or farm leasehold interest. The size or  
19 location of the property interest is not required to  
20 be listed.

21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_

27 E. Retirement Systems: State the name of each  
28 pension plan or other corporation or company that pays  
29 you more than \$1,000 annually in retirement benefits.

30 \_\_\_\_\_

**Page 21**

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

6 F. Other Income Categories Specified in State and  
7 Federal Income Tax Regulations.

8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_



13. \_\_\_\_\_  
14. \_\_\_\_\_  
15 (Signature of Filer) (Date)

The motion prevailed and the resolution was adopted.

## ADOPTION OF HOUSE RESOLUTION 7

Raecker of Polk called up for consideration **House Resolution 7**, as follows, and moved its adoption:

1 HOUSE RESOLUTION 7  
2 BY COMMITTEE ON ETHICS  
3 (SUCCESSOR TO HSB 43)  
4 A Resolution relating to the rules governing lobbyists  
5 in the House of Representatives.  
6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
7 That the ~~house rules governing lobbyists~~ House Rules  
8 Governing Lobbyists shall be as follows:  
9 HOUSE RULES GOVERNING LOBBYISTS  
10 1. DEFINITIONS OF TERMS. As used in these rules,  
11 "client", "gift", "immediate family member",  
12 "lobbyist", and "person" have the meanings provided in  
13 section 68B.2 of the Code, except that the terms  
14 "lobbyist" and "client" shall only refer to persons  
15 who are lobbyists or clients of lobbyists of the house  
16 of representatives. Except as otherwise provided,  
17 "employee of the house" means a full-time permanent  
18 paid employee of the house of representatives.  
19 2. REGISTRATION REQUIRED.  
20 a. All lobbyists shall, on or before the day their  
21 lobbying activity begins, register in the manner  
22 provided under section 68B.36 of the Code. Lobbyist  
23 registration forms shall be available in the office of  
24 the chief clerk of the house.  
25 b. In addition each registered lobbyist shall file  
26 with the chief clerk of the house a statement of the  
27 general subjects of legislation in which the lobbyist  
28 is or may be interested, the file number of the bills  
29 and resolutions and the bill number of study bills, if  
30 known, which will be lobbied, whether the lobbyist

Page 2

1 intends to lobby for or against each bill, resolution,  
2 or study bill, if known, and on whose behalf the  
3 lobbyist is lobbying the bill, resolution, or study  
4 bill.  
5 Any change in or addition to the information  
6 required by this rule shall be registered with the

7 chief clerk of the house within ten days from the time  
8 the change or addition is known to the lobbyist.

9 3. CANCELLATION OF REGISTRATION. If a lobbyist's  
10 service on behalf of a particular employer, client, or  
11 cause is concluded after the lobbyist registers but  
12 before the first day of the next legislative session,  
13 the lobbyist shall cancel the registration in the  
14 manner required under section 68B.36 of the Code.  
15 Upon cancellation of registration, a person is  
16 prohibited from engaging in any lobbying activity on  
17 behalf of that particular employer, client, or cause  
18 until reregistering and complying with the  
19 requirements of section 68B.36 of the Code.

20 3A. AMENDMENT OF REGISTRATION. If a registered  
21 lobbyist represents more than one employer, client, or  
22 cause and the lobbyist's services are concluded on  
23 behalf of a particular employer, client, or cause  
24 after the lobbyist registers but before the first day  
25 of the next legislative session, the lobbyist shall  
26 file an amendment to the lobbyist's registration  
27 indicating which employer, client, or cause is no  
28 longer represented by the lobbyist and the date upon  
29 which the representation concluded.  
30 If a lobbyist is retained by one or more additional

### Page 3

1 employers, clients, or causes after the lobbyist  
2 registers but before the first day of the next  
3 legislative session, the lobbyist shall file an  
4 amendment to the lobbyist's registration indicating  
5 the employer, client, or cause to be added and the  
6 date upon which the representation begins.  
7 Amendments to a lobbyist's registration regarding  
8 changes which occur during the time that the general  
9 assembly is in session shall be filed within one  
10 working day after the date upon which the change in  
11 the lobbyist's representation becomes effective.

12 Amendments regarding changes which occur when the  
13 general assembly is not in session shall be filed  
14 within ten days after the date upon which the change  
15 in the lobbyist's representation becomes effective.

16 4. PUBLIC ACCESS. All information filed by a  
17 lobbyist or a client of a lobbyist under chapter 68B  
18 of the Code is a public record and open to public  
19 inspection at any reasonable time.

20 5. CHARGE ACCOUNTS. Lobbyists and the clients  
21 they represent shall not allow members of the house to  
22 charge any amounts or items to a charge account to be  
23 paid for by those lobbyists or by the clients they  
24 represent.

25 6. ACCESS TO HOUSE FLOOR. Lobbyists shall only be

26 permitted on the floor of the house pursuant to rule  
27 20 of the rules of the house.  
28 7. FEE OR BONUS PROHIBITED. A fee or bonus shall  
29 not be paid to any lobbyist with reference to any  
30 legislative action that is conditioned wholly or in

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1 part upon the results attained by the lobbyist.  
2 8. OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY.  
3 A lobbyist, employer, or client of a lobbyist shall  
4 not offer economic or investment opportunity or  
5 promise of employment to any member of the house with  
6 intent to influence conduct in the performance of  
7 official duties.  
8 9. PERSONAL OR FINANCIAL OBLIGATION. A lobbyist  
9 shall not do anything with the purpose of placing a  
10 member of the house under personal or financial  
11 obligation to a lobbyist or a lobbyist's principal or  
12 agent.  
13 10. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT. A  
14 lobbyist shall not cause or influence the introduction  
15 of any bill or amendment for the purpose of being  
16 employed to secure its passage or defeat.  
17 11. CAMPAIGN SUPPORT. A lobbyist shall not  
18 influence or attempt to influence a member's actions  
19 by the promise of financial support for the member's  
20 candidacy or threat of financial support for an  
21 opposition candidate. A lobbyist shall not make a  
22 campaign contribution to a member or to a member's  
23 candidate's committee during the time that the general  
24 assembly is in session.  
25 12. COMMUNICATION WITH MEMBER'S EMPLOYER  
26 PROHIBITED. A lobbyist shall not communicate with a  
27 member's employer for the purpose of influencing a  
28 vote of the member.  
29 13. EXCESS PAYMENTS. A lobbyist shall not pay or  
30 agree to pay to a member a price, fee, compensation,

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1 or other consideration for the sale or lease of any  
2 property or the furnishing of services which is  
3 substantially in excess of that which other persons in  
4 the same business or profession would charge in the  
5 ordinary course of business.  
6 14. PROHIBITION AGAINST GIFTS. A lobbyist or  
7 client of a lobbyist shall not, directly or  
8 indirectly, offer or make a gift or series of gifts to  
9 any member or full-time permanent employee of the  
10 house or the immediate family members of a member or  
11 full-time permanent employee of the house except as

12 otherwise provided in section 68B.22 of the Code. A  
13 lobbyist or client of a lobbyist who intends or plans  
14 to give a nonmonetary item, other than food or drink  
15 consumed in the presence of the donor, which does not  
16 have a readily ascertainable value, to a member or  
17 full-time permanent employee of the house, prior to  
18 giving or sending the item to the member or employee,  
19 shall seek approval of the item from the chief clerk  
20 of the house. A lobbyist or client of a lobbyist who  
21 seeks approval of an item from the chief clerk shall  
22 submit the item and evidence of the value of the item  
23 at the time that approval is requested.  
24 A lobbyist shall inform each of the lobbyist's  
25 clients of the requirements of section 68B.22 of the  
26 Code and of the responsibility to seek approval prior  
27 to giving or sending a nonmonetary item which does not  
28 have a readily ascertainable value to a member or a  
29 full-time permanent employee of the house.  
30 15. FINANCIAL TRANSACTIONS. A lobbyist shall not,

#### Page 6

1 directly or indirectly, make a loan to a member of the  
2 house or to an employee of the house.  
3 A loan prohibited under this section does not  
4 include a loan made in the ordinary course of business  
5 of a lobbyist if the primary business of the lobbyist  
6 is something other than lobbying, if consideration of  
7 equal or greater value is received by the lobbyist,  
8 and if fair market value is given or received for the  
9 benefit conferred.  
10 16. HONORARIA -- RESTRICTIONS. A lobbyist or  
11 client of a lobbyist shall not pay an honorarium to a  
12 member or employee of the house for a speaking  
13 engagement or other formal public appearance in the  
14 official capacity of the member or employee except as  
15 otherwise provided in section 68B.23 of the Code.  
16 17. COMPLAINTS. The procedures for complaints and  
17 enforcement of these rules shall be the same as those  
18 provided in the house code of ethics.  
19 18. PROCEDURES AND FORMS. The chief clerk of the  
20 house, subject to the approval of the house ethics  
21 committee, shall prescribe procedures for compliance  
22 with these rules, and shall prepare forms for the  
23 filing of complaints and make them available to any  
24 person.

The motion prevailed and the resolution was adopted.

## HOUSE STUDY BILL 62 REREFERRED

The Speaker announced that House Study Bill 62, previously referred to committee on **commerce, regulation and labor** was rereferred to committee on **economic growth**.

### SPONSOR ADDED (House File 110)

Whitead of Woodbury requested to be added as a sponsor of House File 110.

## COMMUNICATIONS RECEIVED

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

### BOARD OF REGENTS

Report on Minority and Women Faculty Enhancement, pursuant to Chapter 262.93, Code of Iowa.

### DEPARTMENT OF MANAGEMENT

Annual Report on Affirmative Action, pursuant to Chapter 19B.5(3), Code of Iowa.

### DEPARTMENT OF TRANSPORTATION

Biodiesel fuel revolving fund expenditures for Fiscal Year 2002, pursuant to Chapter 307.20, Code of Iowa.

### IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Annual Report of Activities for 2002, pursuant to Chapter 312.3(b), 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

- |          |  |
|----------|--|
| 2003\251 | Iada McKee, Massena – For celebrating her 85 <sup>th</sup> birthday.     |
| 2003\252 | Doris Lewis, Greenfield – For celebrating her 80 <sup>th</sup> birthday. |

- 2003\253 Charles Parmley, Brayton – For celebrating his 80<sup>th</sup> birthday.
- 2003\254 Harry Sand, Menlo – For celebrating his 80<sup>th</sup> birthday.
- 2003\255 Imogene Perry, Guthrie Center – For celebrating her 80<sup>th</sup> birthday.
- 2003\256 Mr. and Mrs. John Van Duzer, Menlo – For celebrating their 61<sup>st</sup> wedding anniversary.
- 2003\257 Howard and Kathryn Summy, Stuart – For celebrating their 64<sup>th</sup> wedding anniversary.
- 2003\258 Mary Meinecke, Jamaica -- For celebrating her 90<sup>th</sup> birthday.
- 2003\259 Mel and Wanda Campbell, Marion – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\260 Virgil and Eleanor Bowser, Marion – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\261 David and Erna Davies, Williamsburg – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\262 J.C. Vercande, North English – For celebrating his 95<sup>th</sup> birthday.
- 2003\263 Rose and Vincent Kopacek, Britt – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2003\264 Mel Schilling, Charles City – For celebrating his 80<sup>th</sup> birthday.
- 2003\265 Carolyn and Bill Guigli, Madrid – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\266 Joe and Dora Romitti, Madrid – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\267 Jerry and Shirley Burke, Madrid – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House Joint Resolution 2

State Government: Jochum, Chair; Dennis and Roberts.

##### House File 73

State Government: J. Drake, Chair; Connors, Elgin, Jones and Oldson.

##### House File 75

State Government: Jacobs, Chair; Dennis, M. Gaskill, Greiner, Mascher, Petersen and Rasmussen.

**House File 77**

State Government: Raecker, Chair; Jochum and Jones.

**House File 87**

State Government: Rasmussen, Chair; M. Gaskill and Roberts.

**House File 88**

State Government: Raecker, Chair; Lykam and Watts.

**House File 93**

Transportation: Klemme, Chair; Lykam, S. Olson, Rayhons and Thomas.

**House File 95**

Natural Resources: Boddicker, Chair; Lukan and Whitaker.

**House File 100**

Transportation: Klemme, Chair; H. Miller and Rasmussen.

**House File 101**

Education: Raecker, Chair; Dolecheck and Wise.

**House File 102**

State Government: Manternach, Chair; Dennis and Oldson.

**House File 107**

Education: Boal, Chair; Cohoon and Schickel.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 51**

Education: Chambers, Chair; Hansen and Mascher.

**House Study Bill 52**

Education: Dennis, Chair; Boal and Wendt.

**House Study Bill 53**

Judiciary: Paulsen, Chair; K. Kramer and Struyk.

**House Study Bill 54**

Judiciary: K. Kramer, Chair; Jochum and Schickel.

**House Study Bill 55**

Judiciary: J.R. Van Fossen, Chair; Baudler and Berry.

**House Study Bill 56**

Judiciary: Boddicker, Chair; Dennis and Winckler.

**House Study Bill 57**

Economic Growth: K. Kramer, Chair; H. Miller and S. Olson.

**House Study Bill 58**

Economic Growth: Smith, Chair; Lukan and Wilderdyke.

**House Study Bill 59**

Economic Growth: Boggess, Chair; Granzow and Lensing.

**House Study Bill 60**

Economic Growth: Swaim, Chair; Hanson and Lalk.

**House Study Bill 62**

Economic Growth: Struyk, Chair; Dix and K. Kramer.

**House Study Bill 63**

Economic Growth: Dandekar, Chair; Hanson and Wilderdyke.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 64 Economic Growth**

Relating to community development block grants to the department of economic development and including effective and retroactive applicability dates.

**H.S.B. 65 Natural Resources**

Relating to the regulation of vessels by increasing certain boat registration fees, and pilot and engineer licensing fees, providing for increased inspections of registered boats, and appropriating the moneys collected to the state fish and game protection fund.



**H.S.B. 66 Natural Resources**

Creating a premier destination park program and making an appropriation.

**H.S.B. 67 Natural Resources**

Relating to fishing by establishing fees, allocating fishing license revenue to fish habitat development, modifying trout fishing fee requirements, and providing effective and applicability dates.

**H.S.B. 68 Natural Resources**

Providing that revenues deposited in the state conservation fund are temporarily exempt from reversion and providing an effective date.

**H.S.B. 69 Natural Resources**

Relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

**H.S.B. 70 Local Government**

Relating to motor vehicle parking violations, and providing a penalty.

**H.S.B. 71 Transportation**

Relating to the jurisdiction and funding of roads by transferring jurisdiction of and funding for certain primary and farm-to-market roads, raising the level of local effort required to receive and use certain road funds, modifying the procedure for classification of area service "C" roads, and establishing a street construction fund distribution advisory committee, and making appropriations.

**H.S.B. 72 Judiciary**

To prohibit unauthorized computer access to operational or support data of a rural water district and providing a penalty.

**H.S.B. 73 Commerce, Regulation and Labor**

Providing for the licensing and regulation of mortgage originators, providing penalties, and providing an effective date.

**H.S.B. 74 Judiciary**

Making changes to the procedures related to reorganizing judicial districts and judicial election districts.

**H.S.B. 75 Judiciary**

Relating to appeals filed in child in need of assistance proceedings.

**H.S.B. 76 Judiciary**

Relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses.

**H.S.B. 77 State Government**

Relating to the use of sick leave by certain members of the Iowa department of public safety peace officers' retirement, accident, and disability system who are temporarily incapacitated for duty.

**H.S.B. 78 Judiciary**

Relating to the clerk of the district court by changing the method of appointment and removal, by permitting a clerk to serve in more than one county, and by eliminating certain residency requirements.

**RESOLUTIONS FILED**

**HCR 8**, by Rants and Myers, a concurrent resolution relating to a biennial memorial session.

Laid over under **Rule 25**.

**HCR 9**, by Gipp and Myers, a concurrent resolution relating to Pioneer Lawmakers.

Laid over under **Rule 25**.

On motion by Jacobs of Polk the House adjourned at 8:55 a.m., until 8:45 a.m., Wednesday, February 5, 2003.

# JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 5, 2003

The House met pursuant to adjournment at 8:50 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Corey Miller, pastor of the Church of Christ, Carroll. He was the guest of Representative Rod Roberts of Carroll County.

The Journal of Tuesday, February 4, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 119**, by Petersen, Ford, D. Olson, Jochum, Wendt, Murphy, Stevens, Dandekar, Fallon, T. Taylor, Myers, Gaskill, McCarthy, Oldson, Heddens, Greimann, Frevert, Connors, and D. Taylor, a bill for an act providing for civil rights enforcement concerning employment rights of persons exercising their rights under the federal Family and Medical Leave Act.

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

**House File 120**, by Elgin, a bill for an act relating to the exclusion of certain nonprofit transitional housing from forcible entry and detainer actions and remedies.

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

**House File 121**, by Heaton, a bill for an act requiring an assessment of eligibility for certain third-party payor funding of health care facility services by licensed health care facilities.

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

**House File 122**, by Huser, a bill for an act creating a presumption of owner consent when the child of an owner operates the owner's motor vehicle.

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

**House File 123**, by Mertz, a bill for an act relating to the establishment of a centralized reporting and education program for sepsis.

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

**House File 124**, by Alons, a bill for an act providing for an inflation factor adjustment to be added to authorized community college levies, and providing an applicability date provision.

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

**House File 125**, by Rayhons, a bill for an act relating to county issuance of driver's licenses and nonoperator's identification cards by increasing the amount of the license fee retained by the county.

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

**House File 126**, by Alons, Van Engelenhoven, and Tymeson, a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders.

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

**House File 127**, by Bell, a bill for an act requiring certain representation in the membership of governance boards of programs for decategorization of child welfare funding.

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

**House File 128**, by Connors, a bill for an act relating to counseling for runaway children.

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

**House File 129**, by Jacobs, a bill for an act requiring a credit reporting agency to provide a credit report to a consumer each year without charge.

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

**House File 130**, by Connors, a bill for an act relating to the voluntary admission and release of persons suffering from dementia or a dementia-related illness to inpatient psychiatric treatment.

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

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, February 3, 2003. Had I been present, I would have voted "aye" on House File 66.

FREVERT of Palo Alto

I was necessarily absent from the House chamber on Monday, February 3, 2003. Had I been present, I would have voted "aye" on House File 66.

STEVENS of Dickinson

I was necessarily absent from the House chamber on Monday, February 3, 2003. Had I been present, I would have voted "aye" on House File 66.

D. TAYLOR of Linn

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF NATURAL RESOURCES

Annual accounting of money received and expended for the Hazardous Waste Remedial Fund and disposal sites, pursuant to Chapters 455B.425 and 455B.427, Code of Iowa.

## SUBCOMMITTEE ASSIGNMENTS

**House File 67**

Human Resources: Heaton, Chair; Carroll and Foege.

**House File 69**

Human Resources: Heaton, Chair; Carroll and Foege.

**House File 111**

Human Resources: Roberts, Chair; Smith and Tymeson.

**House File 116**

Judiciary: Baudler, Chair; Dennis and Lensing.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 64**

Economic Growth: Lukan, Chair; Lalk and Swaim.

**House Study Bill 65**

Natural Resources: J.R. Van Fossen, Chair; Boddicker, Granzow, Mertz and Whitaker.

**House Study Bill 66**

Natural Resources: Arnold, Chair; Bell and Freeman.

**House Study Bill 67**

Natural Resources: Lukan, Chair; Baudler and Davitt.

**House Study Bill 68**

Natural Resources: Granzow, Chair; Dix and McCarthy.

**House Study Bill 69**

Natural Resources: Rasmussen, Chair; Rayhons and D. Taylor.

**House Study Bill 70**

Local Government: Schickel, Chair; Connors and Maddox.

**House Study Bill 71**

Transportation: Klemme, Chair; Arnold, Cohoon, Huser and Van Engelenhoven.

**House Study Bill 72**

Judiciary: Dennis, Chair; Heaton and Winckler.

**House Study Bill 73**

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

**House Study Bill 74**

Judiciary: Maddox, Chair; Dennis and Swaim.

**House Study Bill 75**

Judiciary: Heaton, Chair; Hutter and Lensing.

**House Study Bill 76**

Judiciary: Eichhorn, Chair; Baudler and Reasoner.

**House Study Bill 77**

State Government: J. Drake, Chair; Connors, Elgin, Jones and Oldson.

**House Study Bill 78**

Judiciary: Boal, Chair; Reasoner and Schickel.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 79 Environmental Protection**

Relating to construction requirements for disposal systems.

**H.S.B. 80 Public Safety**

Relating to the manufacture, delivery, possession with the intent to manufacture or deliver of conspiring to manufacture, deliver, or possess with the intent to manufacture or deliver flunitrazepam, and providing a penalty.

**H.S.B. 81 Public Safety**

Relating to possession of an alcoholic beverage by a person under legal age.

**H.S.B. 82 Public Safety**

Relating to using an emergency exit to facilitate a theft, and providing a penalty.

**H.S.B. 83 Economic Growth**

Creating a university-based research utilization program, providing tax credits, and making appropriations.

**H.S.B. 84 Economic Growth**

Relating to the enterprise zone program and including effective date provisions.

**H.S.B. 85 Judiciary**

Creating a private cause of action for certain consumer fraud violations.

**H.S.B. 86 Judiciary**

Creating the criminal offense of intellectual property counterfeiting, and providing a penalty.

**H.S.B. 87 Public Safety**

Relating to criminal law and procedure, including the criminal offenses of arson, communications by an arrested person, and harassment, and the sex offender registry.

**H.S.B. 88 Public Safety**

Relating to the state fire marshal's office of the department of public safety concerning the publication of administrative rule notices and explosives licensing and making criminal penalties applicable.

**H.S.B. 89 Public Safety**

Relating to the withdrawal of blood without a warrant from a person under arrest for an operating-while-intoxicated offense when the



arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death.

### **H.S.B. 90 Public Safety**

Relating to conducting searches of persons on probation or parole and providing information to local law enforcement agencies and the state department of transportation.

### **H.S.B. 91 Public Safety**

Relating to intelligence data and intelligence assessment dissemination to an agency, organization, or person.

### **H.S.B. 92 Public Safety**

Relating to the criminal penalties for an assault on members of certain occupations.

### **H.S.B. 93 Public Safety**

Expanding the criminal offense of possessing contraband in correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail.

### **H.S.B. 94 Public Safety**

Relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

### **H.S.B. 95 Public Safety**

Requiring the department of corrections to pay vehicle depreciation expenses billed by the state fleet administrator.

### **H.S.B. 96 Public Safety**

Establishing a criminalistics laboratory surcharge and creating a criminalistics laboratory fund, making an appropriation of surcharge moneys, and making related changes.

**H.S.B. 97 Public Safety**

Relating to enforcement of motor vehicle law provisions and making penalties applicable.

**H.S.B. 98 Public Safety**

Relating to the criminal offense of sexual exploitation of a minor.

**H.S.B. 99 Agriculture**

Relating to the Iowa agricultural development authority, by providing for administration, programs, and reporting.

**H.S.B. 100 Transportation**

Increasing the speed limit for vehicular traffic on interstate highways.

**H.S.B. 101 Education**

Relating to education, including development of quality education plans designed to facilitate rural school partnership opportunities, promotion of sharing of administrative services by school districts, and implementation of a pilot project involving an alternative teaching method for designated special education students, and providing an effective date.

**RESOLUTIONS FILED**

**HR 9**, by Bell, Eichhorn and Gipp, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Laid over under **Rule 25**.

**HR 10**, by Alons, Boal, Rayhons, De Boef, Freeman, Baudler, Maddox, Tymeson, Greiner, Heaton, Chambers, Eichhorn, Hoffman, Raecker, J.K. Van Fossen, Dix, Huseman, Tjepkes, Boggess, Elgin, Paulsen, Lalk, Lukan, Jenkins, Jacobs, Granzow, D. Hanson

Rasmussen, Schickel, Upmeyer, Dolecheck, Hahn, J.R. Van Fossen, Hutter, S. Olson, Sands, Dennis, Drake, Klemme, Kramer, Kurtenbach and Arnold, a resolution to recognize February 6 as Ronald Reagan Day in the State of Iowa.

Laid over under **Rule 25**.

**HR 11**, by Smith, Horbach, Winckler, Berry, Davitt, Huseman, Shoultz, Miller, Connors, Jones, Bell, Reasoner, Oldson, Heddens, Struyk, Frevert, Ford, D. Olson, Dandekar, Dennis, Granzow, Hanson, Swaim, Kuhn, Greiner, Hogg, Jochum, Foege, Murphy, Boal, Lensing, Osterhaus, Hoffman, Fallon, Watts, De Boef, Van Engelenhoven, Boggess, Hutter, Wendt, Myers, Quirk, T. Taylor, Thomas, Lykam, Maddox, Boddicker, Chambers, Tymeson, Whitaker, Alons, Lalk, Gaskill, Arnold, Rasmussen, D. Taylor, Bukta, Klemme, Gipp, Jacobs, Tjepkes, Wise, Stevens, Petersen, Dolecheck, Roberts, Eichhorn and Huser, a resolution to honor the Meskwaki Code Talkers who served in the United States Armed Forces in North Africa during World War II.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—1008	H.F. 65	Shoultz of Black Hawk
H—1009	H.F. 65	Horbach of Tama
H—1010	H.F. 65	Baudler of Adair
H—1011	H.F. 65	Horbach of Tama

On motion by Gipp of Winneshiek the House adjourned at 8:58 a.m., until 8:45 a.m., Thursday, February 6, 2003.

# JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 6, 2003

The House met pursuant to adjournment at 8:46 a.m., Speaker pro tempore Carroll in the chair.

Prayer was offered by the Honorable Dwayne Alons, state representative from Sioux County.

The Journal of Wednesday, February 5, 2003 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Shoultz of Black Hawk, from the Black Hawk County Board of Health favoring a moratorium or limiting of the construction of confined animal feeding operations.

## INTRODUCTION OF BILLS

**House File 131**, by Maddox and Dandekar, a bill for an act relating to fraudulent use of a credit card and providing a penalty.

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

**House File 132**, by Huser, Myers, Horbach, and Paulsen, a bill for an act allowing a refund of motor fuel taxes paid by an agency or instrumentality of two or more political subdivisions of the state formed by a joint intergovernmental agreement.

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

**House File 133**, by Boddicker, Alons, Carroll, Eichhorn, Manternach, Paulsen, Kramer, J. K. Van Fossen, J. R. Van Fossen, Tymeson, and Klemme, a bill for an act increasing the child age applicable to mandatory reporting of suspected child sexual abuse

perpetrated by a person other than the person responsible for the care of the child.

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

**House File 134**, by Eichhorn, Manternach, Sands, J. R. Van Fossen, Dennis, Lukan, Raecker, Hoffman, and De Boef, a bill for an act requiring the budget submissions of state agencies to utilize a zero-base approach.

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

**House File 135**, by Osterhaus, a bill for an act relating to grand and petit juror compensation and reimbursement.

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

**House File 136**, by Greimann, Petersen, Wise, Hogg, Jochum, Murphy, Mertz, D. Olson, Reasoner, Whitead, Gaskill, Heddens, Dandekar, Oldson, Thomas, Struyk, Osterhaus, Winckler, Shoultz, Lensing, Berry, Lykam, Ford, Bukta, Foege, Mascher, Myers, Fallon, Davitt, T. Taylor, Whitaker, Wendt, Miller, and D. Taylor, a bill for an act relating to the benefits included in the healthy and well kids in Iowa program benefit package.

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

**House File 137**, by Lensing, Whitaker, Petersen, Raecker, Smith, and Maddox, a bill for an act relating to requirements for securing children transported in certain motor vehicles and making a penalty applicable.

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

**House File 138**, by McCarthy and Smith, a bill for an act revising the criteria for mandatory reporting of child abuse.

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

**House File 139**, by Alons, Lalk, Carroll, Lukan, De Boef, Roberts, Mertz, Boal, Chambers, and Watts, a bill for an act establishing a

choose life motor vehicle registration plate and appropriating fees from such plates for adoption-related services.

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

**House File 140**, by Eichhorn, Manternach, Lalk, Boggess, Kuhn, D. Olson, and Granzow, a bill for an act relating to maintaining a magistrate court in a city other than the county seat.

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

**House File 141**, by Gipp, a bill for an act relating to the payment by a county of the agricultural land tax credit and reimbursement to the county of its payment and providing an effective date.

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

**House File 142**, by Eichhorn, Manternach, and J. R. Van Fossen, a bill for an act revising the requirements for the state general fund expenditure limitation and providing an applicability date.

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

**House File 143**, by Connors, a bill for an act declaring a truant a child in need of assistance and establishing a penalty for aiding a child to be truant.

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

**House File 144**, by Dix, a bill for an act governing the regulation of elevators and other conveyances and providing penalties.

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

#### 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 February 6, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 36, a bill for an act supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting division of the department of education, and providing effective date and applicability provisions.

Also: That the Senate has on February 6, 2003, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 1, a concurrent resolution relating to the federal Medicare program and requesting assistance from the federal government.

Also: That the Senate has on February 6, 2003, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 3, a resolution requesting the establishment of standing Senate and House subcommittees on veterans affairs.

MICHAEL E. MARSHALL, Secretary

### ADOPTION OF HOUSE RESOLUTION 10

Alons of Sioux called up for consideration **House Resolution 10**, a resolution to recognize February 6 as Ronald Reagan Day in the State of Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Gipp of Winneshiek, the House was recessed at 8:59 a.m., until 5:00 p.m.

### EVENING SESSION

The House reconvened at 5:00 p.m., Speaker pro tempore Carroll in the chair.

### INTRODUCTION OF BILLS

**House File 145**, by Foege, a bill for an act relating to proper methods of chemical management, establishing the comprehensive safe chemical management in schools program, making an appropriation, and making penalties applicable.

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

**House File 146**, by Connors and Maddox, a bill for an act prohibiting the unauthorized discharge of a patient by insurers, providing that organized delivery systems are in the business of insurance for the purposes of provisions related to unfair trade practices in the business of insurance, and providing a penalty.

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

**House File 147**, by Smith, Tymeson and Rayhons, a bill for an act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the anatomical gift public awareness and transplantation fund.

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

**House File 148**, by Jochum, Kuhn, Fallon, Shoultz, Osterhaus, Hogg, Swaim, Frevert, Whitaker, Bukta, D. Taylor, Gaskill and D. Olson, a bill for an act relating to a tax credit for pollution-control and recycling property connected to property used for the care and feeding of livestock, and providing for the Act's applicability.

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

**House File 149**, by Connors, a bill for an act requiring airlines doing business in this state to make certain refunds for medically related reasons and making penalties applicable.

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

**House File 150**, by Foege, a bill for an act creating a children's mental health initiative.

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

**House File 151**, by Eichhorn, a bill for an act creating an exception to the statutory rule against perpetuities and making related changes.



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

**House File 152**, by Bell, a bill for an act relating to regulation of tattooing equipment and the practice of tattooing and making a penalty applicable.

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

**House File 153**, by Eichhorn, a bill for an act prohibiting the award of pets, or advertisement thereof, in certain circumstances, and providing a penalty.

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

**House File 154**, by Alons, Hahn, Dolecheck, Boal, Roberts, Baudler, Gaskill, Quirk and Huser, a bill for an act providing for the addition of a volunteer emergency medical services provider on the emergency medical services advisory council.

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

**House File 155**, by Quirk, a bill for an act relating to filing deadlines for school district petitions to join an area education agency or for release from a contract with an area education agency following approval of a reorganization or dissolution proposal and including effective date and retroactive applicability provisions.

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

**House File 156**, by committee on human resources, a bill for an act requiring members of the clergy to be mandatory reporters of child abuse under certain circumstances.

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

The House stood at ease at 5:03 p.m., until the fall of the gavel.

The House resumed session at 5:32 p.m., Speaker pro tempore Carroll in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas and Speaker Rants on request of Gipp of Winneshiek; Winckler of Scott on request of Myers of Johnson.

CONSIDERATION OF BILL  
Regular Calendar

**House File 65**, a bill for an act providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses, was taken up for consideration.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-1005 filed by him on January 28, 2003, placing out of order amendment H-1013 filed by Shoultz of Black Hawk from the floor.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1009 filed by him on February 5, 2003.

Baudler of Adair asked and received unanimous consent that amendment H-1010 be deferred.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-1008 filed by him on February 5, 2003.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1011 filed by him on February 5, 2003.

Baudler of Adair offered amendment H-1010 filed by him as follows:

H-1010

- 1 Amend House File 65 as follows:
- 2 1. Page 1, by inserting after line 4 the
- 3 following:
- 4 "Sec. \_\_. Section 321J.2, subsection 2, paragraph
- 5 a, subparagraph (3), Code 2003, is amended to read as
- 6 follows:
- 7 (3) Revocation of the person's driver's license
- 8 pursuant to section 321J.4, subsection 1, section

9 321J.9, or section 321J.12, subsection 2, which  
10 includes a minimum revocation period of one hundred  
11 eighty days, ~~including a minimum period of~~  
12 ~~ineligibility for a temporary restricted license of~~  
13 ~~thirty days~~, and may involve a revocation period of  
14 one year. The defendant shall not be eligible for any  
15 temporary restricted license for at least thirty days  
16 if a test was obtained, and an accident resulting in  
17 personal injury or property damage occurred or the  
18 defendant's alcohol concentration exceeded .15. There  
19 shall be no such period of ineligibility if no such  
20 accident occurred and the defendant's alcohol  
21 concentration did not exceed .15. A revocation under  
22 section 321J.9 includes a minimum period of  
23 ineligibility for a temporary restricted license of  
24 ninety days. The defendant shall be ordered to  
25 install an ignition interlock device of a type  
26 approved by the commissioner of public safety on all  
27 vehicles owned by the defendant if the defendant seeks  
28 a temporary license.

29 Sec. \_\_. Section 321J.4, subsections 1 and 3,  
30 Code 2003, are amended to read as follows:

31 1. If a defendant is convicted of a violation of  
32 section 321J.2 and the defendant's driver's license or  
33 nonresident operating privilege has not been revoked  
34 under section 321J.9 or 321J.12 for the occurrence  
35 from which the arrest arose, the department shall  
36 revoke the defendant's driver's license or nonresident  
37 operating privilege for one hundred eighty days if the  
38 defendant has had no previous conviction or revocation  
39 under this chapter. The defendant shall not be  
40 eligible for any temporary restricted license ~~for at~~  
41 ~~least thirty days after the effective date of the~~  
42 ~~revocation if a test was obtained and for at least~~  
43 ~~ninety days if a test was refused under section~~  
44 ~~321J.9. The defendant shall be not eligible for any~~  
45 ~~temporary restricted license for at least thirty days~~  
46 ~~if a test was obtained, and an accident resulting in~~  
47 ~~personal injury or property damage occurred or the~~  
48 ~~defendant's alcohol concentration exceeded .15. There~~  
49 ~~shall be no such period of ineligibility if no such~~  
50 ~~accident occurred and the defendant's alcohol~~

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1 concentration did not exceed .15. The defendant shall  
2 be ordered to install an ignition interlock device of  
3 a type approved by the commissioner of public safety  
4 on all vehicles owned by the defendant if the  
5 defendant seeks a temporary restricted license. If  
6 the defendant is under the age of twenty-one, the  
7 defendant shall not be eligible for a temporary

8 restricted license for at least sixty days after the  
9 effective date of revocation.

10 3. If the court defers judgment pursuant to  
11 section 907.3 for a violation of section 321J.2, and  
12 if the defendant's driver's license or nonresident  
13 operating privilege has not been revoked under section  
14 321J.9 or 321J.12, or has not otherwise been revoked  
15 for the occurrence from which the arrest arose, the  
16 department shall revoke the defendant's driver's  
17 license or nonresident operating privilege for a  
18 period of not less than thirty days nor more than  
19 ninety days. The defendant shall not be eligible for  
20 any temporary restricted license for at least thirty  
21 days after the effective date of the revocation if a  
22 test was obtained and for at least ninety days if a  
23 test was refused. The defendant shall not be eligible  
24 for any temporary restricted license for a least  
25 thirty days if a test was obtained, and an accident  
26 resulting in personal injury or property damage  
27 occurred or the defendant's alcohol concentration  
28 exceeded .15. There shall be no such period of  
29 ineligibility if no such accident occurred and the  
30 defendant's alcohol concentration did not exceed .15.  
31 The defendant shall be ordered to install an ignition  
32 interlock device of a type approved by the  
33 commissioner of public safety on all vehicles owned by  
34 the defendant if the defendant seeks a temporary  
35 restricted license. If the defendant is under the age  
36 of twenty-one, the defendant shall not be eligible for  
37 a temporary restricted license for at least sixty days  
38 after the effective date of the revocation."

39 2. Page 1, by inserting after line 10 the  
40 following:

41 "Sec. \_\_\_\_ Section 321J.12, subsection 2, Code  
42 2003, is amended to read as follows:

43 2. a. A person whose driver's license or  
44 nonresident operating privileges have been revoked  
45 under subsection 1, paragraph "a", shall not be  
46 eligible for any temporary restricted license for at  
47 least thirty days after the effective date of the  
48 revocation if an accident resulting in personal injury  
49 or property damage occurred or the defendant's alcohol  
50 concentration exceeded .15. There shall be no such

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1 period of ineligibility if no such accident occurred  
2 and the defendant's alcohol concentration did not  
3 exceed .15. If the person is under the age of twenty-  
4 one, the person shall not be eligible for a temporary  
5 restricted license for at least sixty days after the  
6 effective date of the revocation. A person whose

7 license or privileges have been revoked under  
8 subsection 1, paragraph "b", for one year shall not be  
9 eligible for any temporary restricted license for one  
10 year after the effective date of the revocation.  
11 b. The defendant shall be ordered to install an  
12 ignition interlock device of a type approved by the  
13 commissioner of public safety on all vehicles owned or  
14 operated by the defendant if the defendant seeks a  
15 temporary restricted license at the end of the minimum  
16 period of ineligibility. A temporary restricted  
17 license shall not be granted by the department until  
18 the defendant installs the ignition interlock device."

19 3. Page 1, by inserting after line 25 the  
20 following:

21 "Sec. \_\_\_\_ Section 321J.20, subsection 6, Code  
22 2003, is amended to read as follows:

23 6. Following certain minimum periods of  
24 ineligibility, a temporary restricted license under  
25 this section shall not be issued until such time as  
26 the applicant installs an ignition interlock device of  
27 a type approved by the commissioner of public safety  
28 on all motor vehicles owned or operated by the  
29 applicant, in accordance with section 321J.2, 321J.4,  
30 321J.9, or 321J.12. Installation of an ignition  
31 interlock device under this section shall be required  
32 for the period of time for which the temporary  
33 restricted license is issued."

34 4. Title page, line 1, by striking the words and  
35 figure "providing for a .08 blood alcohol  
36 concentration limit for" and inserting the following:  
37 "relating to".

38 5. By renumbering as necessary.

The House stood at ease at 5:47 p.m., until the fall of the gavel.

The House resumed session at 5:59 p.m., Speaker pro tempore Carroll in the chair.

Horbach of Tama offered the following amendment H-1014, to amendment H-1010, filed by Horbach and Baudler of Adair from the floor and moved its adoption:

H-1014

1 Amend the amendment, H-1010, to House File 65 as  
2 follows:

3 1. Page 1, by striking lines 14 through 28 and  
4 inserting the following:

5 "one year. A revocation under section 321J.9  
6 includes a minimum period of ineligibility for a

7 temporary restricted license of ninety days.  
8 (a) A defendant whose alcohol concentration is .08  
9 or more but not more than .10 shall not be eligible  
10 for any temporary restricted license for at least  
11 thirty days if a test was obtained and an accident  
12 resulting in personal injury or property damage  
13 occurred. The defendant shall be ordered to install  
14 an ignition interlock device of a type approved by the  
15 commissioner of public safety on all vehicles owned by  
16 the defendant if the defendant seeks a temporary  
17 restricted license. There shall be no such period of  
18 ineligibility if no such accident occurred, and the  
19 defendant shall not be ordered to install an ignition  
20 interlock device.

21 (b) A defendant whose alcohol concentration is  
22 more than .10 shall not be eligible for any temporary  
23 restricted license for at least thirty days if a test  
24 was obtained, and an accident resulting in personal  
25 injury or property damage occurred or the defendant's  
26 alcohol concentration exceeded .15. There shall be no  
27 such period of ineligibility if no such accident  
28 occurred and the defendant's alcohol concentration did  
29 not exceed .15. In either case, where a defendant's  
30 alcohol concentration is more than .10, the defendant  
31 shall be ordered to install an ignition interlock  
32 device of a type approved by the commissioner of  
33 public safety on all vehicles owned by the defendant  
34 if the defendant seeks a temporary restricted  
35 license."

36 2. By striking page 1, line 44, through page 2,  
37 line 5, and inserting the following:  
38 "321J.9.

39 a. A defendant whose alcohol concentration is .08  
40 or more but not more than .10 shall not be eligible  
41 for any temporary restricted license for at least  
42 thirty days if a test was obtained and an accident  
43 resulting in personal injury or property damage  
44 occurred. The defendant shall be ordered to install  
45 an ignition interlock device of a type approved by the  
46 commissioner of public safety on all vehicles owned by  
47 the defendant if the defendant seeks a temporary  
48 restricted license. There shall be no such period of  
49 ineligibility if no such accident occurred, and the  
50 defendant shall not be ordered to install an ignition

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1 interlock device.

2 b. A defendant whose alcohol concentration is more  
3 than .10 shall not be eligible for any temporary  
4 restricted license for at least thirty days if a test  
5 was obtained, and an accident resulting in personal

6 injury or property damage occurred or the defendant's  
7 alcohol concentration exceeded .15. There shall be no  
8 such period of ineligibility if no such accident  
9 occurred and the defendant's alcohol concentration did  
10 not exceed .15. In either case, where a defendant's  
11 alcohol concentration is more than .10, the defendant  
12 shall be ordered to install an ignition interlock  
13 device of a type approved by the commissioner of  
14 public safety on all vehicles owned by the defendant  
15 if the defendant seeks a temporary restricted license.  
16 c. If".

17 3. Page 2, by striking lines 23 through 35 and  
18 inserting the following:

19 "test was refused.

20 a. A defendant whose alcohol concentration is .08  
21 or more but not more than .10 shall not be eligible  
22 for any temporary restricted license for at least  
23 thirty days if a test was obtained and an accident  
24 resulting in personal injury or property damage  
25 occurred. The defendant shall be ordered to install  
26 an ignition interlock device of a type approved by the  
27 commissioner of public safety on all vehicles owned by  
28 the defendant if the defendant seeks a temporary  
29 restricted license. There shall be no such period of  
30 ineligibility if no such accident occurred, and the  
31 defendant shall not be ordered to install an ignition  
32 interlock device.

33 b. A defendant whose alcohol concentration is more  
34 than .10 shall not be eligible for any temporary  
35 restricted license for at least thirty days if a test  
36 was obtained, and an accident resulting in personal  
37 injury or property damage occurred or the defendant's  
38 alcohol concentration exceeded .15. There shall be no  
39 such period of ineligibility if no such accident  
40 occurred and the defendant's alcohol concentration did  
41 not exceed .15. In either case, where a defendant's  
42 alcohol concentration is more than .10, the defendant  
43 shall be ordered to install an ignition interlock  
44 device of a type approved by the commissioner of  
45 public safety on all vehicles owned by the defendant  
46 if the defendant seeks a temporary restricted license.

47 c. If the defendant is under the age".

48 4. By striking page 2, line 43, through page 3,  
49 line 18, and inserting the following:

50 "2. a. A person whose driver's license or

Page 3

1 nonresident operating privileges have been revoked  
2 under subsection 1, paragraph "a", whose alcohol  
3 concentration is .08 or more but not more than .10  
4 shall not be eligible for any temporary restricted

5 license for at least thirty days after the effective  
6 date of the revocation if a test was obtained and an  
7 accident resulting in personal injury or property  
8 damage occurred. The defendant shall be ordered to  
9 install an ignition interlock device of a type  
10 approved by the commissioner of public safety on all  
11 vehicles owned by the defendant if the defendant seeks  
12 a temporary license. There shall be no such period of  
13 ineligibility if no such accident occurred, and the  
14 defendant shall not be ordered to install an ignition  
15 interlock device.

16 b. A defendant whose alcohol concentration is more  
17 than .10 shall not be eligible for any temporary  
18 restricted license for at least thirty days if a test  
19 was obtained, and an accident resulting in personal  
20 injury or property damage occurred or the defendant's  
21 alcohol concentration exceeded .15. There shall be no  
22 such period of ineligibility if no such accident  
23 occurred and the defendant's alcohol concentration did  
24 not exceed .15. In either case, where a defendant's  
25 alcohol concentration is more than .10, the defendant  
26 shall be ordered to install an ignition interlock  
27 device of a type approved by the commissioner of  
28 public safety on all vehicles owned by the defendant  
29 if the defendant seeks a temporary restricted license.

30 c. If the person is under the age of twenty-one,  
31 the person shall not be eligible for a temporary  
32 restricted license for at least sixty days after the  
33 effective date of the revocation.

34 d. A person whose license or privileges have been  
35 revoked under subsection 1, paragraph "b", for one  
36 year shall not be eligible for any temporary  
37 restricted license for one year after the effective  
38 date of the revocation, and the person shall be  
39 ordered to install an ignition interlock device of a  
40 type approved by the commissioner of public safety on  
41 all vehicles owned or operated by the defendant if the  
42 defendant seeks a temporary restricted license at the  
43 end of the minimum period of ineligibility. A  
44 temporary restricted license shall not be granted by  
45 the department until the defendant installs the  
46 ignition interlock device."

47 5. By renumbering, redesignating, and correcting  
48 internal references as necessary.

Amendment H-1014 was adopted.

On motion by Baudler of Adair amendment H-1010, as amended,  
was adopted.



Baudler of Adair 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. 65)

The ayes were, 81:

Alons	Baudler	Bell	Berry
Boal	Bogges	Bukta	Chambers
Cohoon	Connors	Dandekar	Davitt
Dennis	Dolecheck	Drake	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Greimann
Hahn	Hanson	Heddens	Hoffman
Hogg	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Smith	Stevens	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Wise
Carroll,			
Presiding			

The nays were, 15:

Boddicker	De Boef	Dix	Eichhorn
Granzow	Greiner	Hansen	Heaton
Horbach	Mertz	Shoultz	Taylor, D.
Taylor, T.	Van Fossen, J.K.	Van Fossen, J.R.	

Absent or not voting, 3:

Arnold	Rants, Spkr.	Winckler
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 65** be immediately messaged to the Senate.

## CERTIFICATE OF RECOGNITION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

**MARGARET A. THOMSON**  
Chief Clerk of the House

2003\268     Bill and Bev Dickerson, Indianola – For celebrating their 50<sup>th</sup> wedding anniversary.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 68**

Local Government: Hahn, Chair; Arnold and Huser.

#### **House File 104**

Commerce, Regulation and Labor: Hansen, Chair; Murphy and Sands.

#### **House File 108**

Agriculture: Rayhons, Chair; Dolecheck and Quirk.

#### **House File 119**

Commerce, Regulation and Labor: Horbach, Chair; Petersen and Raecker.

#### **House File 121**

Human Resources: Heaton, Chair; Greimann and Hutter.

#### **House File 123**

Human Resources: Upmeyer, Chair; Boddicker and Heddens.

#### **House File 126**

Local Government: Jones, Chair; Connors and Maddox.

#### **House File 127**

Human Resources: Heaton, Chair; Berry and Carroll.

**House File 128**

Human Resources: Carroll, Chair; Granzow and Wendt.

**House File 129**

Commerce, Regulation and Labor: Jacobs, Chair; Oldson and Wilderdyke.

**House File 133**

Human Resources: Roberts, Chair; Boddicker and Smith.

**House File 136**

Human Resources: Heaton, Chair; Granzow and H. Miller.

**House File 138**

Human Resources: Boddicker, Chair; Roberts and Smith.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 49**

Agriculture: S. Olson, Chair; Klemme and Mertz.

**House Study Bill 79**

Environmental Protection: Greiner, Chair; Fallon and Klemme.

**House Study Bill 80**

Public Safety: Eichhorn, Chair; Baudler and Heddens.

**House Study Bill 81**

Public Safety: Chambers, Chair; Freeman and Osterhaus.

**House Study Bill 82**

Public Safety: Tjepkes, Chair; Alons and Bell.

**House Study Bill 83**

Economic Growth: Jenkins, Chair; K. Kramer and Thomas.

**House Study Bill 84**

Economic Growth: Jenkins, Chair; Boggess, Hanson, D. Olson and Smith.

**House Study Bill 85**

Judiciary: K. Kramer, Chair; Swaim and J.R. Van Fossen.

**House Study Bill 86**

Judiciary: Maddox, Chair; Boal and Foege.

**House Study Bill 87**

Public Safety: Klemme, Chair; Horbach and Osterhaus.

**House Study Bill 88**

Public Safety: Sands, Chair; Baudler and Heddens.

**House Study Bill 89**

Public Safety: Klemme, Chair; Ford and Sands.

**House Study Bill 90**

Public Safety: Eichhorn, Chair; Hogg and Tjepkes.

**House Study Bill 91**

Public Safety: Alons, Chair; Chambers and Heddens.

**House Study Bill 92**

Public Safety: J.R. Van Fossen, Chair; Ford and Klemme.

**House Study Bill 93**

Public Safety: Alons, Chair; Chambers and McCarthy.

**House Study Bill 94**

Public Safety: Boddicker, Chair; Freeman and McCarthy.

**House Study Bill 95**

Public Safety: De Boef, Chair; Freeman and Shoultz.

**House Study Bill 96**

Public Safety: Sands, Chair; Bell and Horbach.

**House Study Bill 97**

Public Safety: Tjepkes, Chair; Hogg and J.R. Van Fossen.

**House Study Bill 98**

Public Safety: Boddicker, Chair; De Boef and Shoultz.

**House Study Bill 99**

Agriculture: Greiner, Chair; Lalk, Mertz, S. Olson and Struyk.

**House Study Bill 101**

Education: Tymeson, Chair; K. Kramer, Stevens, Tjepkes and Wise.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 102 Judiciary**

Relating to financial services business licensing and regulation, providing criminal and civil penalties, and providing an effective date.

**H.S.B. 103 Commerce, Regulation and Labor**

Relating to telecommunications, including jurisdiction and territory issues for the utilities board, board review of regulated rates and long distance interconnection charges, directory assistance issues, price regulation for local exchange carriers, broadband investments, low-income program credits, making appropriations and providing civil penalties.

**H.S.B. 104 Commerce, Regulation and Labor**

Permitting written demand via regular mail prior to an action under the uniform commercial code for recovery of civil damages for a dishonored check, draft, or order, when supported by an affidavit of service.

**H.S.B. 105 Local Government**

Relating to electronic financial transactions with county treasurers.

**H.S.B. 106 Local Government**

Relating to the establishment of multicounty jails, and making an appropriation.

**H.S.B. 107 Economic Growth**

Relating to the new jobs and income program.

**H.S.B. 108 Economic Growth**

Relating to wage level thresholds for certain programs administered by the department of economic development.

**H.S.B. 109 Human Resources**

Relating to the licensing and scope of practice of physician assistants.

**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 HUMAN RESOURCES**

**Committee Bill,** (Formerly House File 57), requiring members of the clergy to be mandatory reporters of child abuse under certain circumstances.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 2003.

**COMMITTEE ON JUDICIARY**

**Committee Bill,** (Formerly House Study Bill 28), relating to the criminal offense of identity theft by making changes in the elements of the offense.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 2003.

**Committee Bill,** (Formerly House Study Bill 55), relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 2003.

## COMMITTEE ON NATURAL RESOURCES

**House File 33**, a bill for an act relating to licenses for bait dealers by creating resident and nonresident wholesale bait dealer licenses, providing reciprocity, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1012 February 5, 2003.

## RESOLUTIONS FILED

**SCR 1**, by Seymour, Angelo, Beall, Behn, Black, Boettger, Bolkcom, Brunkhorst, Connolly, Courtney, Dearden, Dotzler, Drake, Dvorsky, Fraise, Gaskill, Gronstal, Hatch, Holveck, Horn, Hosch, Houser, Iverson, Johnson, Kettering, Kibbie, Kreiman, Lamberti, Lundby, McCoy, McKibben, McKinley, Miller, Putney, Quirmbach, Ragan, Redfern, Rehberg, Schuerer, Seng, Shull, Sievers, Stewart, Tinsman, Veenstra, Warnstadt, Wieck and Zieman, a concurrent resolution relating to the federal Medicare program and requesting assistance from the federal government.

Laid over under **Rule 25**.

**SCR 3**, by Kibbie and Drake, a resolution requesting the establishment of standing Senate and House subcommittees on veterans affairs.

Laid over under **Rule 25**.

## AMENDMENT FILED

H-1012

H.F. 33

Committee on Natural Resources

On motion by Gipp of Winneshiek the House adjourned at 6:34 p.m., until 8:45 a.m., Friday, February 7, 2003.

# JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day - Nineteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 7, 2003

The House met pursuant to adjournment at 8:45 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, February 6, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 157**, by Jenkins, a bill for an act creating a university-based research utilization program, providing tax credits, and making appropriations.

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

**House File 158**, by Mertz, a bill for an act relating to farm deer and providing for an effective date.

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

**House File 159**, by Jenkins, a bill for an act relating to the restoration of dedicated funds used for nondedicated purposes and providing an effective date.

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

## COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 27, 2003, and is on file in the office of the Chief Clerk:

January 23, 2003

Chief Clerk  
House of Representatives



Statehouse  
LOCAL

Dear Chief Clerk:

In accordance with Section 669.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort Claims, Highway Tort Claims and Settlements & Judgments (general torts and highway) paid during 2002 under Chapter 669.

The attached report shows the claim number, claimant's name, a brief description of the claim, the amount requested and the amount approved.

Cynthia P. Eisenhauer  
Chairperson  
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

MARGARET A. THOMSON  
Chief Clerk of the House

CHAPTER 669 TORT CLAIMS APPROVED  
BY THE STATE APPEAL BOARD - 2002

<u>CLAIM</u>	<u>FULLNAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T000050	John E. Young	State vehicle backed into claimant's vehicle	\$781.89	\$781.89
T010042	David E. Butler	Alleges vehicle damaged by UIHC valet assistant	\$34.00	\$34.00
T010081	Paul A. Martin	Claimant alleges the Child Support Recovery Unit negligently initiated a child support recovery action against him	\$800.00	\$1,500.00
T010122	Sandra Charlene Buoy	Claimant injured when she tripped over an electrical outlet box inside the main entrance to the State Historical Building	Unspecified	\$16,375.08
T010143	Jared and Margo, Duwa as parents and next friends of Levi D. Duwa, a minor	Claimant's son was negligently circumcised requiring an emergency revision of the circumcision	\$500,000.00	\$24,000.00
T010489	Harlan D. & Rose M. Perrin	Algs US 218 construction caused flooding	\$6,443.82	\$4,000.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010542	James Boniface	Claimant's modem cord had to be replaced due to staff negligence	\$95.40	\$95.40
T010556	Joanne M. Poole	DOT veh alg lost control, Struck oncoming vehicle	\$5,545.00	\$3,000.00
T010607	Michael A. Knerr	Claim alleges that UIHC staff failed to remove the cardiac catheter from Knerr	\$2,000,000.00	\$10,000.00
T010716	Curtis & Tracy Hesse	Claimant alleges salt run-off from DOT salt shed adjacent to their property caused damage to their newly landscaped property	Unspecified	\$5,131.03
T010723	Jessica Rose Brindle	Alleges injuries sustained from slip and fall while using crutches and entering the elevator at Stanley Hall	\$590.70	\$590.70
T010781	Jermaine Roberts #1053461	Claimant injured his back during his stay at the Mt. Pleasant Correctional Facility	\$500,000.00	\$3,684.00
T010788	Chenece Renee Erwin	Claimant alleges she was wrongfully arrested on a warrant that was previously recalled	\$25,000.00	\$1,500.00
T010860	James William Henry	State vehicle rear-ended claimant's vehicle	\$842.83	\$814.99
T010932	State Farm Insurance as subrogee of Kay Neumann-Thomas	State vehicle struck claimant vehicle	\$3,684.82	\$3,684.82
T011038	Daniel Kirby	Claimant is a resident at the Iowa Veterans Home and alleges that staff misplaced his cordless headphones	\$80.00	\$80.00
T011041	Denise Thomes	Claimant suffered personal injuries when struck from behind by a UofI Patient Transport Van	\$66,356.38	\$7,000.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>CLAIM</u>	<u>AMOUNT</u>
T011054	Michael Janssen	DOT snowblower alg dmg window & contents in shed	\$731.40	\$365.70
T011060	Gloria Card	Claimant is a resident at the Iowa Veterans Home & alleges that her picture frame fell off the wall & broke by heavy door closing	\$20.00	\$20.00
T011074	Great American Assurance ASO Hank Kearney	DOT plow rearended claimants' vehicle - which had jack knifed on a curve in a snow storm	\$18,903.63	\$11,000.00
T011132	Michael L. Armstrong	Claimant's vehicle struck by a Ford Club Van operated by a house mother from the Iowa School for the Deaf	Unspecified	\$26,712.00
T011148	Michael E. Fouts	Alleges injuries sus- tained in slip and fall on sidewalk at Carver Hawkeye Arena	\$239.80	\$239.80
T011188	Calbert Edwin Lillard	Claimant alleges negligence on the part of UIHC staff in monitoring the use of compression stockings	\$1,000,000.00	\$175,000.00
T011235	Yolanda T. Podolski	Alleges injuries sus- tained in fall on ice outside Dental Science Building	\$1,256.00	\$872.00
T020009	Yvonne June Hickman	Alleges employee mistakenly threw animal that required rabies testing away, necessitating medical treatment	\$3,038.35	\$3,038.35
T020010	David Ray Hickman	Alleges ISU employee discarded animal that required rabies testing, necessitating claimant to receive medical treatment	\$3,597.63	\$3,597.63
T020011	Autumn Hickman	Alleges ISU employee discarded animal that required rabies testing, necessitating the	\$2,758.72	\$2,758.72

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
(T020011 cont.)		claimant receive medical treatment		
T020012	Heidi Hickman	Alleges ISU employee discarded animal that required rabies testing, necessitating claimant to receive medical treatment	\$2,798.71	\$2,798.71
T020026	Mark William Zeige	Allege: property damaged when rain gutters backed up and water flooded his dorm room	\$45.00	\$45.00
T020048	State Farm ASO James Sorenson	DOTsnow plow slid into the claimants vehicle	Unspecified	\$4,787.97
T020056	Don L. VandeBerg	DOT crew alg thru tar/rocks into road/dmg vehicle	\$949.21	\$949.21
T020076	DeWayne D. Purdy	State vehicle backed into claimant vehicle	\$782.80	\$872.80
T020117	Randy Knoll	Claimant's vehicle damaged by staff attempting to load equipment into the vehicle for transport	\$250.06	\$100.06
T020118	Aero Rental Inc	Alleges tents rented to University were damaged during care, custody and control	\$1,523.00	\$1,523.00
T020120	Coralie Fisher	Valet driver struck vehicle	\$950.00	\$945.76
T020133	Biel Khor	Claimant's windshield after routine stop and search of vehicle	Unspecified	\$362.94
T020141	Stacy L. Weitzel	Claimant slipped and fell in the bath house at Black Hawk State Park	Unspecified	\$1,448.70
T020147	Mary Y.-Meng Heng	Alleges property accidentally discarded by SUI custodial service	Unspecified	\$156.00
T020148	Brian James Batterson	DOT mower alg threw object shattering window	\$356.55	\$356.55

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020150	Kurt Douglas Willenborg	State vehicle struck claimant vehicle	\$6,400.00	\$2,743.75
T020158	Allstate Insurance Company as subrogee of Joseph Caligiuri III	State driver changed lanes and hit claimant's vehicle	\$1,553.47	\$2,147.66
T020161	Naomi Coppick	State vehicle struck claimant vehicle	\$1,632.43	\$1,628.53
T020164	Rodger Martin	Algs water from ditch Washed herbicide/dmg Beans	\$226.14	\$226.14
T020165	Nicholas Brian Engstler	Alleges he lost the tips of two fingers and the third finger was severed to the first joint when moving a "pan brake."	\$500,000.00	\$65,000.00
T020167	EQUI SERVE	Guardrail slid out of truck box, hit and dmg vehicle	\$918.11	\$918.11
T020181	Marie Boulton	State vehicle backed into claimant vehicle	\$513.24	\$513.24
T020188	Bernard Jorgensen	Claimant's vehicle left the roadway, landing in a ditch and rolled, totaling the vehicle when ISU vehicle lost control	\$150,000.00	\$80,000.00
T020189	Garnet Jorgensen	Claimants' vehicle left the roadway, landing in a ditch and rolled, totaling the vehicle because an ISU vehicle lost control	\$250,000.00	\$80,000.00
T020190	American Family Insurance as subrogee of Walter Houston	State driver conducted an improper lane change and struck claimant's vehicle	\$1,134.23	\$1,134.23
T020199	Kenneth M. Flanders	Claimant alleges that the dentist at ASP pulled the wrong tooth	\$100,000.00	\$1,000.00
T020202	Kenneth Ray Kuhn	Vehicle alg struck barricade in roadway	\$1,293.54	\$1,293.54
T020204	Terry Wayne Beaird	Claimant's truck damaged by a tree branch while parked in the ISU parking lot	\$448.25	\$298.25

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020206	Beverly Ann Tomer	Claimant's vehicle damaged by a weed wacker while parked on the Capitol Complex grounds	\$204.38	\$204.38
T020209	Lois Irene Moffatt	Claimant alleges damage to her clothes as a result of the items being washed together	\$118.00	\$85.00
T020212	Tamera E. Van Meter	Claimant's vehicle sustained damage by a weed-eater at the Iowa National Guard-Camp Dodge	Unspecified	\$487.24
T020219	Dora Alicia Rodriguez	Claimant's daughter suffered a laceration to right ankle when playing at Children's Hospital of Iowa Play Court	Unspecified	\$6,000.00
T020223	Kylie Elizabeth Stemple	State vehicle struck parked claimant vehicle	\$886.80	\$526.61
T020225	Terra C Melson	Alleges vehicle damaged by rod protruding from parking barrier	\$555.23	\$555.23
T020227	Sandra L. Tellinghuisen	Paint from DOT bridge painting drifted on vehicle	\$186.20	\$186.20
T020230	Allied Mutual Insurance Company as subrogee of Francis Glick	State vehicle rear-ended claimant's vehicle	\$1,125.18	\$1,125.18
T020234	Mandy & Clyde Newton	State vehicle turned into claimant vehicle	\$2,749.89	\$2,749.89
T020239	Elmer Lee Brookhart	Claimant suffered injuries when the vehicle he was driving was rear-ended by an ISP trooper	\$22,887.01	\$18,500.00
T020243	Mediacom	DOT mower allegedly mowed over and damaged the claimant's fiber optic pedestal	\$51,417.90	\$20,000.00
T020247	Cloy Frederick Meyer	State lost control and struck claimants fence	\$314.00	\$314.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020249	Daniel R. Lukasik	Alleges property damaged by malfunctioning hot water heater	\$1,600.00	\$1,600.00
T020261	Kelvin Kurkowski	ISU van pulled out in front of claimant's vehicle	\$24,971.50	\$13,000.00
T020269	Lisa Marie Mohr	Veh alg got yellow paint from DOT painting	\$1,069.30	\$1,069.30
T020274	Leslie L. Harper	Debris from State car struck claimant vehicle	\$1,173.54	\$1,173.54
T020280	Allied Insurance as subrogee of Joseph & Elleen Kosman	state vehicle rear-ended claimant vehicle	\$254.85	\$254.85
T020282	Anthony Paul Wygle	Object fell from DOT trailer dmg windshield	\$299.98	\$299.98
T020284	Mark Allen Heckerson	Alleges sow ran into vehicle	\$1,353.65	\$1,353.65
T020286	Kara Lueken	Alleges property stolen due to UI's negligent repair of window screen	\$300.00	\$300.00
T020287	Sara Lueken	Alleges UI failed to repair window screen, resulting in theft \$300.00worth of property dmg	\$300.00	\$300.00
T020288	Christopher W. Vierling	State vehicle struck claimant vehicle	\$600.00	\$645.05
T020296	Sandra Rae Polich	State vehicle backed into claimant vehicle	\$850.00	\$773.25
T020297	Thomas Palon Stewart	DOT mower alg threw rock dmg vehicle	\$256.44	\$256.44
T020301	Budget Rent A Car	Rental vehicle was rear-ended	\$1,087.59	\$987.59
T020309	Paulsen Grain & Livestock, Inc.	DOT veh forced off road, dmg fence and crops	\$114.30	\$114.30
T020312	Janna D Foels	DOT mower alg threw rock dmg veh bumper	\$243.46	\$243.46
T020316	Ann Marie Rhodes	State vehicle turned into the path of claimant vehicle	\$1,454.13	\$1,454.13

<u>CLAIMS</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020318	Janet Marie Roberts	Alleges rod from parking barrier caught bumper, causing damage	\$837.14	\$837.14
T020324	Clarence Friedrichsen	Alleges damage to his trailer from a tree branch while parked at the Black Hawk State Park	\$54.85	\$54.85
T020325	Richard Lee Jeffords	DOT mower alg threw debris, dmg veh window	\$145.65	\$145.65
T020326	Brenda Jo Wilson	Vehicle damaged by a lawn mower cutting grass next to claimant's vehicle	\$49.70	\$49.70
T020327	James S. Davis	State vehicle struck parked claimant vehicle	\$1,574.59	\$1,249.25
T020328	Allied Insurance as subrogee for Theresa McKee	Rock alg flew off DOT tire, dmg veh windshield	\$490.11	\$490.11
T020332	State Farm Insurance as subrogee of Sharon & Blake Soder	State vehicle rear-ended claimant vehicle	\$981.31	\$933.23
T020336	Brian L. Goodwin	State vehicle backed into claimant vehicle	\$1,595.92	\$1,595.92
T020337	Paul Veldkamp	DOT hand trimmer alg threw rock, dmg veh window	\$195.02	\$195.02
T020338	Ronald Seuntjens	DOT grader alg knocked down mailbox	\$100.00	\$100.00
T020340	GE Capital Fleet Services as subrogee of Hormel Foods Corporation	DOT veh alg pulled into path of oncoming vehicle	\$2,880.30	\$2,880.30
T020341	Wolin & Associates	State driver failed to yield to oncoming traffic	\$934.37	\$584.26
T020344	Harkers Distribution, Inc (#860 Dan Mikkelsen)	Alleges sow got loose and struck vehicle	\$1,256.53	\$1,256.53
T020348	Teresa Diane Jefferson	State vehicle backed into claimant vehicle	\$1,028.77	\$873.60
T020350	Thomas James Hove	Alleges injuries sustained in fall on sidewalk	\$483.98	\$972.98



<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020353	United Agri Product dba UAP Fertilizer	Mower support rod alg hit passing vehicle	\$851.52	\$890.78
T020354	Progressive Insurance as subrogee of Jason McKenna	Alleges cow struck side of vehicle	\$2,113.15	\$2,113.15
T020356	Elaine Kaye Leighton	DOT mower alg threw rock dmg vehicle	\$1,726.92	\$1,726.92
T020358	Mike R. Hanlon	State vehicle struck claimant vehicle	Unspecified	\$1,462.99
T020359	Patricia A. Calhoun	State vehicle pulled into path of claimant vehicle	\$1,150.00	\$1,250.00
T020361	Arthur H. Lovell Jr.	DOT painting aircraft markers/paint splattered vehicle	\$264.60	\$264.60
T020362	Lucille B. DeJong	State driver opened door into path of oncoming vehicle	\$235.20	\$235.20
T020368	Luis A. Fajardo	Alleges rod protruding from parking barrier caught bumper of vehicle, causing damage	\$713.86	\$713.86
T020370	Lola Wilson	DOT mower alg threw rock dmg vehicle	\$1,790.57	\$1,790.57
T020372	Joseph August Pusateri	State vehicle struck parked claimant vehicle	\$694.20	\$694.20
T020374	Kory Chris Schubert	State failed to yield right of way	\$1,400.00	\$1,303.44
T020375	Karen Kay Hugen	Door of state vehicle struck claimant vehicle	\$437.57	\$437.57
T020376	Todd Clark Strader	DOT mower/tractor slid into parked vehicle	\$1,651.92	\$1,651.92
T020378	GAB Robins for Kirkwood Comm College (Elijah Brunson)	GAB Robins is insurer- for Kirkwood employee suffered a mild concussion, bruises and a sprained wrist from injury on ASP ground	\$1,340.57	\$1,340.57
T020381	Matthew J. Ahlers	State vehicle backed into parked claimant vehicle	\$43.09	\$43.09

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020382	West Bend Mutual as subrogee of Cheryl and Barbara Oldenburg	State driver conducted an improper lane change and struck claimant's vehicle	\$1,113.70	\$1,113.70
T020383	Brian Dombroski	Alleges Public Safety damaged vehicle during investigation of possible bomb threat	\$2,240.09	\$2,240.09
T020385	Federated Insurance as subrogee of Larry and Valerie Harmon	Veh alg recd paint/ DOT painting aircraft markings	\$704.65	\$704.65
T020387	Daniel W. Naughton	Veh alg recd paint/ DOT painting aircraft markings	\$157.50	\$315.00
T020394	Paul L. Clarahan	Veh alg recd paint from DOT painting operation	\$100.00	\$100.00
T020395	ICI American holding as subrogee of Gene Persinger	DOT mower alg threw object, dmg veh window	\$250.10	\$250.10
T020402	Karrie Lea Nicolaus	Alleges incorrect diagnosis of rabid bear resulted in unnecessary medical treatment	\$604.39	\$604.39
T020404	Jonathan D. Pagel	Claimant's vehicle damaged while exiting the North Central Correctional Facility	\$2,081.09	\$1,543.72
T020405	Weston Ellwood Whitney	DOT painting aircraft markers/paint splattered vehicle	\$356.37	\$356.37
T020406	Clifford Edgar Pilcher	DOT veh alg backed into parked vehicle	\$770.11	\$770.11
T020409	Vikas Goel	State vehicle backed into claimant's vehicle	\$1,398.83	\$1,028.25
T020413	Bang Tvan Ly	State driver passed claimant as they were turning left	\$887.65	\$887.65
T020416	Iowa Mutual Ins. Co. ASO Edward R. Glenn	DOT vehicle pulled onto the highway and struck the claimant's passing vehicle	\$4,818.89	\$4,818.89
T020417	John E. Schook	DOT mower alg threw object, dmg veh window	\$792.59	\$249.36
T020419	Ralph M. Jarvis	State vehicle backed into claimants vehicle	\$1,654.15	\$2,097.17

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020420	Jo A. Gruenwald	Damage found after valet parking	\$442.54	\$404.74
T020422	Farm bureau Mutual Insurance Co as subrogee of Joyce & Dr. Jerry Larsen	DOT mower alg threw rock dmg vehicle	\$790.19	\$790.19
T020444	Timothy Lewis Scheel	State failed to yield, struck claimant	\$1,750.00	\$1,893.48
T020446	William P. McDaniel	State driver turned into the path of claimant vehicle	Unspecified	\$660.48
T020448	Nancy DeVries	Paint from DOT bridge painting drifted on vehicle	\$138.40	\$138.40
T020452	Jack Williams	Combine hit pile of metal on shoulder dmg combine	\$1,340.97	\$1,340.97
T020454	Jacob K. Hartgers	DOT mower alg threw rock dmg windshield	\$504.90	\$256.57
T020456	Priority Express Inc.	State vehicle backed into claimant's vehicle	\$558.25	\$558.75
T020458	Sandra Sue Haines	Object flew from State vehicle striking claimant vehicle	\$294.84	\$294.84
T020466	Cedar Rapids Dodge	State vehicle door struck claimant's vehicle	\$889.95	\$889.95
T020467	TOCO Bell (Khaled Al-Tamimi, Driver)	DOT mower alg threw rock, dmg taco bell window	\$220.20	\$220.20
T020468	Daniel M. Haugland	State vehicle turned into the path of claimant's vehicle	\$1,016.28	\$1,016.28
T020469	Suzanne J. Hilleman	Alleges UI placed port-o-potty incorrectly, causing it to fall onto her vehicle	\$740.36	\$740.36
T020473	Sarah Jayne Smith	State vehicle backed into claimant's vehicle	\$775.05	\$633.78
T020475	Janice C. Remley	DOT veh swerved & pulled into traffic, hit by vehicle	\$1,581.60	\$1,599.71

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020476	Troy Johnson Rahe	State driver turned into the path of an oncoming vehicle	\$2,400.00	\$2,249.13
T020480	G & D Auto Electric	DOT veh alg backed into sign	Unspecified	\$826.37
T020481	Jacob Newell Ryker	State vehicle backed into claimant's vehicle	\$650.00	\$599.76
T020482	Rick Rasmussen	Paint alg got on vehicle from DOT painting	\$600.00	\$328.13
T020484	Darin A. Hart	Veh alg rec'd paint/ DOT painting aircraft markings	\$193.20	\$193.20
T020485	Adrienne Nicole Lane	Claimant suffered a head injury when she fainted while watching a drawing demonstration in an art class	Unspecified	\$2,175.50
T020486	Helen Reiss	Claimant's lamp was broken by staff at the Iowa Veterans Home	\$50.00	\$50.00
T020487	Judith Marie Sarver	State driver turned into the path of an oncoming vehicle	\$2,303.68	\$3,513.68
T020488	Elvera M. Denning	State driver turned into the path of oncoming vehicle	Unspecified	\$562.00
T020490	Anthony Burleson	Claimant's winter coat that was taken by staff for marking and later came up missing at the Iowa Veteran's Home	\$58.25	\$58.25
T020491	Michael J. Dugan	Auger fell from DOT veh, hit and dmg veh	\$1,532.73	\$1,532.73
T020493	Matthew Donald Chambers	Alleges injuries sustained from overhang at parking ramp	\$683.00	\$683.00
T020497	Jon Alan McCulley	State struck parked claimant vehicle	\$1,902.64	\$1,860.52
T020498	Minnie Six (Deceased Res) filed by sister Dorothy Tremblay	Claimant asserts that she purchased a CD/ radio/cassette recorder which was lost at Veterans Home	\$82.90	\$82.90

<u>CLAIMS</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020499	Project Harmony Org- Dennis Lamar	Claimant is filing on behalf of Project Harmony organization Because of cards ordered And delivered at ISP but can't be located	\$263.00	\$263.00
T020502	Austin Mutual Insurance Group as Subrogee of Richard Dusenberry	DOT truck pulled out of an entrance and struck the claimant's vehicle	Unspecified	\$11,573.37
T020506	Douglas Raymond Deaton	Claimant was falsely arrested and held in Polk County Jail for seven days	\$20,000.00	\$3,500.00
T020514	Heather Sue Kaiser	Alleges portable toilet fell over and damaged vehicle	\$579.10	\$579.10
T020517	Debra Klein, individually, and as Parent of Joshua G. Klein, a minor	Claimant's tooth 24 was extracted in error	\$5,000.00	\$5,000.00
T020518	Lori Sue Arganbright	Claimant was struck by a vehicle driven by Nicole Jepsen who struck an edgrut along the highway, lost control	\$113,000.00	\$15,000.00
T020519	Patricia Ann Hawkins	State vehicle turned into path of claimant vehicle	\$1,361.01	\$1,361.01
T020520	Jordan L. Cohen	State vehicle rearended claimant's vehicle	\$4,298.58	\$4,259.56
T020521	Virginia Ruth Watley	Claimant seeks replacement value of personal items destroyed by a Fifth Judicial District Probation Officer	\$1,000.00	\$100.00
T020522	Dennis Ellison	Alleges UIHC employee accidentally discarded dentures	\$372.87	\$372.87
T020525	State Farm Insurance as subrogee of Bradley Martin	State vehicle turned into claimant vehicle	\$2,077.31	\$2,077.31
T020528	MetLife Auto & Home as subrogee for Jessica Cunningham	11/4/02-Claimant's requests the deductible amount of a rental	\$5,778.17	\$6,393.02

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
(T020528 cont.)		vehicle when she was hit by a state car		
T020529	William Mitchell	State vehicle turned left into claimant vehicle	\$562.97	\$562.97
T020534	Automotive Rentals Inc.	State vehicle turned into path of claimant vehicle	\$1,544.55	\$1,544.55
T020535	Ivan M. Espinoza	State driver drove into path of oncoming vehicle	Unspecified	\$2,326.00
T020536	Roger P. Wohlsdorf	Algs tar on vehicle from patching	\$90.95	\$90.95
T020540	Kevin Patrick Porter	State vehicle rear-ended claimant vehicle	\$3,329.29	\$2,643.14
T020543	Jill Ann Heinrich	Equipment fell out and hit claimant vehicle	\$340.55	\$337.22
T020544	Dennis D. Boley	State vehicle turned into claimant vehicle	\$967.92	\$967.92
T020549	State Farm Insurance as subrogee for Rion Franke	DOT sand truck alg backed into stopped vehicle	\$607.85	\$1,027.48
T020551	Jun Luo	Alleges indirect expenses for injured mother (see T020868)	\$397.60	\$197.60
T020561	Mary C. Leonard	State driver backed into claimant vehicle	\$616.90	\$616.90
T020569	Peggy S. Miller	State vehicle backed into claimant vehicle	\$274.50	\$274.50
T020570	Jim L. Battani	State vehicle backed into parked claimant's vehicle	\$2,771.84	\$2,749.89
T020574	Trent Lee Busma	State vehicle backed into claimant vehicle	\$576.87	\$576.87
T020576	MidAmerican Energy Co.	DOT truck alg pulled down power line	\$336.63	\$336.63
T020581	Heidie Jane White	DOT broom truck alg threw rocks dmg vehicle	\$2,893.13	\$2,893.13
T020585	JoEllen Faye Ehler (student at Texas Christian University)	Alleges injuries sustained in slip and fall on ISU property	\$234.50	\$234.50
T020587	Steven R. Parrott	State vehicle rear-ended claimant vehicle	\$823.76	\$823.76

<u>CLAIMS</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020604	National Car Rental	State driver changed lanes and hit claimant's vehicle	\$726.82	\$626.82
T020609	Rural Mutual Insurance ASO April Samuelson	State driver fell asleep at the wheel, lost control and rolled vehicle	\$1,000.00	\$1,000.00
T020611	Julie Snedeker	Alleges property damaged by power surge in residence hall	\$245.00	\$245.00
T020612	Jeffrey John Joyce	State vehicle side swiped claimant vehicle	\$545.45	\$545.45
T020613	Selzer Werderitsch Associates – Thomas F. Werderitsch	State vehicle rear-ended claimant vehicle	\$3,473.00	\$3,473.00
T020617	Terry Lee Cox Sr.	Claimant alleges wrongful imprisonment pursuant to Iowa Code Chapter 663A	\$253,056.83	\$197,812.33
T020618	Cheryl Nadine Pegg	DOT snow plow alg struck & damaged mailbox	\$60.00	\$60.00
T020621	Anita Dutta	DOT snow plow alg slipped vehicle mirror	\$206.58	\$206.58
T020628	Immaculate Conception Church	DOT wing alg chipped sidewalk	\$489.60	\$489.60
T020633	Andrea Nicole Cook	State vehicle rear-ended claimant vehicle	\$178.80	\$178.80
T020635	Betty Jo Kepley	State vehicle slid into parked claimant vehicle	\$1,032.14	\$1,032.14
T020636	Gregory A. Cox	DOT vehicle allegedly struck the rear of the claimant's vehicle as it slowed for a traffic back-up	\$8,500.00	\$7,723.40
T020637	Stefan Peter Crouse	Rocks alg fell off DOT truck, dmg vehicle	\$1,640.62	\$1,640.62
T020639	James Roger Randolph	Plow alg pushed snow/ice off bridge dmg windshield	\$246.75	\$246.75
T020640	Brian A. Meeker	Veh alg sprayed with white paint from DOT painting	\$884.88	\$884.88

<u>CLAIMS</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020644	Alane K. (Jones) Stranger	Claimant tripped and fell over a rise in the sidewalk in front of the Davenport National Guard Armory causing injury to wrist, and property damage to her clothes and a pinky ring	\$1,641.00	\$1,560.71
T020645	Donna Rodnitzky	State vehicle backed into stopped claimant vehicle	\$1,312.56	\$1,312.56
T020650	American Family Ins. Group ASO Keith Conway	Vehicle damaged by a state worker driving a GSA vehicle on the grounds of Camp Dodge	\$1,253.28	\$1,253.28
T020651	Union Insurance Company as subrogee Of Stanley Kulow and Diane Kulow	Claimant's insured was moving toward the center line off a roadway to avoid a parked vehicle and was hit by a DOT snowplow	\$8,308.24	\$4,154.12
T020652	Tami Kay McAllister	DOT mower alg threw object, dmg vehicle window	\$222.26	\$222.26
T020655	Kay Dee Food Company	Piece of concrete from Gordon Drive fell on vehicle	\$388.62	\$388.62
T020658	Jason John McCarthy	Claimant's vehicle was damaged when it was struck from behind by a DOT vehicle	\$4,932.79	\$4,409.52
T020659	Vince N. Castillo	State driver rear-ended claimant vehicle	\$636.29	\$636.29
T020663	Ronald Kruse	DOT plow alg pushed snow off bridge/dmg windshield	\$228.08	\$228.08
T020668	Kristina Kay Rstom	Allege property damaged by power surge in residence hall	\$110.00	\$110.00
T020669	IMT Insurance ASO Amy Maranell	State vehicle struck claimant when pulling from business driveway	\$6,670.07	\$6,670.07
T020670	Auto Owner's Ins. ASO Noreen Perrault	Claimant's vehicle damaged when state vehicle turned left and hit vehicle, rental of	\$5,317.72	\$5,317.72



<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
(T020670 cont.)		another vehicle and repairs		
T020671	Ronald L. Eckrich dba Ron's Auto Body Shop	Claimant's wrecker was damaged by a passing DOT snowplow	\$8,442.08	\$8,442.08
T020673	Trevis Robert Beeck	Semi thru rocks left on road from DOT blading	\$669.65	\$663.85
T020676	Gerald Irwin	Claimant's parked unattended vehicle was backed into by a DOT snowplow	Unspecified	\$4,792.96
T020682	Moeller Insurance Agency as subrogee of Walter J. Hinrichs	Plow alg threw snow/ice off bridge dmg windshield	\$271.62	\$290.63
T020683	State Farm Insurance as subrogee of Martin Hansen	Plow alg threw snow/ice off overpass dmg vehicle	\$579.06	\$1,730.86
T020684	Scott Andrew Shiflett	Alleges property damaged on ISU property	\$1,363.70	\$1,259.84
T020685	Carol B. Wentworth	DOT veh alg backed into veh at stop sign	\$2,455.15	\$2,027.92
T020687	Harry D. Stegall	State rear-ended claimant vehicle	\$1,586.91	\$2,086.91
T020690	Schuster Company	DOT plow alg turned right, dmg battery box	\$415.62	\$207.81
T020712	William Davies	Alleges property accidentally discarded by UIHC employee	\$812.54	\$812.54
T020713	Jason W. Jensen	DOT plow pulled out of shop, alg hit veh w/wing	\$3,200.00	\$3,591.15
T020717	Benjamin Paul Hollinger	State vehicle hit claimant's parked vehicle	Unspecified	\$87.63
T020718	Raymond A. Dies	DOT snow plow alg struck and dmg mailbox	\$55.00	\$55.00
T020722	Gail LyNne Johnson	Alleges dumpster struck her vehicle while it was parked in ISU parking	\$941.99	\$941.99
T020725	Enterprise Rent-A-Car	State driver exited garage and dented side of van	\$880.53	\$776.36

<u>CLAIMS</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020727	Amy Maranell	State vehicle hit claimant head-on	\$12,500.00	\$3,124.16
T020743	Thomas J. Raife	DOT plow alg pulled into path of oncoming vehicle	\$9,839.63	\$4,000.00
T020749	Linda A. Bittner	State valet driver broke door handle of claimant's vehicle	\$189.21	\$83.63
T020751	Sherry Laughery	DOT plow alg hit & damaged mail box	\$429.73	\$214.87
T020752	Marvin C. Reynolds	Veh alg struck metal from bridge	\$488.11	\$488.11
T020753	Michael E. Ungs	DOT plow alg threw debris dmg windshield	\$400.00	\$362.72
T020755	Jacqueline R. Hackman	DOT plow alg threw rock dmg windshield	\$387.19	\$387.19
T020760	Frieda Quinn	Alleges injuries sustained when elevator door shut on arm	\$520.00	\$130.00
T020762	Marvin Dean Crowe	State driver failed to yield and hit claimant in intersection	\$846.53	\$846.53
T020763	Johnny LeRoy McMurray	Stop sign in barrel alg blew into stopped vehicle	\$1,204.90	\$1,454.90
T020764	Murvine H. Meier	Claimant's vehicle totaled when valet driver lost control of the vehicle and wedged the van between a pole and a building	\$12,000.00	\$22,923.65
T020765	Carol A. Petersen	State driver hit claimant's parked vehicle.	\$1,069.75	\$1,069.75
T020767	United States Postal Service	DOT veh alg backed into parked veh, dmg door	\$319.56	\$319.56
T020768	Hanna Chang	State vehicle failed to yield and hit claimant	\$1,687.65	\$1,687.65
T020769	State Farm Insurance ASO of Rachel Hand	State vehicle pulled up on claimant's right side while claimant was making a right turn	\$1,919.52	\$1,919.52

<u>CLAIMS</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020771	Hollan Kristen Goetz	Alleges property damaged by power surge in Stanley Residence Hall	\$169.99	\$169.99
T020775	Deborah Arnold	DOT plow threw snow/ ice off bridge, dmg windshield	\$260.04	\$260.04
T020778	Tracey Bramble	DOT veh alg hit DOT EE vehicle	\$2,354.67	\$1,358.55
T020779	William J. Kouth	State vehicle hit claimant's parked vehicle	\$540.77	\$600.77
T020782	Manning Construction Company - Manning Seivert	State vehicle was backing from dock area and hit claimant's vehicle	\$760.73	\$760.73
T020783	Jeff Stief	DOT plow alg threw snow from bridge dmg windshield	\$250.00	\$218.17
T0207B5	Steve A. Vignovich	DOT vehicle alg pulled in front of vehicle at intersection	\$986.09	\$968.42
T020792	Richard A. Lunsford	State vehicle rear-ended claimant	\$1,153.21	\$1,153.21
T020798	North West Rec	DOT veh alg hit utility pole	\$1,036.99	\$1,036.99
T020799	Lula M. Koethe	Chunk of blacktop broke from edge, throw into vehicle	\$555.44	\$555.44
T020800	Harrison Gladden	Alleges ISU stop sign fell down and struck vehicle	\$510.15	\$464.18
T020805	Stacey Paige Gosch	Rocks blew loaded DOT truck, dmg vehicle	\$3,396.00	\$3,396.26
T020812	Catherine E. Nitschke	Alleges unnecessary medication was prescribed, resulting in pharmacy fees	\$800.09	\$800.09
T020814	Denise Irene Essman	State vehicle rear-ended claimant's vehicle	\$663.98	\$995.31
T020816	Dawn J. Westrum	DOT weed eater alg threw rock, dmg windshield	\$519.24	\$519.24

<u>CLAIMS</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020817	State Farm Insurance as subrogee for Cynthia Henseler	DOT plow alg pushed snow off bridge onto vehicle	\$1,453.09	\$1,453.09
T020819	Jerry L. Lamb	Alleges vehicle damaged by a sharp piece of metal at curb	\$94.50	\$94.50
T020821	Sarah Ann Sears	Alleges vehicle damaged by malfunctioning gate arm	\$696.53	\$696.53
T020824	Ruth M. Lampe	DOT veh backing out hit veh #2 when it moved	\$1,470.07	\$1,470.07
T020829	Jose Dario Ruesga #41034440	Claimant alleges that when transferred to ISP from CCF his TV was dropped and damaged	\$189.99	\$189.99
T020833	TingTing Yao	Alleges vehicle damaged by screen that fell from Newton Ramp	\$3,992.52	\$2842.53
T020835	Bob Armstrong Lantz	State vehicle rear-ended claimant causing chain reaction	\$5,025.00	\$5, 289.21
T020837	Judy Kay Erickson	Claimant's vehicle damaged by dumpster blown by wind in Capitol Complex parking lot	\$1,581.27	\$1,900.54
T020841	Troy James O'Hern	Rock alg fell off DOT truck; dmg windshield	\$320.59	\$320.59
T020843	Donald E Hall	Claimant files for damages to his pickups when a rock was thrown from a mower at the Union Grove Lake	\$202.71	\$183.22
T020844	Fogarty Enterprises, Inc	DOT plow backing into drive, struck sign	\$4,968.73	\$1,031.10
T020845	Dominique J Ferguson	State valet driver side- swiped claimant's vehicle while parking vehicle	Unspecified	\$2,014.93
T020846	Mark E Wurtele	Claimant requests reimbursement of clean-up charges he wrongfully incurred on his property	\$2,476.47	\$2,476.47

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020848	Matthew S Nevins	Alleges university personnel allowed someone to falsely obtain entry into his room, resulting in damage	\$634.99	\$634.99
T020849	Jossph A Winkler	Claimant's truck was damaged while parked at the Power House parking area due to a "runaway" dumpster	\$1,208.59	\$1,058.59
T020853	Judy Kay Erickson	Claimant's vehicle damaged by garbage dumpster blown by the wind in Lot 10 of the Capitol Complex	\$769.84	\$769.84
T020856	American Family Ins Group as subrogee of Steven and Debra Boyd	State vehicle turned right and hit claimant vehicle	\$428.67	\$428.67
T020858	Sedgwick CMS ASO Coca Cola Enterprises Inc.	State vehicle turned corner too close and hit claimant's vehicle	\$639.96	\$639.96
T020859	James R Bolejack	Alleges injuries sustained when fell in area obscured by high water	\$352.00	\$352.00
T020863	Lifen Xu	Alleges injuries sustained from defective commode	\$707.76	\$707.76
T020870	Elizabeth Mowrer	Alleges vehicle sustained paint overspray when ISU employee painted curb	\$212.53	\$212.53
T020872	Kenneth S Opatz	Claimant's vehicle sustained a broken rear window while inmates were moving lawn	\$298.53	\$298.53
T020873	Jerome B Irsfeld	State vehicle rear-ended Claimant's vehicle	\$556.36	\$556.36
T020880	MarkKaye Dettbarn	DOT mower alg threw rock dmg vehicle	\$788.49	\$788.49
T020884	Auto-Owners Ins ASO Ruth Goldstein	Claimant was struck by trooper's car making a u-turn because claimant's car was in trooper's blind spot	\$5,196.01	\$5,394.31

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020886	Thaddeus M Nanfito	State opened rear door into claimant's vehicle	\$273.89	\$273.89
T020887	Corning Municipal Utilities	State struck utility pole	\$483.67	\$483.67
T020889	Rebecca Hadenfeldt	DOT mower alg threw rock dmg veh & window	\$460.00	\$427.78
T020891	Roman Reshetov	State backed into parked claimant's vehicle	\$1,055.50	\$1,055.55
T020893	Robert W Peters	State valet struck claimant 2 vehicle while driving claimant 1 vehicle	\$1,676.79	\$1,676.79
T020894	Albert DiGiovanni	Alleges vehicle damaged by gate arm	\$594.62	\$594.62
T020899	JoAnn Marie Capps	DOT mower alg threw concrete damaged vehicle	\$488.33	\$488.33
T020902	Trisha Ann Burke	State vehicle backed into Claimant's vehicle	\$495.20	\$466.82
T020903	Mary Ann Cox	Sign alg blew off DOT veh hit by car	\$605.04	\$605.04
T020906	Lucy Wibbenmeyer	State cambus sideswiped claimant vehicle	\$967.58	\$714.35
T020909	Michael Ramirez	State vehicle backed into claimant vehicle	\$557.60	\$491.21
T020912	MidAmerican Energy Company	Hit wire with DOT vehicle edge rutting	\$1,238.45	\$619.23
T020914	Patricia A Sherwood	DOT mower alg threw debris at veh, scratched veh	\$638.27	\$638.27
T020915	Richard Buenzow	Claimant's parked trailer was damaged by a worker mowing in the area and broke the tail light	\$18.24	\$18.24
T020916	Margaret E Mitterer	Claimant's vehicle damaged by a maintenance worker mowing the ground at the Eldora State Training School	\$195.95	\$195.95
T020918	Suzanne Marie Porter	State vehicle backed into claimant vehicle	\$1,744.91	\$2,100.90
T020921	Monte Aaron Carlson	DOT mower(s) alg threw rock dmg veh head light	\$1,015.66	\$1,015.66

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020971	Roger A. Bielinski	State struck claimant vehicle in parking lot	\$1,805.95	\$1,027.83
T020972	David M. Koch	Alleges ISU Residence Services signed for package he never received	\$1,758.44	\$1,490.48
T020973	Raymond J. Border	Alleges glasses damaged by pipe on University property	\$148.00	\$148.00
T020977	Kamy Elizabeth Herbst	State vehicle backed into Claimant's vehicle	\$1,727.99	\$1,977.97
T020980	Bonnie's Barricades	DOT mower alg struck & dmg sign	\$413.00	\$413.00
T020985	Donald Bush	Alleges property accidentally discarded while patient at UIHC	\$768.00	\$768.00
T020987	Carol Patricia Snyder	Veh alg hit hole dmg tire & wheel	\$240.54	\$240.54
T030017	Brent Timothy Helt	State vehicle backed in claimant	\$835.12	\$809.06
T03001S	Michael D. Innis-Jimenez	State vehicle turned left hitting claimant vehicle's front bumper	\$82.58	\$82.58
T030019	David J. Miller	DOT mower alg threw object dmg vehicle	\$1,988.04	\$1,988.04
T030024	Clyde E. Teeter	DOT mower alg threw rock dmg veh windshield	\$268.80	\$268.80
T030026	Richard M. Ratzlaff	Claimant is resident of the Iowa Veteran Home and alleges that staff lost his personal clothing	\$65.51	\$65.51
T030028	Timothy M Feeney	Veh alg hit hole in road dmg tire	\$171.60	\$171.60
T030030	Michelle Sue Prisner	State vehicle rear-ended claimant	\$846.85	\$832.02
T030031	Rolanda Butler	Veh alg hit hole in road dmg tire rim	\$130.47	\$130.47
T030032	Mabel Ann Rodden	State vehicle backed into claimant vehicle	\$748.65	\$738.53
T030034	James Welch	DOT veh alg backed into vehicle	\$311.53	\$293.40

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T030040	Timothy Alan Connolly	State vehicle and claimant vehicle's mirror struck each other	\$219.53	\$219.53
T030043	Russell D. Kroepel	DOT mower alg threw rock, dmg veh window	\$727.39	\$727.39
T030045	Ed Brink	Algs tar on veh from DOT oiling roadway	Unspecified	\$47.17
T030046	Ed Brink	Algs tar on veh from oiling roadway	Unspecified	\$47.17
T030050	Jerry J. Hempel	DOT mower alg threw rocks dmg veh	\$790.82	\$790.82
T030051	Albert E. Poorman	Veh alg hit hole dmg vehicle	\$1,851.57	\$1,220.82
T030052	Anna S. Yeung	State vehicle backed into Claimant vehicle	\$690.78	\$640.83
T030054	Jeffrey Lee Mohlis	DOT edgerutter threw rock dmg vehicle	\$1,761.35	\$1,761.35
T030062	Christina Moeller	Alleges vehicle damaged by valet while parking at UNI event	\$157.98	\$157.98
T030068	Julie May Hoben	State vehicle rear-ended claimant	\$381.86	\$381.86
T030072	Patnode Trucking Inc / Joel Patnode	Sign alg blew in front of semi, dmg tires	\$842.96	\$842.96
T030074	LuAnn Roberts	DOT mower alg threw rock dmg veh window	\$226.22	\$226.22
T030076	Jeff W. Schultz	State vehicle crashed into claimant's vehicle in construction zone	\$2,467.72	\$2,467.72
T030077	Wallace E. Ahrens	DOT mower alg threw rock dmg windshield	\$285.10	\$285.10
T030078	James Steven Bethea	Claimant's bike slid from under him after coming in contact with spilled transmission fluid - injury to hip and low back area	\$20,300.00	\$5,000.00
T030079	Budget Rent A Car of Omaha	DOT mower alg threw rock, dmg rear sidewindow	\$188.00	\$188.00
T030081	Timothy Alan Oelschlager	State vehicle rear-ended claimant	\$2,387.15	\$2,386.90



<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T030084	Gerald Brame	State valet driver hit vehicle with claimant's vehicle while parking	\$413.55	\$413.55
T030087	Walter R. Hodges	State vehicle backed into claimant's vehicle	\$1,143.52	\$1,143.52
T030089	Enterprise Rent-A-Car	State vehicle struck claimant's parked vehicle	\$855.91	\$855.91
T030095	Rita M. Phillips	State vehicle was backing into dock area and clipped the rear bumper of claimant's vehicle	\$1,041.11	\$1,041.11
T030098	John P. Thompson	DOT truck/spreader alg threw rock dmg windshield	\$1,479.00	\$1,043.54
T030099	Judith Small	Alleges property accidentally discarded by UIHC employee	\$1,500.00	\$1,500.00
T030101	Michael Freel	State vehicle backed into claimant's vehicle	\$2,666.97	\$2,781.95
T030102	Jeffrey S. Ellis	State vehicle made improper left hand turn and struck claimant	\$880.25	\$880.25
T030103	Harold Gene Hendrickson	State struck parked claimant vehicle	\$787.16	\$621.67
T030106	Drake Pasa	Alleges animal sustained a leg injury when ISU employee was transferring it from rack	\$802.00	\$802.00
T030120	Michael G. Peirce	DOT mower alg threw rock dmg windshield	\$393.18	\$232.50
T030126	Tammy Lou Harwick	DOT mower alg threw rocks dmg windshield	\$253.59	\$253.59
T030131	Anita Wardle	Alleges property damaged by revolving door at main entrance of hospital	\$220.00	\$220.00
T030137	Jodi June Walker	State vehicle sideswiped claimant's vehicle	\$1,237.86	\$1,237.86
T030138	Robert Hollinger	State vehicle struck the left side rear panel of claimant's vehicle	\$639.80	\$383.88
T030139	Dorothy A. Nutgrass	DOT mower alg threw rock dmg window	\$399.75	\$399.75

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T030142	Ronald Dietze dba R.D. Dietze & Sons Trucking	State vehicle passed claimant's vehicle and misjudged clearance	\$2,078.26	\$2,078.26
T030143	Yunjung Kim	State vehicle ran into backend of claimant's vehicle	\$1,032.62	\$1,031.60
T030144	Cheryl Josephine Fox	State rear-ended claimant's vehicle	\$418.01	\$418.01
T030153	Matthew J. Mertens	DOT vehicle alg turned into front of vehicle	\$3,850.27	\$3,835.44
T030155	Sherry Von Fumetti	Claimant's wheelchair lift damaged by valet	\$323.68	\$323.68
T030156	John Gary Olson	Algs excess rocks on road, damage vehicle	\$379.00	\$379.00
T030158	Beverly K. Kotzian	DOT mower alg threw object dmg vehicle	\$1,031.02	\$1,031.02
T030165	Jeffrey J. Hinz	DOT veh alg threw rock dmg windshield	\$259.13	\$259.13
T030167	Genevieve A Zimmerman	Valet backed into claimant's vehicle	\$1,000.00	\$826.53
T030168	Anne Marie Condon	Claimant's vehicle damaged when rock was thrown from a mower	\$984.81	\$834.81
T030171	*National Car Rental dba Pennsylvania Leasing Corp/PurCo Fleet Services	Claimants vehicle struck by State of Iowa driver who became confused by detours and construction and changed lanes	\$16,251.80	\$18,158.80
T030176	Mickey Olean Martin	DOT paint truck spread paint on vehicle	\$125.00	\$125.00
T030177	Tankham Vongxay	State backed into claimant's vehicle in parking lot	\$1,915.08	\$1,915.08
T030180	Kerby Miller	DOT mower alg threw rock dmg veh	\$418.60	\$418.60
T030181	Rebecca Ann Knox	DOT painting tropper lines, wet paint got on vehicle	\$159.30	\$159.00
T030186	Anne Berg	State rear-ended claimant vehicle	\$804.38	\$804.38
T030194	Alfred W. Beckman	DOT mower alg threw rock dmg hood	\$273.34	\$487.28

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T030195	Lynn T. Neill	State scraped claimant's vehicle	\$418.52	\$418.52
T030200	Douglas L. Steen	DOT mower alg threw debris dmg vehicle	\$171.90	\$171.90
T030204	Benjamin Montes Barajas	Claimant injured by passenger airbag that was deployed when vehicle was struck in the rear by Trooper when moving vehicle	\$6,071.00	\$7,110.00
T030205	Diane Lynn Leibold	Trooper ran a stop sign and struck claimant's vehicle	\$6,730.00	\$6,165.37
T030214	Thomas F. Hicks Jr.	Alleges UIHC staff lost dentures while patient	\$831.00	\$831.00
T030215	Jim Wing	State locked claimant's keys in vehicle	\$27.68	\$29.68
T030220	Erv Boelter	DOT mower alg threw rock dmg vehicle	\$957.79	\$1,186.49
T030226	Stewart Lee Burger	State backed into claimant's vehicle	\$1,392.84	\$1,392.84
T030234	PHHArval/D. L. Peterson Trust	DOT vehicle allegedly ran a red light and struck the claimant's vehicle	\$11,985.50	\$5,303.44
T030235	Robert Berger	Alleges property accidentally discarded while patient at UIHC	\$548.96	\$548.96
T030238	Shi Zhong Zheng	Claimant seeks funds to compensate him for the harm he suffered in attempting to correct a mistake regarding an OWI conviction	\$1,000.00	\$1,000.00
T030244	Elizabeth Speidel	Alleges Habitat for Humanity failure to supervise organization resulted in not being reimbursed expenses	\$389.00	\$389.00
T030246	Hugo E. Potratz	State struck parked claimant vehicle	\$406.80	\$406.80
T030288	Atlantic Mutual Insurance Co ASO Stearline Rucker	Claimant's vehicle was rear-ended by a state vehicle	\$4,986.44	\$4,986.44

CHAPTER 669 TORT CLAIMS APPROVED  
BY THE STATE APPEAL BOARD - 2002  
RECONSIDERATION/SUPPLEMENTAL CLAIMS

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T000924	Hazel G. Probasco	Claimant files this claim as the result of injuries she received in a pedestrian/auto accident	\$11,914.94	\$11,914.94
T010706	The Cincinnati Insurance Company as Subrogee of AM. Management, Inc	Claimant's insured vehicle was stalled in the breakdown lane and a DOT snowplow passed and allegedly sideswiped the parked vehicle	\$3,150.00	\$3,150.00
T010810	State Farm Insurance as subrogee of James T. Gann	Claimant's vehicle damaged when state vehicle backed into his vehicle	\$1,634.00	\$1,634.00
T010909	State Farm ASO Dana M. Wetzel	Claimant's vehicle damaged when state vehicle collided with her	\$155.58	\$155.58
T020335	Farm Bureau Mutual Insurance Co as subrogee of Jackie Calabro	Elisabeth Gates was driving state vehicle when she slid on the the ice and struck claimant's vehicle	\$1,830.00	\$1,830.00
T020359	Patricia A. Calhoun	State vehicle pulled into path of claimant vehicle	\$100.00	\$100.00
T020419	Ralph M. Jarvis	State vehicle backed into claimant's vehicle	\$210.00	\$210.00
T020487	Judith Marie Sarver	State driver turned into the path of an oncoming vehicle	\$385.00	\$385.00
T020505	Gino Fontanini	Claimant alleges that physicians amputated a portion of his left index finger without performing the appropriate pre-op testing	\$5,000.00	\$5,000.00
T020528	MetLife Auto & Home as subrogee for Jessica Cunningham	11/4/02-Claimant's requests the deductible amount of a rental vehicle when she was hit by a state car	\$614.85	\$614.85

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020814	Denise Irene Essman	State vehicle rear-ended claimant's vehicle	\$188.17	\$188.17
T020837	Judy Kay Erickson	Claimant's vehicle damaged by dumpster blown by wind in Capitol Complex parking lot	\$86.55	\$86.55

Money Paid From General Fund For Settlements and Judgments

<u>DEPARTMENT</u>	<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>TYPE OF CLAIM</u>	<u>AMOUNT</u>
Agriculture		Wandro, Lyons & Baer-Deborah and Jeffrey Jarman vs. Wellmark	Attorney Fees	\$1,500.00
		Wellmark - Deborah and Jeffrey Jarman	Cancellation of Insurance	\$22,732.88
Anamosa State Penitentiary		Jones County Clerk of Court RE: Rick Mason	Court Costs	\$80.00
	T010470	Joseph Koncel	Personal Injury	\$1,563.73
Board of Nursing		Frank Chiavetta	Retaliation & sex discrimination	\$14,999.14
Corrections		Peggy Lambirth, Roxanne Conlin	Sexual Assault & Harassment/ Attorney Fees	\$45,000.00
		Frank Comito RE: Peggy Lambirth	Mediation Fees	\$990.00
		Henry Co. Clerk of Courts	Court Cost	\$50.40
Fort Dodge Correctional Facility/UIHC	T010283	U.S. District Court Webster Co. Clerk of Court-Schnoebelen	Court Costs Court Costs	\$150.00 \$80.00
	T000966	U.S. District Court vs. Dr. Ryan	Filing Fee	\$150.00
General Services	T00-0477	Valentin Burriola	Slip and Fall Injury	\$6,684.30
	T00-0477	Tom Whitney, Attorney Valentin Burriola	Attorney Fees	\$23,315.70
Human Services		Polk Co. Clerk of Court RE: In Interest of D.W. & A.W.	Court Costs	\$517.00
		Reginald Prince	Racial Discrimination	\$36,000.00
		Parrish Law Firm RE: Reginald Prince	Attorney Fees	\$24,000.00

<u>DEPARTMENT</u>	<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>TYPE OF CLAIM</u>	<u>AMOUNT</u>
		Woodbury Co. Clerk of Court RE: G.A.Z. minor child	Court Costs	\$710.37
		Jennifer Casey	Employment Discrimination	\$54,020.00
		Lipman Law Firm RE: Jennifer Casey	Attorney Fees	\$40,000.00
		Patricia Wengert/ Tom Whiteny Law Firm-Mona Hayes vs. Human Services Mona Hayes	Attorney Fees	\$5,843.34
			Sex, Race Discrimination and Retaliation	\$11,656.66
		Parish, Kruidenier, Moss, Dunn, Bowles & Gribbel/Pamela Marlowe	Attorney Fees	\$6,400.00
		US Dept. of Justice/ Pamela Marlowe	Unpaid Student Loan	\$5,198.82
		Pamela Marlowe	Violations of the federal and state Civil Rights Act for religious discrimination, and common law actions for breach of contract, fraudulent misrepresentation, promissory estoppel and tortuous discharge against public policy	\$4,500.00
Human Services/ Inspections & Appeals		Iowa Protection and Advocacy Services, Inc	Attorney Fees	\$12,488.21
Iowa Medical Classification Center	T990665	Mears Law Firm	Retaliation Claim -withdrew and settled for attorney fees and costs	\$3,250.00
		Larew Law Office- Sonia Wendel	Attorney Fees	\$1,000.00
		Sonia Wendel	Alleged assault and sexual harassment	\$10,000.00
Iowa Correctional Institution for Women		Roxanne Conlin & Associates RE: Aja Simpson	Attorney Fees	\$16,500.00
		Pamela Riley	Punitive Damages	\$47,047.56
		Fred Utter	Hiring Discrimination	\$63,545.80

<u>DEPARTMENT</u>	<u>CLAIM NO</u>	<u>CLAIMANT</u>	<u>TYPE OF CLAIM</u>	<u>AMOUNT</u>
		Hopkins & Huebner /Jean Baker and Roger Huhle-Fred Utter vs State of Iowa	Attorney Fees	\$35,454.20
		Lipman Law Firm/ Pamela Riley vs. Long	Bill of Costs	\$3,672.57
Iowa Public Television	T01-0605	John Kelling	Personal Injury- wrongful discharge	\$25,000.00
	T01-0605	Coppola, Sandra McConville	Attorney Fees	\$10,000.00
Iowa State Penitentiary		Gary Bear	Personal Injury	\$1,150.00
		Glendale More	Unable to satisfy the Constitutional requirement of access to the courts so settlement was made	\$500.00
		Martha McMinn, Attorney & Glendale More	Attorney Fees	\$100.00
		Mears Law Office/ Philip B Mears - Goff vs. Harper	Attorney Fees	\$211,967.59
Iowa State University	T00-0254	Bradley & Riley	Physical Injuries/	\$50,000.00
	T00-0255	PC Trust Account	Emotional Distress	
	T00-0256	% Melissa Duddfield Account % Melissa Duddfield		
	T000357	Harold Huffman/ Ben T. Doran, Doran, Anderson & Baltimore	Personal Injury & Attorney Fees	\$50,000.00
	T000716	Sara Pieper	Physical Injuries/ Emotional Distress	\$32,139.32
		Richard Swenson/ Putnam Law Firm	Medical Expenses, Emotional Distress, Harassment/ Attorney Fees	\$18,117.00
		Martin Diaz Law Firm RE: Frank Fiedler & Townsend/ Sara Pieper	Attorney Fees	\$10,000.86
	T000716	Fiedler & Townsend/ Sara Pieper	Attorney Fees	\$17,860.68
Judicial Department		Gannett Co. Inc. - Des Moines Register & Tribune	Attorney Fees & Court Costs	\$2,058.25
	T010317	Daniel Salem/Peter Berger	Falsely Imprisoned	\$800.00

<u>DEPARTMENT</u>	<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>TYPE OF CLAIM</u>	<u>AMOUNT</u>
Mt. Pleasant Correctional Facility		Craig Blair/Gerald Otto vs. Rosell and Mears Law Office	Violation of his constitutional rights and Attorney Fees	\$500.00
Natural Resources	T950638 T950639 T950640 T000189 T000190 T000191 T000192 T000189 T000190 T000191 T000192 T010348 T010349	Daniel Ertz  Thune Law Firm RE: Kay & Rich Clark  Kay & Rick Clark  James Coan/Carl A. Saunders Victoria L Herring Trust Account – Kathryn Stangl vs. State of Iowa Kathryn Stangl	Personal Injury (Annual Payment)  Mediator's Fees  Personal Injury  Personal Injury/ Attorney Fees Attorney Fees  Sexual Harassment and Discrimination (DNR paid \$55,000 and \$70,000) Sexual Harassment and Discrimination	\$28,137.73  \$305.00  \$65,000.00  \$2,500.00 \$40,000.00  \$125,000.00
	EC	Kathryn Stangl		
Newton Correctional Facility	T990570 T010321	Rob Garver Trust Fund RE: Cleghorn	Negligence/Death	\$500.00
Public Health	T930099 & T930100  T930099 T930100	Bonifacio Cudal  Parrish Kruidenier Moss, Dunn, Boles & Gribble –Bonifacio Cudal vs State of Iowa	Race and Age Discrimination and wrongful termination, state constitutional abridgment of speech and Section 1983 claims  Attorney Fees	\$1,000.00  \$3,000.00
Public Safety		State Bank of Brooks Lisa Kenny T00-0410 Vilay Anderson  T00-0410 Coppola, Sandre, McConville and Carroll Attorney – Vilay Anderson	Property Damage  Sex Discrimination Racial, national origin and sex discrimination Attorney Fees	\$325.00  \$6,500.00 \$10,000.00  \$5,000.00



<u>DEPARTMENT</u>	<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>TYPE OF CLAIM</u>	<u>AMOUNT</u>
Board of Regents		Polk County Clerk of Courts RE: Julie McElroy	Court Costs	\$1,042.71
Revenue & Finance		Lori Wetlaufer/ Thomas Jackowski	Terminated in retaliation of previous complaint/ Attorney Fees	\$45,000.00
University of Iowa	T000807 T000808	Allison Sloyer/ Tom Riley Law Firm	Personal Injury/ Attorney Fees	\$13,500.00
University of Iowa Hospitals and Clinics		Russell and Eileen Anderson/Galligan Tully Doyle & Reid	Personal Injury/ Attorney Fees	\$175,000.00
	T990939	Galligan, Tully, Doyle & Reid RE: Russell Anderson Janet Oberillig	Medicare Reimbursement/ Attorney Fees Personal Injury-annual payment	\$13,333.20 \$23,544.00
	T96-0302 T96-0303	Dawn Fleege, Greg Fleege, Michael Bush	Personal Injury of minor child/ Attorney Fees	\$336,000.00
	T96-0304 T01-0297 T01-0298	Melvin Nelson and Marcucci & Conger,	Medical Malpractice and Attorney Fees	\$350,000.00
	T01-0299 & T01-0300 T01-0297 T01-0298 T01-0299 & T01-0300	Melvin Nelson	Mediation Cost	\$550.00
University of Iowa Hospitals & Clinics Cont..	T97-0664	Russell Williams III and Bush, Motto, Green, Hoffman & Coury	Medical Malpractice and Attorney Fees	\$37,500.00
	05802053	Wendy A. Hancock and Hayes Lorenzen Lawyers	Liver Biopsy and Attorney Fees	\$5,000.00
	T001067	Tammy Rivera	Medical Negligence	\$425,000.00
	T001067	Thune Law Firm-Tammy Rivera vs. State of Iowa	Attorney Fees	\$745.00
	T000404	William L. Hiney & Marylou Hiney & Madeline Hiney &, Galligan, Tully, Doyle & Reid	Medical Negligence and Attorney Fees	\$30,000.00
	T001009	David Fox/Robert Leyshon	Medical Negligence/ Attorney Fees	\$4,500.00
	T001067	Hartford CEBSCO/	Annuity	\$678,500.00

<u>DEPARTMENT</u>	<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>TYPE OF CLAIM</u>	<u>AMOUNT</u>
		Tammy Rivera/ Michelle Cerwinske		
Woodward Resource Center		Elverson & Vasey- Thomas Jackowski RE: Rochelle Updike Rochelle Updike	Attorney Fees  Work Related Harrassment	\$11,500.00  \$18,500.00
Workforce Development	T981004	Walker Castle/ Richard Rhinehart & Associates	Personal Injury (1 <sup>st</sup> of four annual payments)	\$800,000.00
	T981004	Albert Habhab RE: Walker Castle	Mediation & Arbitration Fees	\$644.00
	T981004	Peter Cartelos RE: Walker Castle	Attorney Fees	\$1,002.08
	T981004	Walker Castle & Richard Rhinehart & Associates, Attorney	Personal Injury - IOSHA; Attorney Fees	\$814,005.44
		Shirleen Light/ Workman's Comp	Court Cost	\$401.88

<u>DEPARTMENT</u>	<u>CLAIM &amp; WARRANT NO.</u>	<u>CLAIMANT</u>	<u>TYPE OF CLAIM</u>	<u>AMOUNT</u>
DOT	T99-0829, 05843572	Timothy Noska	Personal Injury	\$3,562.70
DOT	T99-0829, 05843576	Matthew Petrzelka (Timothy Noska)	Attorney Fees	\$1,437.30
DOT	T990523, 06391723	DOT Transportation and David Fritschle	Personal Injury	\$4,500.00
DOT	T990523, 06391735	Buena Vista Clerk of Courts-David K. Fritshel/ Roger Ashbaugh and State of Iowa	Court Costs	\$121.00
DOT	05879059	Wunschel Law Firm -John Blackford	Attorney Fees	\$66,007.87
DOT	05879080	David Bruner- John Blackford	Attorney Fees	\$65,000.00
DOT	05879081	John E. Blackford and Iowa Methodist Medical Center	Personal Injury	\$258,992.13
DOT	06124657	David W. Gleason and Mary D. Gleason	Highway 3 Construction Project	\$5,820.60
DOT	06124661	Craig Ament/ David W. Gleason and Mary D. Gleason	Attorney Fees	\$5,012.74
DOT	04478388	Galligan, Tully, Doyle & Reed		\$166,051.15

<u>DEPARTMENT</u>	<u>CLAIM &amp; WARRANT NO.</u>	<u>CLAIMANT</u>	<u>TYPE OF CLAIM</u>	<u>AMOUNT</u>
DOT	4478389	Estate of Nicole Jill Jepsen, by its co-administrators, Thomas Jepsen and Jill Jepsen		\$313,948.85
DOT	3288568	Allied Mutual Insurance Company and Nationwide Mutual Insurance Company as subrogee of Gene and Dorothy Sweeney		\$2,000.00
DOT	3288569	Mark L. Walk		\$1,000.00
DOT	3330953	Don S. Willie		\$3,762.00
DOT	3330954	Jerry C. Estes		\$3,192.38
DOT	3330955	Webster Co Clerk of Court		\$45.62
DOT	3407741	Jon M. Martin		\$2,154.45
DOT	3407745	Quinton J. Wiley & Grinnell Mutual Reinsurance Comp.		\$4,845.55

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF MANAGEMENT

Annual Report of standing appropriations, pursuant to Chapter 8.6(2), Code of Iowa.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 61

Economic Growth: Wilderdyke, Chair; Boggess and D. Olson.

##### House Study Bill 102

Judiciary: Maddox, Chair; K. Kramer and Struyk.

##### House Study Bill 103

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

##### House Study Bill 104

Commerce, Regulation and Labor: Sands, Chair; Connors and J.K. Van Fossen.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 110 Environmental Protection**

Relating to the discharge of nitrates into any water of the state and making a penalty applicable.

On motion by Gipp of Winneshiek the House adjourned at 8:46 a.m., until 1:00 p.m., Monday, February 10, 2003.

# JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day - Twentieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 10, 2003

The House met pursuant to adjournment at 1:03 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Darran Whiting, pastor of Calvary Baptist Church, Coggon. He was the guest of Representative Kraig Paulsen of Linn County.

The Journal of Friday, February 7, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Klaire O'Rourke, the Minority Leader's Page from Earlham.

## INTRODUCTION OF BILLS

**House File 160**, by Jochum, a bill for an act relating to the use of credible data for water quality purposes.

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

**House File 161**, by Heaton, a bill providing for senate confirmation of the appointment of the administrator of the medical assistance and healthy and well kids in Iowa programs.

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

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 6, 2003. Had I been present, I would have voted "aye" on House File 65.

WINCKLER of Scott

## COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

### DEPARTMENT OF PUBLIC HEALTH

Tobacco Use Prevention and Progress Report, pursuant to Chapter 142A.4(12), Code of Iowa.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 115

Public Safety: De Boef, Chair; Heddens and Sands.

#### House File 157

Economic Growth: Jenkins, Chair; K. Kramer and Thomas.

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

#### House Study Bill 110

Environmental Protection: Klemme, Chair; D. Hanson and D. Olson.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 111 Commerce, Regulation and Labor**

Relating to energy, by reassigning responsibilities of the energy bureau of the department of natural resources, and providing for ownership of alternate energy production facilities or small hydro facilities by public electric utilities.

### **H.S.B. 112 Environmental Protection**

Relating to the review of subdivision plats by a local board of health or a county sanitarian.

### **H.S.B. 113 State Government**

To establish an interior design examining board, to provide for the registration of interior designers in order to use the title of registered interior designer, and to provide fees and penalties.

**H.S.B. 114 State Government**

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.

**H.S.B. 115 Ways and Means**

Relating to a sales tax exemption for supplies for machinery, equipment, and computers.

**H.S.B. 116 Ways and Means**

Relating to the phased-in reduction in the premiums tax rate for county and state mutual insurance associations.

**H.S.B. 117 Ways and Means**

Relating to the establishment of tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to child care benefits for employees and including effective and applicability date provisions.

**H.S.B. 118 Ways and Means**

Relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities and including effective and applicability date provisions.

**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 EDUCATION

**Committee Bill** (Formerly House File 6), relating to character education, service learning, and the educational program, and providing for related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2003.

**Committee Bill** (Formerly House File 107), relating to the use of physical plant and equipment levy revenue, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2003.

## COMMITTEE ON NATURAL RESOURCES

**House File 85**, a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2003.

## RESOLUTIONS FILED

**HCR 10**, by Tymeson and Lukan, a concurrent resolution requesting the establishment of standing Senate and House subcommittees on veterans affairs.

Laid over under **Rule 25**.

**HR 12**, by McCarthy and Quirk, a resolution urging the United States Congress to immediately enact legislation assisting states and local governments in improving their first responder networks.

Laid over under **Rule 25**.

**HR 13**, by Schickel, Alons, Berry, Boal, Boggess, Bukta, Carroll, Chambers, Connors, Dandekar, Davitt, De Boef, Dolecheck, Drake, Freeman, Frevert, Gipp, Greimann, Hahn, Heddens, Huser, Hutter, Klemme, Kurtenbach, Maddox, Mascher, McCarthy, Mertz, D. Olson, Reasoner, Roberts, Sands, Smith, Stevens, T. Taylor, Tjepkes, Van



Engelenhoven, J. R. Van Fossen, Whitaker, Whitead and Winckler, a resolution to recognize February 12, 2003, as City Day in the State of Iowa.

Laid over under **Rule 25.**

On motion by Gipp of Winneshiek the House adjourned at 1:11 p.m., until 8:45 a.m., Tuesday, February 11, 2003.

# JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Twenty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 11, 2003

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

Prayer was offered by Reverend John De Boef, pastor of the Hilltop Chapel, What Cheer. He was the guest of Representative Betty De Boef of Keokuk County.

The Journal of Monday, February 10, 2003 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Petersen of Polk, until her arrival, on request of Myers of Johnson.

## INTRODUCTION OF BILLS

**House File 162**, by Elgin, a bill for an act providing for the regulation and licensing of home inspectors.

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

**House File 163**, by Wise, a bill for an act relating to teacher salary requirements and professional development programs and making an appropriation.

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

**House File 164**, by Frevert, a bill for an act relating to utilization of the district management levy to pay the cost of employee health insurance benefits.

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

**House File 165**, by Eichhorn, a bill for an act relating to possessing a product or receiving a precursor substance to be used in the unlawful manufacture of a controlled substance.

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

**House File 166**, by Jacobs, a bill for an act abolishing county compensation boards.

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

**House File 167**, by Connors, a bill for an act encouraging school districts and accredited nonpublic schools to adopt a religious and cultural tolerance curriculum for students in kindergarten through grade twelve.

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

**House File 168**, by Myers, a bill for an act designating certain insurance practices related to health care providers as unfair methods of competition and practice and providing penalties.

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

**House File 169**, by Elgin, a bill for an act relating to the establishment of a bona fide retirement under the Iowa public employees' retirement system.

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

**House File 170**, by committee on judiciary, a bill for an act relating to the criminal offense of identity theft by making changes in the elements of the offense.

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

**House File 171**, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

### SPECIAL PRESENTATION

Dix of Butler introduced to the House Nobel Peace Prize Laureate, Dr. Norman E. Borlaug; John Ruan III, Chairman of the World Food Prize Foundation; Ambassador Kenneth Quinn, President of The World Food Prize Foundation; and Council of Advisors members: Al Clausi, Dr. Robert Havener and Michael Gartner.

The House rose and expressed its welcome.

### COMMUNICATIONS RECEIVED

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

#### ALCOHOL BEVERAGES DIVISION

Annual Report, pursuant to Chapter 123, Code of Iowa.

#### BOARD OF REGENTS

Savings associated with the use of the ICN for Fiscal Year 2002, pursuant to Chapter 8D.10, Code of Iowa.

#### DEPARTMENT OF TRANSPORTATION

2002 Annual Report of the Iowa Railway Finance Authority, pursuant to Chapter 327I.8(6), Code of Iowa.

#### IOWA LAW ENFORCEMENT ACADEMY

Annual Report, pursuant to Chapter 80B, Code of Iowa.

#### VOLUNTEER FIRE FIGHTERS PENSION TASK FORCE

Recommendations concerning the establishment of a pension system for volunteer fire fighters, pursuant to 2002 Iowa Acts, Chapter 115I.34, 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

- 2003\269 Anne Edwards, Dubuque – For winning 1<sup>st</sup> place in the Kindergarten division of the Martin Luther King Jr. essay contest.
- 2003\270 Sophia Scales, Dubuque – For winning 1<sup>st</sup> place in the First Grade division of the Martin Luther King Jr. essay contest.
- 2003\271 McKinzee Steve, Dubuque – For winning 1<sup>st</sup> place in the Second Grade division of the Martin Luther King Jr. essay contest.
- 2003\272 Sarah Baer, Dubuque – For winning 1<sup>st</sup> place in the Fourth Grade division of the Martin Luther King Jr. essay contest.
- 2003\273 Anna Wright, Dubuque – For winning 1<sup>st</sup> place in the Fifth Grade division of the Martin Luther King Jr. essay contest.
- 2003\274 Alaina Thul, Dubuque – For winning 1<sup>st</sup> place in the Sixth Grade division of the Martin Luther King Jr. essay contest.
- 2003\275 Rachel Rolling, Dubuque – For winning 1<sup>st</sup> place in the Sixth Grade division of the Martin Luther King Jr. essay contest.
- 2003\276 Kathryn Sauser, Dubuque – For winning 1<sup>st</sup> place in the Seventh Grade division of the Martin Luther King Jr. essay contest.
- 2003\277 Jessica McNamara, Dubuque – For winning 1<sup>st</sup> place in the Seventh Grade division of the Martin Luther King Jr. essay contest.
- 2003\278 Andrew Brachman, Dubuque – For winning 1<sup>st</sup> place in the Eighth Grade division of the Martin Luther King Jr. essay contest.
- 2003\279 Katie Widmar, Dubuque – For winning 1<sup>st</sup> place in the Ninth Grade division of the Martin Luther King Jr. essay contest.
- 2003\280 Catherine Meisenbach, Council Bluffs – For celebrating her 90<sup>th</sup> birthday.
- 2003\281 Kenny and Etta Lee, Norway – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\282 Richard and Leona Ender, Vinton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\283 Lyle and Merlene Naylor, Vinton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\284 Randall Dennis Kasparbauer, Manning – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\285 Lois Hardin, Indianola – For celebrating her 90<sup>th</sup> birthday.
- 2003\286 William Brentano, Indianola – For celebrating his 85<sup>th</sup> birthday.

- 2003\287 Daisy Chapman, Russell – For celebrating her 90<sup>th</sup> birthday.
- 2003\288 Gene Paris, Chariton – For celebrating his 108<sup>th</sup> birthday.
- 2003\289 Norma Merry, Primghar – For celebrating her 93<sup>rd</sup> birthday.
- 2003\290 Wren Reitsma, Sanborn – For celebrating her 95<sup>th</sup> birthday.
- 2003\291 Effie Wilkerson, Corning – For celebrating her 100<sup>th</sup> birthday.
- 2003\292 Robert and Helen Sperflage, Greeley – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\293 Arvin and Dolores Elsbury, Strawberry Point – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\294 Lindsay Kayser, Corydon – For donating her hair to Locks of Love.
- 2003\295 Mary Ann Reiter, Ottumwa – For receiving the Gene Schultz Community Award on January 28<sup>th</sup>, 2003.
- 2003\296 Lorene Gustafson, Spirit Lake – For celebrating her 80<sup>th</sup> birthday.
- 2003\297 Jerry and Darlene Godbold, Spirit Lake – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\298 Fred and Cleona Schmidt, Spirit Lake – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\299 Allen and Loretta Rowe, Harris – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\300 Barbara and Vernon McClun, Newton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\301 Mr. and Mrs. Victor Myers, Lamont – For celebrating 70<sup>th</sup> wedding anniversary.
- 2003\302 Bernice Sanders, Lamont – For celebrating her 90<sup>th</sup> birthday.
- 2003\303 Etta Sherman, Iowa Falls – For celebrating her 90<sup>th</sup> birthday.
- 2003\304 Joan and Bob Harding, Newton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\305 Ruth and Ed Keller, Newton – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\306 Frank Pitzer, Shenandoah – For celebrating his 95<sup>th</sup> birthday.
- 2003\307 Bernice Nash, Hamburg – For celebrating her 90<sup>th</sup> birthday.

- 2003\308 Mildred Leek, New Market – For celebrating her 90<sup>th</sup> birthday.
- 2003\309 Lyla Kalous, Iowa Falls – For celebrating her 80<sup>th</sup> birthday.
- 2003\310 Harry Doering, Iowa Falls – For celebrating his 80<sup>th</sup> birthday
- 2003\311 Reba Martin, Iowa Falls – For celebrating her 90<sup>th</sup> birthday.
- 2003\312 Louise Faust, Hubbard – For celebrating her 90<sup>th</sup> birthday.
- 2003\313 David Muecke, Des Moines – For receiving a 2003 Prudential Spirit of Community Award.
- 2003\314 Wanda and Mel Campbell, Marion – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\315 Evelyn and Richard Nunemaker, Hiawatha – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\316 Mary Brecht, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2003\317 Neal McLean, Marion – For celebrating his 80<sup>th</sup> birthday.
- 2003\318 Mary Ellen Dill, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2003\319 Ann and Jack Walters, Marion – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\320 Jill Martin, Granger – For receiving a 2003 Prudential Spirit of Community Award.
- 2003\321 Justin Peters, Cedar Falls – For receiving a 2003 Prudential Spirit of Community Award.
- 2003\322 Margaret Lindle, McCausland – For celebrating her 90<sup>th</sup> birthday.
- 2003\323 Mr. and Mrs. William Coblentz, Davenport – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\324 Mildred Van Blaricom, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2003\325 Earl Stoltenberg, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2003\326 Helen and Darrold Bice, Woodward – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\327 Rita and Jim Reves, Adel – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\328 Pat and Russell Carter, Dallas Center – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2003\329 Tracy Cross, Norwalk – For receiving a 2003 Prudential Spirit of Community Award.
- 2003\330 Norman Gundy, Anita – For celebrating his 85<sup>th</sup> birthday.
- 2003\331 Doris Lewis, Greenfield – For celebrating her 80<sup>th</sup> birthday.
- 2003\332 Jackie and Hugh Swoyer, Greenfield – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\333 Maurice and Elda Noltensmeier, Waterloo – For celebrating their 90<sup>th</sup> and 89<sup>th</sup> birthdays, respectively.
- 2003\334 Delbert Hocken, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2003\335 Marie Haes, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2003\336 Edward Brandhorst, Hudson – For celebrating his 80<sup>th</sup> birthday.
- 2003\337 Patricia and Richard Smith, Waterloo – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\338 Rose Mary Schaefer, Eagle Center – For celebrating her 80<sup>th</sup> birthday.
- 2003\339 Carra Stainbrook, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2003\340 Ervin Happel, Vinton – For celebrating his 90<sup>th</sup> birthday.
- 2003\341 Joan and John Seeck, Keystone – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 70

Appropriations: Eichhorn, Chair; Chambers and Quirk.

##### House File 72

Ways and Means: J.K. Van Fossen, Chair; K. Kramer and Shoultz.

##### House File 81

Ways and Means: J.K. Van Fossen, Chair; K. Kramer and Shoultz.

##### House File 82

Ways and Means: J.K. Van Fossen, Chair; K. Kramer and Shoultz.

##### House File 91

Ways and Means: Paulsen, Chair; D. Taylor and Tymeson.



**House File 98**

Ways and Means: B. Hansen, Chair; Frevert and Jones.

**House File 110**

Appropriations: Dix, Chair; Jenkins and Thomas.

**House File 112**

Education: Dolecheck, Chair; Roberts and Wise.

**House File 113**

Transportation: S. Olson, Chair; Greiner and Thomas.

**House File 114**

Education: Paulsen, Chair; Boal and Wise.

**House File 120**

Judiciary: Paulsen, Chair; Heaton and Lensing.

**House File 122**

Transportation: Huser, Chair; Elgin and Klemme.

**House File 124**

Education: Schickel, Chair; Dolecheck and Foege.

**House File 125**

Transportation: Rayhons, Chair; Huseman and Whitaker.

**House File 131**

Judiciary: Eichhorn, Chair; Berry and K. Kramer.

**House File 132**

Ways and Means: Huser, Chair; Davitt and Paulsen.

**House File 134**

Appropriations: Eichhorn, Chair; Alons and Smith.

**House File 141**

Ways and Means: Carroll, Chair; Kuhn and Lalk.

**House File 142**

Appropriations: Jenkins, Chair; Eichhorn and T. Taylor.

**House File 143**

Education: Chambers, Chair; Berry and B. Hansen.

**House File 145**

Appropriations: Upmeyer, Chair; Jenkins and Reasoner.

**House File 150**

Human Resources: Carroll, Chair; Foege and Roberts.

**House File 151**

Judiciary: Eichhorn, Chair; Paulsen and Swaim.

**House File 153**

Judiciary: K. Kramer, Chair; Eichhorn and Jochum.

**House File 155**

Education: Roberts, Chair; Foege and Schickel.

**House File 161**

Human Resources: Heaton, Chair; Granzow and Murphy.

**House File 163**

Education: Carroll, Chair; Tymeson and Wise.

**House File 164**

Education: Chambers, Chair; Boal and Dandekar.

**House File 167**

Education: B. Hansen, Chair; Paulsen and Winckler.

**Senate Joint Resolution 1**

Administration and Rules: Jacobs, Chair; Manternach and Stevens.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 100**

Transportation: Chambers, Chair; Bukta and Klemme.

**House Study Bill 105**

Local Government: Tjepkes, Chair; Reasoner and Schickel.

**House Study Bill 106**

Local Government: Hanson, Chair; Arnold and M. Gaskill.

**House Study Bill 107**

Economic Growth: Smith, Chair; Lukan and Wilderdyke.

**House Study Bill 108**

Economic Growth: Hanson, Chair; Boggess and Thomas.

**House Study Bill 111**

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

**House Study Bill 112**

Environmental Protection: Kurtenbach, Chair; M. Gaskill and Klemme.

**House Study Bill 113**

State Government: Greiner, Chair; Jones and Petersen.

**House Study Bill 114**

State Government: J. Drake, Chair; Connors and Watts.

**House Study Bill 115**

Ways and Means: K. Kramer, Chair; Jochum and Kurtenbach.

**House Study Bill 116**

Ways and Means: B. Hansen, Chair; Hogg and Paulsen.

**House Study Bill 117**

Ways and Means: Boal, Chair; Sands and Winckler.

**House Study Bill 118**

Ways and Means: Boal, Chair; Lukan and Winckler.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 119 Natural Resources**

Providing annual purchase or generation requirements for certain electric utilities from alternate energy production facilities,

requiring establishment of a system of alternate energy credit trading, making related changes, and providing an effective date.

#### **H.S.B. 120 Education**

Establishing a three-year statewide career path pilot program to be administered by the department of education.

#### **H.S.B. 121 State Government**

Relating to gambling by providing for the licensure of electrical and mechanical amusement devices, the licensure of manufacturers and distributors thereof, and an exception to bingo licensing requirements.

#### **H.S.B. 122 State Government**

Relating to the racing and gaming commission by making miscellaneous changes to provisions governing pari-mutuel wagering and gambling at racetracks and on gambling boats.

#### **H.S.B. 123 State Government**

Providing for state ownership of Part III Iowa communications network video connections under specified circumstances.

#### **H.S.B. 124 State Government**

Relating to professional licensing boards by providing for the updating of continuing education and regulatory requirements to include specified licensing boards, authorizing specified licensing boards to obtain criminal history data relating to applicants for licensure and licensees, and authorizing the collection of fees for related costs.

#### **H.S.B. 125 State Government**

Relating to the authority of the department of general services to employ personnel to perform the duties of the department.

**H.S.B. 126 State Government**

Relating to the department of personnel by permitting expanded eligibility for the state's deferred compensation program, eliminating annual cost reporting concerning state agency diversity programs, providing for confidentiality of employee personnel files, and striking the repeal of the years of service incentive program and providing an effective date.

**H.S.B. 127 State Government**

Providing for the department of general services' responsibility for the facility management of the state laboratories facility in Ankeny.

**H.S.B. 128 State Government**

Relating to the fees charged to licensees of pari-mutuel racetracks and excursion gambling boats.

**H.S.B. 129 State Government**

Providing for licensure requirements relating to the practice of athletic training and increasing a penalty.

**H.S.B. 130 State Government**

Relating to the use of titles pertaining to physical therapy and providing a penalty.

**H.S.B. 131 State Government**

Requiring state and local government official reports to include certain financial information.

**H.S.B. 132 Judiciary**

Relating to nonprofit corporations and providing penalties and effective and applicability dates.

## RESOLUTION FILED

**HR 14**, by Greimann, Heddens, Alons, Arnold, Baudler, Bell, Berry, Boal, Boddicker, Boggess, Bukta, Carroll, Chambers, Cohoon, Connors, Dandekar, Davitt, De Boef, Dennis, Dix, Dolecheck, Drake, Eichhorn, Elgin, Fallon, Foege, Ford, Freeman, Frevert, Gaskill, Gipp, Granzow, Greiner, Hahn, B. Hansen, D. Hanson, Heaton, Hoffman, Hogg, Horbach, Huseman, Huser, Hutter, Jacobs, Jenkins, Jochum, Jones, Klemme, Kramer, Kuhn, Kurtenbach, Lalk, Lensing, Lukan, Lykam, Maddox, Manternach, Mascher, McCarthy, Mertz, Miller, Murphy, Myers, Oldson, D. Olson, S. Olson, Osterhaus, Paulsen, Petersen, Quirk, Raecker, Rants, Rasmussen, Rayhons, Reasoner, Roberts, Sands, Schickel, Shoultz, Smith, Stevens, Struyk, Swaim, D. Taylor, T. Taylor, Thomas, Tjepkes, Tymeson, Upmeyer, Van Engelenhoven, J.K. Van Fossen, J.R. Van Fossen, Watts, Wendt, Whitaker, Whitead, Wilderdyke, Winckler and Wise, a resolution to honor the crew of the space shuttle Columbia.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 9:00 a.m., until 8:45 a.m., Wednesday, February 12, 2003.

# JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twenty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, February 12, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Bill Steward, pastor of Grace United Methodist Church, Des Moines. He was the guest of Representative Steve Olson of Clinton County.

The Journal of Tuesday, February 11, 2003 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Swaim of Davis, from six hundred seventy three persons favoring that lawmakers address concerns relating to the use of high speed pursuit used by Iowa Law Enforcement Officers as well as the lack of formal training in these high risk events.

## INTRODUCTION OF BILLS

**House File 172**, by De Boef, Boddicker, Boal, Freeman, Mertz, Huseman, Hahn, Quirk, Chambers, Paulsen, Horbach, Tjepkes, Rayhons, Klemme, Swaim, Wilderdyke, Jenkins, Lukan, D. Hanson, S. Olson, Jones, Kramer, Dennis, Dolecheck, Watts, Baudler, Upmeyer, Drake, Hoffman, B. Hansen, Greiner, Carroll, Eichhorn, Roberts, J. R. Van Fossen, Lalk, Van Engelenhoven, Arnold, Rasmussen, Dandekar, Boggess, Alons, Sands, Struyk, J. K. Van Fossen, Dix and Heaton, a bill for an act requiring that public schools and nonpublic schools cause the pledge of allegiance to be recited at the beginning of each school day.

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

**House File 173**, by Fallon, a bill for an act relating to the assessing of a service charge in lieu of property taxes for the

providing of police and fire protection by a city for real property which is totally or partially exempt from property tax, including government-owned real property, and property of certain nonprofit institutions and societies, and providing an applicability date.

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

**House File 174**, by Shoultz, a bill for an act relating to minimum energy efficiency standards for rental units, authorizing an inspection fee, and including civil penalties.

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

**House File 175**, by committee on education, a bill for an act relating to the use of physical plant and equipment levy revenue, and providing an effective date.

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

**House File 176**, by Huser, a bill for an act relating to township emergency services, compensation of township officers, and township budgets.

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

**House File 177**, by Van Engelenhoven, a bill for an act increasing the maximum gross weight limits for certain vehicles on noninterstate highways.

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

**House File 178**, by Berry and Shoultz, a bill for an act providing for the restoration of the right to vote for certain persons.

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

**House File 179**, by Whitead, Wendt, Greimann, and D. Taylor, a bill for an act relating to the service standard for issuance of driver's



licenses and nonoperator's identification cards by authorizing waivers or refunds of fees.

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

**House File 180**, by committee on education, a bill for an act relating to character education and service learning in Iowa's elementary and secondary schools.

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

**House File 181**, by Freeman and Frevert, a bill for an act requiring every insurer offering group health insurance to provide coverage for certain enteral formulas.

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

**House File 182**, by Whitead and D. Taylor, a bill for an act relating to protests of assessment on certain residential property.

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

**House File 183**, by Elgin, a bill for an act providing an Iowa individual income tax checkoff for deposit in the free health clinic fund, making an appropriation, and including effective and applicability date provisions.

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

**House File 184**, by Jacobs and Huser, a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening.

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

**House File 185**, by Swaim, a bill for an act relating to the establishment of multicounty jails, and making an appropriation.

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

**House File 186**, by Shoultz, Jochum, Osterhaus, Hogg, and Wendt, a bill for an act establishing a moratorium upon the construction of confinement feeding operation structures, providing penalties, and providing an effective date.

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

**House File 187**, by Fallon, a bill for an act relating to election of soil and water conservation district commissioners.

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

**House File 188**, by J. R. Van Fossen , a bill for an act relating to the rulemaking authority of the natural resource commission regarding the taking and possession of migratory birds.

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

**House File 189**, by Jacobs, Kramer, Maddox, and Boal, a bill for an act authorizing cities to impose park impact fees.

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

## MESSAGE FROM SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 12, 2003, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 2, a concurrent resolution relating to the compensation of chaplains, officers and employees of the eightieth general assembly.

MICHAEL E. MARSHALL, Secretary

## APPOINTMENT

The Speaker announced the following appointment:

IOWA WORKFORCE DEVELOPMENT  
(Section 84A.1A, Code of Iowa)

Wayne Ford .....  
Replaces Bill Dotzler

## 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

- |          |   |
|----------|---|
| 2003\342 | Curtis and Ruth Greimann, Garner – For celebrating their 65 <sup>th</sup> wedding anniversary.        |
| 2003\343 | James and Ella Marie Ridder, Garner – For celebrating their 50 <sup>th</sup> wedding anniversary.     |
| 2003\344 | Vernon and Lena Butson, Hampton – For celebrating their 50 <sup>th</sup> wedding anniversary.         |
| 2003\345 | Ruth Doane, Sheffield - For celebrating her 80 <sup>th</sup> birthday.                                |
| 2003\346 | Charles and Dorothy Hopper, Bettendorf – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2003\347 | Lynn Henrick, Delta – For celebrating his 90 <sup>th</sup> birthday.                                  |
| 2003\348 | Minnie Burdock, What Cheer – For celebrating her 98 <sup>th</sup> birthday.                           |
| 2003\349 | Orville Sanders, What Cheer – For celebrating his 80 <sup>th</sup> birthday.                          |
| 2003\350 | Opal Longley, Chariton – For celebrating her 80 <sup>th</sup> birthday.                               |
| 2003\351 | Wilbert and Charlene Stephens, Chariton – For celebrating their 50 <sup>th</sup> wedding anniversary. |
| 2003\352 | Delbert Hocken, La Porte City – For celebrating his 80 <sup>th</sup> birthday.                        |
| 2003\353 | Helen Lyon, Toledo – For celebrating her 80 <sup>th</sup> birthday.                                   |
| 2003\354 | Ann Beckman, Grundy Center – For celebrating her 80 <sup>th</sup> birthday.                           |
| 2003\355 | Ruth Claassen, Grundy Center – For celebrating her 80 <sup>th</sup> birthday.                         |
| 2003\356 | Dick and Pat Schroeder, Dubuque – For celebrating their 50 <sup>th</sup> wedding anniversary.         |
| 2003\357 | Howard and Lois Neal, Dubuque – For celebrating their 50 <sup>th</sup> wedding anniversary.           |
| 2003\358 | James and Janet Kohl, Dubuque – For celebrating their 50 <sup>th</sup> wedding anniversary.           |

- 2003\359 Grace Kuehl, Elkport – For celebrating her 94<sup>th</sup> birthday.
- 2003\360 Kenneth Michael Neuzil, Decorah – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\361 Mark Rogers, Pleasant Hill – For being named the new Chamber President for the 2003 Pleasant Hill Chamber of Commerce.
- 2003\362 Mr. and Mrs. A.J. Saak – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\363 Betty Swarthout, Chariton – For celebrating her 80<sup>th</sup> birthday.
- 2003\364 Thomas Foell, Schaller – For creating "Share Your Garden", a program encouraging community gardeners to donate extra produce to a local food pantry.
- 2003\365 Amy Cheng, Keokuk – For initiating project REACH (Reach Each Adult, Child, Home), to help the needy with health care, shelter and food.
- 2003\366 Ceegee Davis, Keokuk – For initiating project REACH (Reach Each Adult, Child, Home), to help the needy with health care, shelter and food.
- 2003\367 Juanita Sands, Fredonia – For her 36 years of dedicated service as the City Clerk of Fredonia.
- 2003\368 Evelyn Stump, Toledo – For celebrating her 80<sup>th</sup> birthday.
- 2003\369 James and Maria De Wit, Holstein – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\370 Burdell and Alice Schmidt, Denison – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\371 Ralph and Peggy Kalin, Galva – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\372 Clarence and Dorothy Thompson, Holstein – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\373 Bertha McDonald, Denison – For celebrating her 97<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 146

Commerce, Regulation and Labor: B. Hansen, Chair; Connors and Sands.

##### House File 147

Commerce, Regulation and Labor: Watts, Chair; Kurtenbach and Osterhaus.

**House File 148**

Agriculture: Klemme, Chair; J. Drake and Swaim.

**House File 149**

Commerce, Regulation and Labor: Jacobs, Chair; Connors and Dix.

**House File 152**

Commerce, Regulation and Labor: J.K. Van Fossen, Chair; Sands and D. Taylor.

**House File 160**

Environmental Protection: Hahn, Chair; J. Drake and Greimann.

**House File 162**

Commerce, Regulation and Labor: Watts, Chair; Hoffman and Petersen.

**House File 168**

Commerce, Regulation and Labor: B. Hansen, Chair; Hoffman and J. Oldson.

**House File 174**

Commerce, Regulation and Labor: Jenkins, Chair; D. Taylor and Watts.

**House File 181**

Commerce, Regulation and Labor: B. Hansen, Chair; Osterhaus and Sands.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 119**

Natural Resources: Dix, Chair; Freeman and Frevert.

**House Study Bill 120**

Education: Carroll, Chair; Tymeson and Wise.

**House Study Bill 121**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House Study Bill 122**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House Study Bill 123**

State Government: Raecker, Chair; J. Oldson and Watts.

**House Study Bill 124**

State Government: Greiner, Chair; Dennis and M. Gaskill.

**House Study Bill 125**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Lykam, Roberts and Watts.

**House Study Bill 126**

State Government: J. Drake, Chair; Connors, Elgin, Jones and J. Oldson.

**House Study Bill 127**

State Government: Roberts, Chair; Jochum and Watts.

**House Study Bill 128**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House Study Bill 129**

State Government: Manternach, Chair; Jones and Mascher.

**House Study Bill 130**

State Government: Dennis, Chair; Jochum and Roberts.

**House Study Bill 131**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Lykam, Roberts and Watts.

**House Study Bill 132**

Judiciary: Maddox, Chair; Heaton and Reasoner.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 133 State Government**

Relating to the regulation of liquefied petroleum gas storage tanks, making an appropriation, providing penalties, and including an effective date.

**H.S.B. 134 Commerce, Regulation and Labor**

Relating to the extension of credit without discrimination under the consumer credit code.

**H.S.B. 135 Public Safety**

Authorizing a sentencing court to issue no-contact orders against persons arrested for any public offense.

**COMMITTEE RECOMMENDATION**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**MARGARET A. THOMSON**  
Chief Clerk of the House

**COMMITTEE ON STATE GOVERNMENT**

**Committee Bill** (Formerly House Joint Resolution 2), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2003.

**RESOLUTION FILED**

**SCR 2**, by committee on rules and administration, a concurrent resolution relating to the compensation of chaplains, officers and employees of the eightieth general assembly.

Referred to committee on **administration and rules**.

**AMENDMENT FILED**

H—1015      H.F. 171      Committee on Judiciary

On motion by Gipp of Winneshiek the House adjourned at 8:53 a.m., until 8:45 a.m., Thursday, February 13, 2003.

# JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 13, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Ron Riley, pastor of the Christian Church, Logan. He was the guest of Representative Paul Wilderdyke of Harrison County. Following the prayer, Rick Powell from Logan sang "I Pledge Allegiance to the Lamb".

The Journal of Wednesday, February 12, 2003 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 3**, by committee on state government, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

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

**House File 190**, by Foege and B. Hansen, a bill for an act relating to mandatory universal newborn and infant hearing screening.

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

**House File 191**, by Jacobs, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff to fund child protection center grants, relating to the limitation on income tax checkoffs, making an appropriation, and including effective and applicability date provisions.

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

**House File 192**, by Klemme, a bill for an act prohibiting a cancellation penalty upon cancellation of a purchase agreement for cemetery merchandise, funeral merchandise, and funeral services.



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

**House File 193**, by Foege, a bill for an act creating a criminal offense for leaving an unattended or not properly supervised child in a motor vehicle, and providing a penalty.

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

**House File 194**, by Greimann and Heddens, a bill for an act relating to the reimbursement amount received by dealers or persons operating redemption centers who redeem empty beverage containers.

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

**House File 195**, by Eichhorn, Rayhons, Sands, Boddicker, Hoffman, Roberts, Dolecheck, Huseman, Lalk, Heaton, Rasmussen, Baudler, and Mertz, a bill for an act requiring the clerk of the district court in each county to be open to the public for court business on a uniform basis throughout the state.

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

**House File 196**, by Tymeson, a bill for an act relating to certain voluntary annexations and to involuntary annexations and providing an effective date.

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

**House File 197**, by Jochum and Mascher, a bill for an act relating to required notices and disclosures of delayed deposit services, prohibited acts by licensees, and providing for fees.

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

**House File 198**, by Mertz, a bill for an act relating to the operation of all-terrain vehicles in cities of a certain size, providing a fee, and making penalties applicable.

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

**House File 199**, by Wise and Jenkins, a bill for an act establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal.

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

### COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN SERVICES  
Mental Health and Developmental Disabilities Commission

Combined annual and biennial report for 2003, pursuant to Chapter 225C.6, Code of Iowa.

DEPARTMENT OF PERSONNEL

ICN Savings Report for Fiscal Year 2002, pursuant to Chapter 19A.1, 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

- |          |   |
|----------|---|
| 2003\374 | Ruby and Nate Dvorkin, Sioux City – For celebrating their 60 <sup>th</sup> wedding anniversary. |
| 2003\375 | June and Lester Steelman, Adel – For celebrating their 65 <sup>th</sup> wedding anniversary.    |
| 2003\376 | Anne Clausen, Logan – For celebrating her 90 <sup>th</sup> birthday.                            |
| 2003\377 | Norma and Court Oviatt, Logan – For celebrating their 50 <sup>th</sup> wedding anniversary.     |

### SUBCOMMITTEE ASSIGNMENTS

#### House File 165

Judiciary: Maddox, Chair; Berry and Schickel.

**House File 176**

Local Government: J.K. Van Fossen, Chair; Arnold and Huser.

**House File 187**

Local Government: Maddox, Chair; Fallon and B. Hansen.

**House File 189**

Local Government: Boal, Chair; Fallon and Maddox.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 133**

State Government: Greiner, Chair; Jones and Mascher.

**House Study Bill 134**

Commerce, Regulation and Labor: Wilderdyke, Chair; Ford and Sands.

**House Study Bill 135**

Public Safety: Eichhorn, Chair; De Boef and Hogg.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 136 Agriculture**

Providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

**H.S.B. 137 Economic Growth**

Relating to endow Iowa seed grants and endow Iowa tax credits and including effective and retroactive applicability dates.

**H.S.B. 138 Transportation**

Relating to snowmobile franchises by requiring the repurchase of certain inventory upon termination of a franchise.

**H.S.B. 139 Oversight**

Relating to government efficiency by providing for the delivery of administrative services to state government, establishment of common state services regional boundaries, revising medical assistance program eligibility and benefits provisions, improving coordination of veterans benefits eligibility determinations, requiring a comprehensive study of the state mental health institutes, and revising requirements involving the judicial district departments of correctional services, and providing effective dates.

**H.S.B. 140 Education**

Relating to personnel and instructors employed by community colleges.

**H.S.B. 141 Commerce, Regulation and Labor**

Establishing guidelines for a meatpacking industry workers' bill of rights.

**H.S.B. 142 Agriculture**

A concurrent resolution requesting that the United States Congress take all action required to preserve free and private enterprise, prevent monopoly, and protect consumers including by immediately enacting legislation to prohibit livestock packers from owning, controlling, or feeding livestock to such an extent that producers can no longer materially participate in the management of their livestock operations as provided in Senate Bill 27 introduced by the Honorable Senator Charles E. Grassley and cosponsored by the Honorable Senator Tom Harkin and others.

**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 Study Bill 8), eliminating certain public disclosure requirements by state banks.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 2003.

**Committee Bill** (Formerly House Study Bill 11), modifying workers' compensation laws and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2003.

## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 133), increasing the child age applicable to mandatory reporting of suspected child sexual abuse perpetrated by a person other than the person responsible for the care of the child.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 2003.

## COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House Study Bill 91), relating to intelligence data and intelligence assessment dissemination to an agency, organization, or person.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2003.

## COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 18), relating to massage therapy by providing for a study regarding the modalities associated with massage therapy and providing a temporary exemption from licensure requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2003.

## RESOLUTION FILED

**HR 15**, by Boggess, Struyk, Lukan, Roberts, Arnold, Rasmussen, Eichhorn, Whitaker, Swaim, Heaton, Paulsen, Frevert, Hoffman, Wendt, D. Olson, Connors, D. Hanson, Jacobs, Miller, Osterhaus,

Alons, Davitt, Stevens, Boal, Dolecheck, Jenkins, Jochum, Heddens, Foege, Whitead and Jones, a resolution urging the United States Postal Service to issue a commemorative postage stamp honoring America's coal miners.

Laid over under **Rule 25.**

On motion by Gipp of Winneshiek the House adjourned at 9:03 a.m., until 8:45 a.m., Friday, February 14, 2003.

# JOURNAL OF THE HOUSE

Thirty-third Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 14, 2003

The House met pursuant to adjournment at 9:24 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by Byron Martin.

The Journal of Thursday, February 13, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 200**, by Carroll, a bill for an act relating to mental health and developmental disabilities by expanding an exemption to health care licensing requirements for certain residential programs that receive funding under a medical assistance home and community-based services waiver and approval from the department of human services and revising membership requirements for the mental health and developmental disabilities commission and providing an effective date.

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

**House File 201**, by Fallon, a bill for an act prohibiting urban renewal projects and urban renewal plans for retail development and providing an effective date.

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

**House File 202**, by Myers, a bill for an act relating to elections, by changing the date of the primary election, by providing for the biennial election of directors of local school districts, area education agencies, and merged areas, and including effective and applicability date provisions.

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

**House File 203**, by Wilderdyke, a bill for an act permitting residential elevators to be used in certain churches to transport persons with special needs.

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

**House File 204**, by committee on state government, a bill for an act relating to massage therapy by providing for a study regarding the modalities associated with massage therapy and providing a temporary exemption from licensure requirements.

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

**House File 205**, by S. Olson, a bill for an act relating to salvage theft examination fees.

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

**House File 206**, by committee on human resources, a bill for an act increasing the child age applicable to mandatory reporting of suspected child sexual abuse perpetrated by a person other than the person responsible for the care of the child.

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

#### SUBCOMMITTEE ASSIGNMENT

##### **House File 199**

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

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### **House Study Bill 137**

Economic Growth: Lalk, Chair; Dandekar and Dix.

##### **House Study Bill 140**

Education: Dolecheck, Chair; Mascher and Schickel.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 143 Human Resources**

Relating to the department of elder affairs including provisions relating to the elder Iowans Act.



**H.S.B. 144 Human Resources**

Relating to dependent adult abuse and dependent adult endangerment, providing penalties, and providing a contingent effective date.

**H.S.B. 145 Human Resources**

Relating to programs and services under the purview of the department of human services, and providing for retroactive applicability and effective dates.

**H.S.B. 146 Human Resources**

Relating to family investment program eligibility requirements involving motor vehicle equity and required school attendance and including an applicability provision.

**H.S.B. 147 Human Resources**

Relating to disaster preparedness and providing an effective date.

**H.S.B. 148 Human Resources**

Providing for miscellaneous technical and substantive changes relating to controlled and precursor substances.

**H.S.B. 149 Human Resources**

Providing for specified changes relating to programs under the purview of the Iowa department of public health.

**H.S.B. 150 Agriculture**

Relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability.

**COMMITTEE RECOMMENDATIONS**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

## COMMITTEE ON GOVERNMENT OVERSIGHT

**Committee Bill** (Formerly House Study Bill 139), relating to government efficiency by providing for the delivery of administrative services to state government, establishment of common state services regional boundaries, revising medical assistance program eligibility and benefits provisions, improving coordination of veterans benefits eligibility determinations, requiring a comprehensive study of the state mental health institutes, and revising requirements involving the judicial district departments of correctional services, and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass Without Recommendation** February 13, 2003.

## COMMITTEE ON STATE GOVERNMENT

**House File 8**, a bill for an act relating to a midwest interstate passenger rail compact and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 2003.

On motion by Lukan of Dubuque the House adjourned at 9:26 a.m., until 1:00 p.m., Monday, February 17, 2003.

# JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 17, 2003

The House met pursuant to adjournment at 1:10 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Paul Schaedig, pastor of Bethel Lutheran Church, Parkersburg. He was the guest of Representative Dix of Butler County.

The Journal of Friday, February 14, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by fourteen student officers of the SODA Group (Students O.K. Without Drugs and Alcohol), and TRY organizations from Linn-Mar High School in Marion, accompanied by sponsors, Kevin McCauley, Tony Nichols and Clark Weaver. They were the guests of Representatives Elgin and Dandekar of Linn County.

## INTRODUCTION OF BILLS

**House File 207**, by Greimann and Ford, a bill for an act relating to the private sale or transfer of firearms between unlicensed persons and providing penalties.

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

**House File 208**, by Drake, a bill an act authorizing the issuance by counties of general obligation bonds without an election for capital improvement projects.

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

**House File 209**, by Tymeson, a bill for an act relating to the repeal of the authorization to impose a local sales and services tax for school infrastructure purposes and providing an effective date.

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

**House File 210**, by Mertz, a bill for an act providing for exceptions to municipal tort liability for claims arising from bicycling or scootering on public property.

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

**House File 211**, by committee on government oversight, a bill for an act relating to government efficiency by providing for the delivery of administrative services to state government, establishment of common state services regional boundaries, revising medical assistance program eligibility and benefits provisions, improving coordination of veterans benefits eligibility determinations, requiring a comprehensive study of the state mental health institutes, and revising requirements involving the judicial district departments of correctional services, and providing effective dates.

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

**House File 212**, by Tymeson and Hoffman, a bill for an act relating to property tax relief and school infrastructure purposes by increasing the state sales tax and distributing certain state sales tax revenues to school districts for property tax relief or school infrastructure purposes if approved by a vote of the electorate, providing a penalty, and including an effective date.

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

**House File 213**, by Huser and Jacobs, a bill for an act creating a housing trust fund and making an appropriation.

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

**House File 214**, by Shoultz and Berry, a bill for an act relating to law enforcement stops and searches by establishing a central repository in the department of public safety for the purpose of collecting and disseminating information about motor vehicle stops, and providing that every law enforcement agency adopt a written policy prohibiting stops and searches which constitute a violation of the civil rights of the person.

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

**House File 215**, by committee on commerce, regulation and labor, a bill for an act eliminating certain public disclosure requirements by state banks.

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

**SUPPLEMENTAL REPORT OF THE COMMITTEE  
ON CREDENTIALS**

**MR. SPEAKER:** We, your committee on credentials, respectfully report that we find the following named person duly elected to and entitled to a seat in the House of Representatives of the Eightieth General Assembly as shown by duplicate copies of the certificate of election on file in the office of the Secretary of State:

**CERTIFICATION**

**STATE OF IOWA**  
Office of  
**THE SECRETARY OF STATE**

To the Honorable, Clerk of the House of Representatives:

I, **CHESTER J. CULVER**, Secretary of the State of Iowa, custodian of the files and records pertaining to the elections in the state, do hereby certify that the State Canvassing Board has declared that at a special election held on February 11, 2003, **Bruce L. Hunter** was elected to fill a vacancy in the office of the House of Representatives of the Sixty-second District, for the balance of the term which began on January 1, 2003.

(Seal)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this 17th day of February, 2003.

**CHESTER J. CULVER**, Secretary of State

I hereby acknowledge receipt of the original copy of this document on the 17th day of February, 2003.

**MARGARET A. THOMSON**, Chief Clerk of the House of Representatives

**Gipp of Winneshiek** moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

Mascher of Johnson moved that a committee of two be appointed to escort Representative-elect Bruce Hunter to his legislative seat.

The motion prevailed and the Speaker appointed as such committee Mascher of Johnson and Baudler of Adair.

The following oath of office was administered to Representative-elect Hunter on February 17, 2003 by the Chief Clerk.

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially discharge the duties of the office of Representative in the General Assembly of the State of Iowa according to the best of my ability, so help me God."

BRUCE L. HUNTER

### 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

2003\378	Wilma and Elihu Wheeler, Indianola – For celebrating their 60 <sup>th</sup> wedding anniversary.
2003\379	Ruth and Clarence Claassen, Grundy Center – For celebrating their 55 <sup>th</sup> wedding anniversary.
2003\380	Martha Van Hauen, Grundy Center – For celebrating her 80 <sup>th</sup> birthday.
2003\381	Henry Bergmen, Grundy Center – For celebrating his 90 <sup>th</sup> birthday.
2003\382	Virgil and Elanor Bowser, Marion – For celebrating their 65 <sup>th</sup> wedding anniversary.
2003\383	Emmett Keough, Hiawatha – For celebrating his 99 <sup>th</sup> birthday.
2003\384	Joseph and Violette Kucera, Cedar Rapids – For celebrating their 65 <sup>th</sup> wedding anniversary.
2003\385	Chester Dunlap, Cedar Rapids – For celebrating his 90 <sup>th</sup> birthday.
2003\386	Iva Pearl Ross, Cedar Rapids – For celebrating her 80 <sup>th</sup> birthday.

- 2003\387 Ann and Jack Walters, Cedar Rapids – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\388 Betty Louise Keffer, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2003\389 Joan Harper, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2003\390 Sarah Feucht, Lester – For celebrating her 92<sup>nd</sup> birthday.
- 2003\391 Mabel Tharp, Grinnell – For celebrating her 100<sup>th</sup> birthday.
- 2003\392 Mauretta Sharer, Montezuma – For celebrating her 80<sup>th</sup> birthday.
- 2003\393 Thelma Grandia, Oskaloosa – For celebrating her 80<sup>th</sup> birthday.
- 2003\394 Ron and Evelyn Bates, Montezuma – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\395 Minnie Burdock, What Cheer – For celebrating her 98<sup>th</sup> birthday.
- 2003\396 Mr. and Mrs. Bert Butikofer, Elgin – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\397 Art and Helen Esmann, Guttenberg – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\398 Deb Remmerde, Rock Valley – For breaking the all-time 5-player scoring record in Iowa Girls High School Athletic Union play.
- 2003\399 Nellie Smith, Tabor – For celebrating her 97<sup>th</sup> birthday.
- 2003\400 Warren C. Chapman, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2003\401 Donald and Phillis Nielson, Milford – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\402 Mr. and Mrs. Murray Luther, Adel – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\403 Harry and Marilyn Bebensee, Dallas Center – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\404 Edward and Virginia Earp, Sully – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\405 Landon and Ruth Hul, Searsboro – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\406 Roy and Elsie Wester, Paullina – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2003\407 Merle and Evelyn Wubbena, Sibley – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\408 Allen and Loretta Howe, Harris – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\409 Arthur and Luella Nothwehr, Peterson – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\410 Don and Sheila Soderquist, Sibley – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\411 William Hein, Dysart – For celebrating his 93<sup>rd</sup> birthday.
- 2003\412 Mr. and Mrs. Dwight Short, Cantril – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\413 Margaret Kauten, Independence – For celebrating her 80<sup>th</sup> birthday.
- 2003\414 Edward Marshall, La Porte City – For celebrating his 80<sup>th</sup> birthday.
- 2003\415 Army Staff Sgt. Robert H. Leach, La Porte City – For being decorated with the Army Commendation Medal.
- 2003\416 Joe and Ruth Altman, Radcliffe – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\417 Mr. and Mrs. L.A. Smith, Bettendorf – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\418 Marilyn Overman, Bettendorf – For celebrating her 80<sup>th</sup> birthday.
- 2003\419 Mr. and Mrs. Thomas Thompson, Bettendorf – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 192

Commerce, Regulation and Labor: Hoffman, Chair; Osterhaus and Sands.

##### House File 197

Commerce, Regulation and Labor: B. Hansen, Chair; Ford and Sands.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 136

Agriculture: De Boef, Chair; Frevert and Lalk.



**House Study Bill 141**

Commerce, Regulation and Labor: Ford, Chair; Horbach and Raecker.

**House Study Bill 142**

Agriculture: Dolecheck, Chair; J. Drake and Kuhn.

**House Study Bill 150**

Agriculture: Huseman, Chair; Davitt and Rayhons.

**RESOLUTIONS FILED**

**HCR 11**, by Eichhorn, a concurrent resolution to amend the joint rules of the Senate and House of Representatives relating to fiscal notes.

Laid over under **Rule 25**.

**HR 16**, by Smith, a resolution honoring the City of Marshalltown on its sesquicentennial year.

Laid over under **Rule 25**.

**AMENDMENT FILED**

H—1016      H.F. 156      Mascher of Johnson

On motion by Gipp of Winneshiek the House adjourned at 1:20 p.m., until 8:45 a.m., Tuesday, February 18, 2003.

# JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 18, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Herb Shafer, pastor of the First United Methodist Church, Clinton. He was the guest of Representatives Steve Olson and Polly Bukta of Clinton County.

The Journal of Monday, February 17, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 216**, by committee on public safety, a bill for an act relating to intelligence data and intelligence assessment dissemination to an agency, organization, or person.

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

**House File 217**, by Hahn, a bill for an act relating to the practice of barbering by modifying barbering licensure requirements, establishing an apprentice program for barbers, and making a penalty applicable.

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

**House File 218**, by Boal, Huser, Murphy, Kramer, Dandekar, Watts, Jacobs, Elgin, and Foege, 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 219**, by Tymeson, Hoffman, Davitt, and Frevert, a bill for an act relating to school infrastructure purposes and property tax relief by increasing state sales and use taxes, distributing the increased state sales and use tax revenues to school districts for

school infrastructure purposes and property tax relief, and including an effective date.

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

**House File 220**, by Dolecheck and Reasoner, a bill for an act 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.

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

**House File 221**, by Heaton, a bill for an act directing the mental health and developmental disabilities commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults and children and providing an effective date.

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

**House File 222**, by Lukan, a bill for an act relating to fees charged for special fire fighter motor vehicle registration plates and making an appropriation.

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

**House File 223**, by Lukan, De Boef, D. Hanson, J.R. Van Fossen, Rayhons, Raecker, Thomas, Huseman, Roberts, and Manternach, a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, providing an income tax checkoff for fire fighter preparedness, making an appropriation, and providing a retroactive applicability date.

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

**House File 224**, by Raecker, a bill for an act relating to the automobile rental excise tax and making an appropriation.

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

**House File 225**, by committee on commerce, regulation and labor, a bill for an act modifying workers' compensation laws and providing an effective date.

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

On motion by Gipp of Winneshiek, the House was recessed at 8:52 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:03 p.m., Speaker Rants in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House Joint Resolution 3**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors, was taken up for consideration.

Jochum of Dubuque moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 3)

The yeas were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dehnis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevort	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Hansen	Heaton
Heddens	Hoffman	Hogg	Hunter

Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Horbach

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

## HOUSE JOINT RESOLUTION 2 WITHDRAWN

Jochum of Dubuque asked and received unanimous consent to withdraw House Joint Resolution 2 from further consideration by the House.

**House File 175**, a bill for an act relating to the use of physical plant and equipment levy revenue, and providing an effective date, was taken up for consideration.

Boal of Polk 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. 175)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon

Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Horbach

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 Joint Resolution 3** and **House File 175**.

### INTRODUCTION OF BILLS

**House File 226**, by Heddens, a bill for an act relating to specifications for home and community-based services waivers under the medical assistance program.

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

**House File 227**, by Foege, a bill for an act relating to child development home registration requirements and including effective date and applicability provisions.

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

**House File 228**, by Fallon, a bill for an act relating to applications for motor vehicle registrations and renewals by requiring financial liability coverage information.

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

**House File 229**, by Foege, a bill for an act relating to procedures and services relating to dependent adults and at-risk older adults.

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

**House File 230**, by Carroll, a bill for an act relating to the requirements for newspapers designated for official publication purposes.

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

**House File 231**, by Shoultz, a bill for an act relating to registration fees for certain motor trucks.

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

**House File 232**, by Carroll, a bill for an act creating the crime of invasion of privacy, and providing a penalty.

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

**House File 233**, by Wendt, a bill for an act relating to the use, consumption, or possession of a controlled substance while on public streets or highways or public school property, or while attending a public or private school-related function.

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

**House File 234**, by committee on natural resources, a bill for an act transferring the powers and duties of the Missouri river preservation and land use authority to the loess hills development and conservation authority and providing effective dates.

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

### SPECIAL PRESENTATION

Whitead of Woodbury introduced to the House the Honorable Mike Peters, former state representative from Woodbury County.

The House rose and expressed its welcome.

### REPORT OF ADMINISTRATION AND RULES COMMITTEE

**MR. SPEAKER:** Pursuant to House Concurrent Resolution 104 and Senate Concurrent Resolution 5, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the change in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade- Step</u>	<u>Class of Appoint ment</u>	<u>Eff Date</u>
Legislative Secretary	Diyonda L. Avant	16-1	S-O	01-13-03
Legislative Secretary	Courtney C. Thompson	16-1	S-O	01-13-03
Senior Finance Officer II	Debra K. Rex	35-5 to 35-6	P-FT	01-17-03
Legislative Secretary	Janet L. Haselhoff	17-1 to 15-1	S-O	01-28-03
Legislative Secretary	Linda L. McCarthy	15-1 to 16-1	S-O	01-28-03
Legislative Secretary	Courtney C. Thompson	16-1 to 17-1	S-O	01-28-03
Legislative Committee Secretary	Carol F. Hansen	17-3 to 17-4	S-O	01-31-03
Legislative Committee Secretary	Betty J. Sorenson	17-3 to 17-4	S-O	01-31-03
Assistant Sergeant- at-Arms	Maynard L. Boatwright	14-3 to 14-4	S-O	02-14-03
Legislative Secretary	Eileen M. Tyler	18-5 to 18-6	S-O	02-28-03



Pursuant to Senate Concurrent Resolution 5, duly adopted, the following is a list of officers and employees of the Joint Senate/House and their recommended classification grades and steps:

Conservation/Restoration Mark S. Lundberg	31-2 to	P-FT	01-31-03
Specialist III	31-3		

### 2003 HOUSE COMMITTEE REVISION

The Speaker announced the following appointment to the committees of the House due to the resignation of Representative Frank Chiodo:

#### **Bruce Hunter**

Human Resources

Public Safety

Transportation

Administration and Regulation Appropriations Subcommittee

### HOUSE FILE 33 REREFERRED

The Speaker announced that House File 33, previously referred to committee on **natural resources** was rereferred to committee on **ways and means**.

### 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

- |          |  |
|----------|--|
| 2003\420 | Wilma Bender, Waterloo – For celebrating her 100 <sup>th</sup> birthday. |
| 2003\421 | Victor Olsen, Waterloo – For celebrating his 80 <sup>th</sup> birthday.  |
| 2003\422 | Wilma Gross, Waterloo – For celebrating her 90 <sup>th</sup> birthday.   |
| 2003\423 | Irene Clow, Waterloo – For celebrating her 80 <sup>th</sup> birthday.    |
| 2003\424 | Betty Primmer, Vinton – For celebrating her 80 <sup>th</sup> birthday.   |
| 2003\425 | William Holst, Vinton – For celebrating his 99 <sup>th</sup> birthday.   |

- 2003\426      Kenny Turk, Anita – For celebrating his 80<sup>th</sup> birthday.
- 2003\427      Marie Westphal, Casey – For celebrating her 80<sup>th</sup> birthday.
- 2003\428      Norman Gundy, Anita – For celebrating his 85<sup>th</sup> birthday.
- 2003\429      Dwayne Partlow, Stuart – For celebrating his 80<sup>th</sup> birthday.
- 2003\430      Marle Curtis, Boone – For celebrating her 101<sup>st</sup> birthday.
- 2003\431      Ronald and Edna Houselog, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\432      Chet and Helen Tokheim, Cedar Falls – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\433      Inez Glotfelty, Fairfield – For celebrating her 102<sup>nd</sup> birthday.
- 2003\434      Harland and Ruth Fall, Marion – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\435      Frederick and Virginia McGovern, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\436      Russell and Leona Hibben, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 106

Judiciary: Schickel, Chair; Dennis and Jochum.

##### House File 144

Commerce, Regulation and Labor: Wilderdyke, Chair; Kurtenbach and Quirk.

##### House File 169

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

##### House File 177

Transportation: S. Olson, Chair; Thomas and Van Engelenhoven.

##### House File 184

Transportation: Rasmussen, Chair; Greiner and H. Miller.

##### House File 190

Human Resources: Upmeyer, Chair; Foege and Tymeson.

**House File 194**

Environmental Protection: Elgin, Chair; Greimann and Hahn.

**House File 200**

Human Resources: Carroll, Chair; Boddicker and H. Miller.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 138**

Transportation: Rayhons, Chair; Lykam and S. Olson.

**House Study Bill 143**

Human Resources: Upmeyer, Chair; Boddicker and H. Miller.

**House Study Bill 144**

Human Resources: Boddicker, Chair; Hutter and Wendt.

**House Study Bill 145**

Human Resources: Boddicker, Chair; Berry and Heaton.

**House Study Bill 146**

Human Resources: Boddicker, Chair; Greimann and Tymeson.

**House Study Bill 147**

Human Resources: Tymeson, Chair; Foegel and Granzow.

**House Study Bill 148**

Human Resources: Upmeyer, Chair; Boddicker and Murphy.

**House Study Bill 149**

Human Resources: Boddicker, Chair; Heddens and Upmeyer.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 151 State Government**

Providing for qualified service under the peace officers' retirement, accident, and disability system.

**H.S.B. 152 Human Resources**

Relating to the regulation of adult day services and assisted living programs, providing an appropriation and penalties, and providing a contingent effective date.

**H.S.B. 153 Human Resources**

Relating to public assistance benefits received by persons who were not entitled or eligible to receive the benefits, providing criminal and civil penalties, and appropriating certain penalties received.

**H.S.B. 154 Human Resources**

Relating to technical amendments with regard to programs under the authority of the department of public health.

**H.S.B. 155 Education**

Providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

**H.S.B. 156 State Government**

Relating to elections and voter registration by implementing requirements of federal law, making corrective changes to state election law, making appropriations, and including effective date provisions.

**H.S.B. 157 Judiciary**

Relating to the judicial branch by changing procedures for nominating a judge or magistrate, by prohibiting members of a judicial nominating commission from voting on certain nominees, and by apportioning judgeships among the judicial election districts.

**H.S.B. 158 Judiciary**

Relating to the department of corrections and its duties regarding treatment and education of inmates at various correctional facilities,

release of presentence reports, optional inmate treatment and education provision, expansion of and appeals regarding earned time credits, optional operational provisions for some correctional facilities, change to the inmate savings and inmate telephone rebate fund, and payment of supervision fees.

### **H.S.B. 159 Judiciary**

Relating to emergency procedures for the temporary detention and treatment of persons who are incapacitated or impaired due to substance abuse or mental health problems.

### **H.S.B. 160 Judiciary**

Relating to the uniform principal and income Act and a trustee's power to adjust between income and principal.

### **H.S.B. 161 Judiciary**

Concerning procedures, duties, and fees related to the judicial branch.

### **H.S.B. 162 Judiciary**

Relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous and providing for a study.

## **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 49), relating to the composition of the Iowa egg council.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 2003.

## COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 44), relating to the various duties of the county treasurer.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 13, 2003.

## COMMITTEE ON NATURAL RESOURCES

**Committee Bill** (Formerly House File 80), transferring the powers and duties of the Missouri river preservation and land use authority to the loess hills development and conservation authority and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2003.

**Committee Bill** (Formerly House Study Bill 68), providing that revenues deposited in the state conservation fund are temporarily exempt from reversion and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2003.

## COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House Study Bill 80), relating to the manufacture, delivery, possession with the intent to manufacture or deliver, or conspiring to manufacture, deliver, or possess with the intent to manufacture or deliver flunitrazepam, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 2003.

**Committee Bill** (Formerly House Study Bill 92), relating to the criminal penalties for an assault on members of certain occupations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 2003.

## RESOLUTION FILED

**HR 17**, by Fallon, Shoultz, Jochum, Myers, Connors, Thomas, D. Taylor, Greimann, Berry, Wendt, D. Olson, Osterhaus, Bukta, Foege, Mascher, Ford, Murphy, Petersen, Heddens, Lensing and

Frevert, a resolution regarding preemptive, unilateral military action against Iraq.

Laid over under **Rule 25.**

AMENDMENT FILED

H—1017	H.F.	156	Boddicker of Cedar Roberts of Carroll Smith of Marshall
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On motion by Gipp of Winneshiek the House adjourned at 1:30 p.m., until 8:45 a.m., Wednesday, February 19, 2003.

# JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 19, 2003

The House met pursuant to adjournment at 8:43 a.m., Speaker Rants in the chair.

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

The Journal of Tuesday, February 18, 2003 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Arnold of Lucas, from four hundred eighty-nine constituents of the Seventy-second District opposing the Iowa Department of Natural Resource's practice of draining the recreational areas known as Brown's Slough and the Colyn Area each spring. They request that the water levels in the respective areas be maintained at levels to support fish habitat and to allow sufficient water levels for canoeing and other, similar non-motorized boating areas.

## INTRODUCTION OF BILLS

**House File 235**, by committee on local government, a bill for an act relating to the various duties of the county treasurer.

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

**House File 236**, by Eichhorn, a bill for an act relating to making the office of the clerk of the district court an elective office.

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



**House File 237**, by Swaim, a bill for an act providing for the elimination of specified school district budget guarantee provisions, and providing an effective date.

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

**House File 238**, by Baudler, a bill for an act relating to the amount of mussels and shells which may be taken pursuant to a sport fishing license.

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

**House File 239**, by Foege, a bill for an act providing an appropriation to the Iowa department of public health for the child protection center grant program.

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

**House File 240**, by committee on agriculture, a bill for an act relating to the composition of the Iowa egg council.

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

**House File 241**, by Whitead and Wendt, a bill for an act authorizing the district court to waive the requirement that the state or any of its political subdivisions file a supersedeas bond upon appeal to the Iowa supreme court.

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

**House File 242**, by Whitead, a bill for an act establishing a pilot project to waive restrictions on placement of traffic devices within cities.

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

**House File 243**, by Shoultz, a bill for an act providing reorganization incentives for specified school districts through state funding of transportation costs, and making an appropriation.

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

**House File 244**, by Boal, a bill for an act providing resident license fees for hunting, fishing, trapping, and related activities to certain persons in the armed forces of the United States.

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

**House File 245**, by Heddens, a bill for an act to rename the birth defects institute and registry.

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

On motion by Gipp of Winneshiek, the House was recessed at 8:51 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:03 p.m., Speaker Rants in the chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-seven members present, thirteen absent.

#### INTRODUCTION OF BILL

**House File 246**, by Boggess, a bill for an act eliminating school driver's licenses for minors.

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

#### CONSIDERATION OF BILLS

##### Regular Calendar

**House File 180**, a bill for an act relating to character education and service learning in Iowa's elementary and secondary schools, was taken up for consideration.

Raecker of Polk 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. 180)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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

## HOUSE FILE 6 WITHDRAWN

Raecker of Polk asked and received unanimous consent to withdraw House File 6 from further consideration by the House.

**House File 171**, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

J. R. Van Fossen of Scott offered the following amendment H-1015 filed by the committee on judiciary and moved its adoption:

#### H-1015

- 1 Amend House File 171, as follows:
- 2 1. Page 4, line 8, by striking the word
- 3 "superintendent" and inserting the following:
- 4 "~~superintendent~~ state printing administrator".
- 5 2. Page 6, line 10, by striking the words "senate
- 6 and" and inserting the following: "senate and chief
- 7 clerk of the".
- 8 3. Page 21, line 35, by striking the word
- 9 "years," and inserting the following: "years,".

The committee amendment H-1015 was adopted.

J. R. Van Fossen of Scott 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. 171)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.

Watts  
Wilderdyke

Wendt  
Winckler

Whitaker  
Wise

Whitead  
Mr. Speaker  
Rants

The nays were, none.

Absent or not voting, none.

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

**House File 170**, a bill for an act relating to the criminal offense of identity theft by making changes in the elements of the offense, was taken up for consideration.

Maddox of Polk 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. 170)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker Rants

The nays were, none.

Absent or not voting, none.

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

**House File 85**, a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty, with report of committee recommending passage, was taken up for consideration.

Rasmussen of Buchanan 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. 85)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Heaton

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 85, 170, 171 and 180.**

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 19, 2003. Had I been present, I would have voted "aye" on House File 85.

HEATON of Henry

### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 17, 2003, he approved and transmitted to the Secretary of State the following bill:

Senate File 36, an Act supplementing appropriations made for the fiscal year beginning July 1, 2002; to the Departments of Human Services, Corrections, and Public Safety, and to the State Public Defender, and providing effective date and applicability provisions.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

One hundred fifty senior students from Denison-Schleswig High School, Denison, Iowa, accompanied by the government teacher, Crystal Holt. By Hoffman of Crawford.

### COMMUNICATIONS RECEIVED

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

### DEPARTMENT OF HEALTH AND HUMAN RIGHTS

Report providing all management to staff ratios as of January 13, 2003, of all funded positions, pursuant to Chapter 11.5A(105), Code of Iowa.

### DEPARTMENT OF NATURAL RESOURCES

A report of Classification and Management of Iowa's State Parks, State Recreation Areas and State Preserves, pursuant to Chapter 455A.4, Code of Iowa.

### IOWA CRIMINAL AND JUVENILE JUSTICE PLAN

2003 update, pursuant to Chapter 216A.135, Code of Iowa.

### IOWA DEPARTMENT FOR THE BLIND

Annual Report, pursuant to Chapter 216B.7, Code of Iowa.

### OFFICE OF THE STATE TREASURER

Annual Report for the Linked Investments for Tomorrow, pursuant to Chapter 12B.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

- |          |  |
|----------|--|
| 2003\437 | Mavis Anna Hull, Boone – For celebrating her 80 <sup>th</sup> birthday.                            |
| 2003\438 | Frank and Dorothy Horn, Ames – For celebrating their 60 <sup>th</sup> wedding anniversary.         |
| 2003\439 | Maxine Chipman, Boone – For celebrating her 90 <sup>th</sup> birthday.                             |
| 2003\440 | Mr. and Mrs. Fred Hansen, Oakland – For celebrating their 50 <sup>th</sup> wedding anniversary.    |
| 2003\441 | Mildred Sprinkel, Council Bluffs – For celebrating her 90 <sup>th</sup> birthday.                  |
| 2003\442 | Evelyn Cover, Millersburg – For celebrating her 80 <sup>th</sup> birthday.                         |
| 2003\443 | Joe Shannahan, Williamsburg – For celebrating his 80 <sup>th</sup> birthday.                       |
| 2003\444 | Donald and Nadyne Roland, What Cheer – For celebrating their 50 <sup>th</sup> wedding anniversary. |



- 2003\445 Glenn and Wilma Braden, Hedrick – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\446 Bill and Bonnie Sievers, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\447 John and LaVonne Pollard, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\448 Cletus and Ruth Heinrichs, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\449 Bob and Phyllis Press, Marshalltown – For celebrating their 54<sup>th</sup> wedding anniversary.
- 2003\450 Everett and Dorothy Perry, Marshalltown – For celebrating their 52<sup>nd</sup> wedding anniversary.
- 2003\451 Frances Heuer, Marshalltown – For celebrating her 87<sup>th</sup> birthday.
- 2003\452 Bob Press, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2003\453 Marie Curtis, Chariton – For celebrating her 101<sup>st</sup> birthday.
- 2003\454 Frieda Johnson, Spirit Lake – For celebrating her 85<sup>th</sup> birthday.
- 2003\455 Bill and Lena Richards, Spencer – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\456 Jim and Loyce Braband, Spirit Lake – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\457 Paula M. Olson, West Des Moines – For receiving the Milken Family Foundation National Educator Award.
- 2003\458 Jack Thomson, Cresco – For being inducted to the Times Plain Dealer Hall of Fame.
- 2003\459 Bob and JoAnne Richards, Newton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\460 Dale and Peggy Gardner, Newton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\461 Nellie Leona Caylor, Newton – For celebrating her 90<sup>th</sup> birthday.
- 2003\462 Megan Srivas, Fort Dodge – For being a Distinguished Finalist in the 8<sup>th</sup> Annual Prudential Spirit of Community Awards.

**SUBCOMMITTEE ASSIGNMENTS****House File 73 Reassigned**

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

**House File 88 Reassigned**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House File 172**

Education: Raecker, Chair; Dolecheck and Winckler.

**House File 203**

Commerce, Regulation and Labor: Wilderdyke, Chair; Connors and Dix.

**House File 209**

Education: Tymeson, Chair; Paulsen and Stevens.

**House File 212**

Education: Tymeson, Chair; K. Kramer and Stevens.

**House File 218**

Education: Dolecheck, Chair; Dandekar and Tymeson.

**House File 219**

Education: Tymeson, Chair; Dolecheck and Stevens.

**House File 221**

Human Resources: Heaton, Chair; Carroll and Smith.

**House File 226**

Human Resources: Boddicker, Chair; Heaton and Heddens.

**House File 229**

Human Resources: Upmeyer, Chair; Boddicker and Foege.

**House File 230**

Commerce, Regulation and Labor: Sands, Chair; Manternach and T. Taylor.

**House File 238**

Natural Resources: Baudler, Chair; Lykam and J.R. Van Fossen.

**House File 244**

Natural Resources: Rasmussen, Chair; Dix and Whitead.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 47 Reassigned**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

**House Study Bill 77 Reassigned**

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

**House Study Bill 125 Reassigned**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

**House Study Bill 126 Reassigned**

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

**House Study Bill 131 Reassigned**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

**House Study Bill 151**

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

**House Study Bill 152**

Human Resources: Upmeyer, Chair; Boddicker and Murphy.

**House Study Bill 153**

Human Resources: Boddicker, Chair; Berry and Heaton.

**House Study Bill 154**

Human Resources: Granzow, Chair; Boddicker and Smith.

**House Study Bill 157**

Judiciary: Maddox, Chair; Paulsen and Swaim.

**House Study Bill 158**

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

**House Study Bill 159**

Judiciary: Boal, Chair; Berry and Dennis.

**House Study Bill 160**

Judiciary: K. Kramer, Chair; Baudler and Foegel.

**House Study Bill 161**

Judiciary: Eichhorn, Chair; Swaim and J.R. Van Fossen.

**House Study Bill 162**

Judiciary: Heaton, Chair; Eichhorn and Jochum.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 163 Ways and Means**

Relating to county budgets and expenditures, including law enforcement salaries and expenses as general county services, and including effective date and applicability date provisions.

**H.S.B. 164 Ways and Means**

Relating to property taxes by requiring a super majority vote by the general assembly on state appropriations funding certain property tax credits and exemptions and providing local government assistance and on legislation increasing maximum property tax rates set by state statute and providing an immediate effective date.

**H.S.B. 165 Ways and Means**

Requiring the establishment of property tax replacement funds by counties and including effective date and applicability date provisions.

**H.S.B. 166 Ways and Means**

Relating to county ending fund balances and providing effective and applicability date provisions.

**H.S.B. 167 Ways and Means**

Relating to local option taxes and including an effective date.

**H.S.B. 168 Human Resources**

Relating to the authorization of podiatrists to administer anesthesia.

**H.S.B. 169 Government Oversight**

Relating to life science enterprises by providing for financing, and providing an effective date.

**H.S.B. 170 Public Safety**

Relating to tobacco retailers and providing penalties.

**H.S.B. 171 Public Safety**

Providing for the performance of criminal background investigations and the submission of arrest information with regard to specified individuals employed by the state in an electronic information systems capacity.

**H.S.B. 172 Economic Growth**

Relating to the employment security administrative contribution surcharge, and providing an effective date.

**H.S.B. 173 Agriculture**

Providing wine gallonage tax revenue to support grape and wine development, and providing an effective date and retroactive applicability.

**COMMITTEE RECOMMENDATIONS**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY**

**Committee Bill** (Formerly House Study Bill 29), providing that interest on weekly workers' compensation payments is paid at the same rate as for court judgments and decrees.

Fiscal Note is not required.

Recommended: Amend and Do Pass February 18, 2003.

## COMMITTEE ON NATURAL RESOURCES

**Committee Bill** (Formerly House Study Bill 69), relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2003.

## AMENDMENT FILED

H—1018	H.F.	216	Hogg of Linn Alons of Sioux
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On motion by Gipp of Winneshiek the House adjourned at 1:41 p.m., until 8:45 a.m., Thursday, February 20, 2003.

# JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day - Twenty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 20, 2003

The House met pursuant to adjournment at 8:47 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Doug Helton, pastor of Calvary Baptist Church, St. Charles. He was the guest of Representative Jodi Tymeson of Madison County.

The Journal of Wednesday, February 19, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 247**, by Connors, a bill for an act making changes to workers' compensation laws in Iowa.

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

**House File 248**, by Whitaker, Tymeson, Quirk, Hogg, Murphy, Reasoner, Whitead, Swaim, Struyk, Gaskill, Petersen, Heddens, D. Hanson, Miller, Dandekar, Myers, Winckler, Lensing, Greimann, and Davitt, a bill for an act relating to a request for an absentee ballot on behalf of a member of the armed forces of the United States.

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

**House File 249**, by committee on public safety, a bill for an act relating to the manufacture, delivery, possession with the intent to manufacture or deliver, or conspiring to manufacture, deliver, or possess with the intent to manufacture or deliver flunitrazepam, and providing a penalty.

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

**House File 250**, by committee on public safety, a bill for an act relating to the criminal penalties for an assault on members of certain occupations.

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

**House File 251**, by Wilderdyke, Upmeyer, Jones, Elgin, and De Boef, a bill for an act relating to solid waste commissioners and providing a penalty.

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

**House File 252**, by J. K. Van Fossen and Petersen, a bill for an act relating to the repeal of the state inheritance tax and state qualified use inheritance tax.

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

**House File 253**, by Dandekar, Murphy, Petersen, Connors, Lensing, Jochum, Smith, Davitt, Struyk, Huser, Quirk, Thomas, D. Taylor, T. Taylor, Berry, Miller, Mertz, Wendt, Whitead, D. Olson, Gaskill, Winckler, Wise, Oldson, Reasoner, Heddens, Osterhaus, Shoultz, Foege, Whitaker, Swaim, Cohoon, Stevens, Bukta, Mascher, Bell, and Myers, a bill for an act making appropriations to the community attraction and tourism fund.

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

**House File 254**, by committee on natural resources, a bill for an act providing that revenues deposited in the state conservation fund are temporarily exempt from reversion and providing an effective date.

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

**House File 255**, by committee on natural resources, a bill for an act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

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



**House File 256**, by Alons, De Boef, Manternach, Lukan, Hoffman, Chambers, Boddicker, Mertz, Boal, Watts, and Roberts, a bill for an act relating to the regulation of office-based surgical sites.

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 19, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 97, a bill for an act relating to highway, aviation, motor vehicle transportation and public transit, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar revolving loan fund, applications for certificates of title by motor vehicle dealers, fees charged for driver's licenses and nonoperator's identification cards and making an appropriation, security interests in motor vehicles, charges financed in a motor vehicle retail installment transaction, confidentiality of motor vehicle accident reports, requirements for motor carrier safety rules, exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations, load limits for vehicles transporting construction machinery, urban public transit funding, and tariffs charged by motor carriers of household goods, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

### SPECIAL PRESENTATIONS

Prior to convening, the "Country Cousins" from Clarinda entertained the House with a musical interlude. They are a part of the Lewis and Clarke Expedition organization and were the guests of Representative Effie Lee Boggess of Page County.

Gipp of Winneshiek introduced to the House the Honorable Tom Latham, Fourth District U.S. Congressman.

The House rose and expressed its welcome.

### HOUSE FILE 231 REREFERRED

The Speaker announced that House File 231, previously referred to committee on **transportation** was rereferred to committee on **ways and means**.

## 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

- |          |   |
|----------|---|
| 2003\463 | Kristoffer A. Griffith, Burlington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.  |
| 2003\464 | Evelyn Sones, Indianola – For celebrating her 90 <sup>th</sup> birthday.  |
| 2003\465 | Ed and Mildred Myers, Liberty Center – For celebrating their 72 <sup>nd</sup> wedding anniversary.  |
| 2003\466 | Verna Susie King, Indianola – For celebrating her 80 <sup>th</sup> birthday.  |
| 2003\467 | Timothy Charles Bexten, Manilla – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.   |
| 2003\468 | Ed and Reda Plate, Prairie City – For celebrating their 50 <sup>th</sup> wedding anniversary.   |
| 2003\469 | Five Seasons Transportation and Parking, Cedar Rapids – For receiving special recognition from the Governor for their work in Energy Efficiency/Renewable Energy. |

## SUBCOMMITTEE ASSIGNMENTS

### House File 213

Economic Growth: K. Kramer, Chair; Lalk and Struyk.

### House File 222

Transportation: S. Olson, Chair; McCarthy and Rasmussen.

### House File 232

Judiciary: Schickel, Chair; Baudler and Winckler.

### House File 237

Education: B. Hansen, Chair; Paulsen and Stevens.

### House File 243

Education: B. Hansen, Chair; Berry and Schickel.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 163**

Ways and Means: Lalk, Chair; Carroll and Kuhn.

**House Study Bill 164**

Ways and Means: K. Kramer, Chair; Jochum and Jones.

**House Study Bill 165**

Ways and Means: Lalk, Chair; Oldson and Paulsen.

**House Study Bill 166**

Ways and Means: Sands, Chair; Boal and Frevert.

**House Study Bill 167**

Ways and Means: Carroll, Chair; Kuhn and Kurtenbach.

**House Study Bill 168**

Human Resources: Boddicker, Chair; Granzow and Smith.

**House Study Bill 169**

Government Oversight: Alons, Chair; Raecker, Lensing, Baudler, Jenkins, K. Kramer, Oldson, Thomas and Wendt.

**House Study Bill 171**

Public Safety: Boddicker, Chair; Chambers and Hunter.

**House Study Bill 172**

Economic Growth: Boggess, Chair; Granzow and Thomas.

**House Study Bill 173**

Agriculture: Manternach, Chair; Baudler and Mertz.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 174 Judiciary**

Relating to cigarette permits and related fees.

## 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 142), a concurrent resolution requesting that the United States Congress take all action required to preserve free and private enterprise, prevent monopoly, and protect consumers including by immediately enacting legislation to prohibit livestock packers from owning, controlling, or feeding livestock to such an extent that producers can no longer materially participate in the management of their livestock operations as provided in Senate Bill 27 introduced by the Honorable Senator Charles E. Grassley and cosponsored by the Honorable Senator Tom Harkin and others.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2003.

## COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House Study Bill 89), relating to the withdrawal of blood without a warrant from a person under arrest for an operating-while-intoxicated offense when the arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2003.

## COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 113), authorizing the issuance of special cattlemen's registration plates to owners of motor trucks.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2003.

**Committee Bill** (Formerly House File 184), establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2003.

AMENDMENT FILED

H—1019

H.F.

206

Murphy of Dubuque  
McCarthy of Polk

On motion by Gipp of Winneshiek the House adjourned at 8:56 a.m., until 8:45 a.m., Friday, February 21, 2003.

# JOURNAL OF THE HOUSE

Fortieth Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 21, 2003

The House met pursuant to adjournment at 8:56 a.m., Lukan of Dubuque in the chair.

Prayer was offered by the Honorable Steve Lukan, state representative from Dubuque County.

The Journal of Thursday, February 20, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 257**, by Huseman and Freeman, a bill for an act relating to recycling waste oil filters, establishing fees, and making an appropriation.

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

**House File 258**, by Fallon and Carroll, a bill for an act relating to state land management and planning and local land management and planning for certain counties and cities and providing effective dates.

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

**House File 259**, by committee on judiciary, a bill for an act relating to interest on weekly workers' compensation payments.

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

**House File 260**, by McCarthy, Baudler, J. R. Van Fossen, and Lukan, a bill for an act relating to an informal adjustment of a complaint in juvenile court and the filing of a petition.

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

**House File 261**, by Rasmussen, a bill for an act providing a property tax exemption and rental income exclusion as incentives for certain landowners to rent agricultural land to certain small farmers.

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

**House File 262**, by Tymeson and Hoffman, a bill for an act relating to property tax relief and school infrastructure purposes by increasing the state sales and use taxes and distributing certain state sales and use tax revenues to school districts for property tax relief or school infrastructure purposes if approved by a vote of the electorate, providing a penalty, and including an effective date.

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

**House File 263**, by Murphy and Maddox, a bill for an act relating to the fee and use of fee for a certificate of birth.

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

**House File 264**, by Swaim, a bill for an act relating to charges for services provided by the Iowa cooperative extension service in agriculture and home economics of Iowa state university to the 4-H organization and its clubs.

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

**House File 265**, by committee on public safety, a bill for an act relating to the withdrawal of blood without a warrant from a person under arrest for an operating-while-intoxicated offense when the arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death.

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

**House File 266**, by Ford, a bill for an act relating to a requirement that children receive a blood test for lead by age six or prior to enrollment in an elementary school.

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

**House File 267**, by Wilderdyke, Tjepkes, De Boef, S. Olson, Watts, and Jones, a bill for an act providing for an additional property tax levy for school districts, and providing an effective date.

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

**House File 268**, by Boal, a bill for an act providing for an income tax credit for tuition and textbook expenses incurred through the obtaining of supplemental education services, and providing a retroactive applicability date.

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

**House File 269**, by Ford, a bill for an act directing the state board of education to adopt rules providing criteria and a procedure for recognizing performance excellence that results from the implementation of outstanding comprehensive school improvement plans submitted by school districts.

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

**House File 270**, by Lensing, Mascher, Greimann, Myers, and Fallon, a bill for an act relating to discrimination based upon a person's sexual orientation under the Iowa civil rights Act.

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

**House File 271**, by Ford, a bill for an act relating to the operations of the state board of education, the department of education, school districts, accredited nonpublic schools, and other state and local agencies with regard to attendance and truancy, academic standards, and related matters.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 97**, by committee on transportation, a bill for an act relating to highway, aviation, motor vehicle transportation and public transit, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar



revolving loan fund, applications for certificates of title by motor vehicle dealers, fees charged for driver's licenses and nonoperator's identification cards and making an appropriation, security interests in motor vehicles, charges financed in a motor vehicle retail installment transaction, confidentiality of motor vehicle accident reports, requirements for motor carrier safety rules, exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations, load limits for vehicles transporting construction machinery, urban public transit funding, and tariffs charged by motor carriers of household goods, and including effective and retroactive applicability date provisions.

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

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 196

Local Government: Tjepkes, Chair; Hahn and Huser.

##### House File 201

Local Government: Fallon, Chair; Arnold and Maddox.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### H.S.B. 175 Agriculture

Relating to the governance of cooperatives.

##### H.S.B. 176 Judiciary

Relating to motor vehicle parking violations, and providing for a fee.

##### H.S.B. 177 Judiciary

Relating to criminal sentencing by permitting a conditional discharge, reclassifying certain felonies, and reopening a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement, and providing penalties.

##### H.S.B. 178 Judiciary

Expanding the scope of immunity under the Iowa tort claims Act to include any claim against the state of Iowa based upon the

enforcement of laws administered by the department of workforce development and its division of labor services.

On motion by Manternach of Jones the House adjourned at 9:02 a.m., until 1:00 p.m., Monday, February 24, 2003.

# JOURNAL OF THE HOUSE

Forty-third Calendar Day - Thirtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 24, 2003

The House met pursuant to adjournment at 1:03 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Mark Osterhaus, pastor of St. Matthew's Church, Cedar Rapids. He is the son of the Honorable Bob Osterhaus, state representative from Jackson County, and the guest of Representative Rob Hogg of Linn County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Des Moines Isiserettes. They were the guests of Representative Ford of Polk County.

The Journal of Friday, February 21, 2003 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 4**, by Jochum, a joint resolution proposing an amendment to the Constitution of the State of Iowa to make the Constitution of the State of Iowa gender neutral.

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

**House File 272**, by Jochum, a bill for an act relating to requirements for state and local governmental units, including requirements for the secretary of state and counties relating to the filing of business and commercial documents, providing for fees and appropriations, and providing effective and retroactive applicability dates.

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

**House File 273**, by Jochum, a bill for an act relating to physical access by patients to medical care.

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

**House File 274**, by Heaton, a bill for an act relating to requirements for executive branch interdepartmental transfers of appropriations.

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

**House File 275**, by Jochum, a bill for an act relating to the payment of a special assessment without interest and the notice of the interest rate and special assessment installments.

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

**House File 276**, by Jochum, a bill for an act allowing a county commissioner of elections to appoint certain high school students to serve as precinct election board members.

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

**House File 277**, by Jochum, a bill for an act relating to voting, including to information contained on abstracts of votes and to the definition of a valid vote for purposes of canvassing ballots after an election and during a recount.

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

**House File 278**, by Jochum, a bill for an act relating to the procedures for requesting and conducting recounts of votes cast.

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

**House File 279**, by Jochum, a bill for an act relating to membership on election boards.

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

**House File 280**, by Jochum, a bill for an act allowing elections in certain cities to be conducted by mail ballots and providing penalties.

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

**House File 281**, by Thomas, a bill for an act relating to operation permits for public disposal systems and providing an effective date.

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

**House File 282**, by Heaton, a bill for an act eliminating the reemployment earnings limitation under the Iowa public employees' retirement system for a retired member reemployed as a substitute teacher.

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

**House File 283**, by Shoultz, a bill for an act relating to increasing the tax on cigarettes and tobacco products.

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

**House File 284**, by Rayhons and Greimann, a bill for an act increasing the taxes on cigarettes and tobacco products.

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

#### ADOPTION OF HOUSE RESOLUTION 18

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of **House Resolution 18**, a resolution recognizing the significant achievements of the Tuskegee Airmen during World War II and the involvement of Iowans in those achievements and expressing appreciation on behalf of the citizens of this state.

Ford of Polk, Miller of Webster, Berry of Black Hawk, Myers of Johnson and Gipp of Winneshiek read parts of the resolution and moved its adoption.

The motion prevailed and the resolution was adopted.

#### SPECIAL PRESENTATION

Robert V. Morris, founder and chief executive officer of the Fort Des Moines Memorial Park and Education Center read the names of the Tuskegee Airman and spoke regarding the memorial.

The House rose and expressed its welcome.

### 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

- |          |   |
|----------|---|
| 2003\470 | Gottlieb Wenzel, Sioux City – For celebrating his 90 <sup>th</sup> birthday.                        |
| 2003\471 | Byron and Ruby Scotton, Northboro – For celebrating their 65 <sup>th</sup> wedding anniversary.     |
| 2003\472 | George Pothast, Grundy Center – For celebrating his 90 <sup>th</sup> birthday.                      |
| 2003\473 | Ella Van Deest, Grundy Center – For celebrating her 80 <sup>th</sup> birthday.                      |
| 2003\474 | Jo Flater, Grundy Center – For celebrating her 85 <sup>th</sup> birthday.                           |
| 2003\475 | Bertha Davenport, Tama – For celebrating her 81 <sup>st</sup> birthday.                             |
| 2003\476 | Orpha and Joseph Matthiesen, Dysart – For celebrating their 65 <sup>th</sup> wedding anniversary.   |
| 2003\477 | Julia Cullum, Fairfield – For celebrating her 100 <sup>th</sup> birthday.                           |
| 2003\478 | Margaret Christenson, Davenport – For celebrating her 80 <sup>th</sup> birthday.                    |
| 2003\479 | Leona Tawney, Blue Grass – For celebrating her 85 <sup>th</sup> birthday.                           |
| 2003\480 | Donald and Donna Mae Nedved, Garner – For celebrating their 50 <sup>th</sup> wedding anniversary.   |
| 2003\481 | Darwin and Ana Kephart, Mason City – For celebrating their 50 <sup>th</sup> wedding anniversary.    |
| 2003\482 | Reeve and Maxine Eldridge, Clear Lake – For celebrating their 60 <sup>th</sup> wedding anniversary. |
| 2003\483 | Rex Craighton, Hampton – For celebrating his 80 <sup>th</sup> birthday.                             |
| 2003\484 | Dick "Sass" Perez, Hampton – For celebrating his 80 <sup>th</sup> birthday.                         |
| 2003\485 | Carlotta Rodemeyer, Latimer – For celebrating her 85 <sup>th</sup> birthday.                        |

- 2003\486 Iowa Wesleyan College, Mount Pleasant – For its contribution of one million hours of community service through the Responsible Social Involvement Program.
- 2003\487 Lila Shreve, Cedar Falls – For celebrating her 97<sup>th</sup> birthday.
- 2003\488 Paul Ehlers, Cedar Falls – For celebrating his 80<sup>th</sup> birthday.
- 2003\489 Terry Olin, Cedar Falls – For celebrating his 90<sup>th</sup> birthday.
- 2003\490 James and Ruth Peterson, Cedar Falls – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 154

State Government: Roberts, Chair; Connors and Rasmussen.

##### House File 211

State Government: Raecker, Chair; Oldson and Roberts.

##### House File 214

Public Safety: Chambers, Chair; Boddicker and Shoultz.

##### House File 217

State Government: Jones, Chair; J. Drake and Whitead.

##### House File 233

Public Safety: J.R. Van Fossen, Chair; De Boef and T. Taylor.

##### House File 248

State Government: Jacobs, Chair; Dennis, M. Gaskill, Greiner, Mascher, Petersen and Rasmussen.

##### House File 260

Public Safety: McCarthy, Chair; Baudler and J.R. Van Fossen.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 174

Judiciary: Boal, Chair; Greimann and K. Kramer.

##### House Study Bill 175

Agriculture: Huseman, Chair; Davitt and Rayhons.

**House Study Bill 176**

Judiciary: Schickel, Chair; Greimann and Maddox.

**House Study Bill 177**

Judiciary: Maddox, Chair; Paulsen and Swaim.

**House Study Bill 178**

Judiciary: Heaton, Chair; Eichhorn and Jochum.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 164.1 Ways and Means**

Relating to property taxes by requiring a super majority vote by the general assembly on state appropriations funding certain property tax credits and exemptions and providing local government assistance and on legislation increasing maximum property tax rates set by state statute.

**H.S.B. 179 Economic Growth**

Relating to new capital investment for businesses and new jobs by creating a new capital investment program and amending the new jobs and income program.

**H.S.B. 180 Economic Growth**

Relating to animal biotechnology by creating an animal biotechnology commercialization fund, extending the time period during which a life science enterprise may purchase agricultural land, making appropriations, and providing an effective date.

**H.S.B. 181 Economic Growth**

Renaming the department of economic development and the Iowa economic development board.

**H.S.B. 182 Ways and Means**

Relating to the distribution and use of tax revenues from the local option sales and services tax for school infrastructure purposes



collected in a county and providing effective and retroactive applicability dates.

#### **H.S.B. 183 State Government**

Providing title restrictions relating to the practice of physical therapy, and providing a penalty.

#### **H.S.B. 184 State Government**

Relating to the adoption of the 2001 edition of the United States food and drug administration food code and providing an effective date.

### **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 LOCAL GOVERNMENT**

**Committee Bill** (Formerly House Study Bill 70), relating to motor vehicle parking violations, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2003.

**Committee Bill** (Formerly House Study Bill 105), relating to electronic financial transactions with county treasurers.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2003.

### **RESOLUTIONS FILED**

**HCR 12**, by committee on agriculture, a concurrent resolution requesting that the United States Congress take all action required to preserve free and private enterprise, prevent monopoly, and to protect consumers by immediately enacting legislation to prohibit livestock packers from owning, controlling, or feeding livestock to

such an extent that producers can no longer materially participate in the management of their livestock operations as provided in Senate Bill 27 introduced by the Honorable Senator Charles E. Grassley and cosponsored by the Honorable Senator Tom Harkin and others.

Laid over under **Rule 25.**

**HCR 13**, by Shoultz, a concurrent resolution opposing rule changes to the new source review air pollution control program.

Laid over under **Rule 25.**

**HR 19**, by Heaton, a resolution honoring Iowa Wesleyan College and its Responsible Social Involvement Program.

Laid over under **Rule 25.**

**HR 20**, by D. Olson, a resolution to recognize Company D, 109<sup>th</sup> Aviation, of the Iowa Army National Guard for its dedication and outstanding performance of duty.

Laid over under **Rule 25.**

#### AMENDMENT FILED

H—1020	H.F.	234	Boggess of Page
			Freeman of Buena Vista
			Whitead of Woodbury

On motion by Gipp of Winneshiek the House adjourned at 1:22 p.m., until 8:45 a.m., Tuesday, February 25, 2003.

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**House File 289**, by committee on local government, a bill for an act relating to electronic financial transactions with county treasurers.

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

**House File 290**, by committee on transportation, a bill for an act authorizing the issuance of special registration plates to owners of motor trucks.

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

**House File 291**, by committee on local government, a bill for an act relating to motor vehicle parking violations, and providing a penalty.

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

**House File 292**, by Thomas, Lensing, Stevens, Swaim, Miller, D. Olson, Mascher, Wise, Oldson, Reasoner, Murphy, Osterhaus, Shoultz, Jochum, Huser, Whitaker, Kuhn, Hunter, Connors, Heddens, Bell, Lykam, Cohoon, Bukta, Myers, Quirk, Wendt, Gaskill, Berry, Winckler, Mertz, Frevert, Greimann, Whitead, T. Taylor, and D. Taylor, a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date.

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

**House File 293**, by Lukan, a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, by allocating a certain portion of insurance premiums tax to the fire fighter preparedness fund, and making an appropriation and providing a retroactive applicability date.

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

**House File 294**, by Ford and Miller, a bill for an act relating to criteria for nonretail businesses locating in building space developed by a development business under the enterprise zone program.

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

**House File 295**, by Lensing, a bill for an act relating to the personal needs allowance amount for a recipient of medical assistance residing in a nursing facility.

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

**House File 296**, by D. Hanson, a bill for an act relating to local conference boards, including setting the quorum for conduct of business by a board, and setting limits for certain salaries authorized by a board.

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

**House File 297**, by Mascher, a bill for an act relating to health care delivery, including staffing requirements, and providing penalties.

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

**House File 298**, by Heaton, a bill for an act relating to the allocation of profits from the sale of alcoholic liquors.

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

**House File 299**, by Hutter, a bill for an act relating to enhancing the criminal penalty for offenses against a person sixty-five years of age or older.

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

**House File 300**, by Jenkins, a bill for an act relating to the compensation of members of the general assembly during a regular legislative session and providing an effective date.

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk, until his arrival, on request of Myers of Johnson.

## ADOPTION OF HOUSE RESOLUTION 19

Heaton of Henry called up for consideration **House Resolution 19**, a resolution honoring Iowa Wesleyan College and its Responsible Social Involvement Program, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

Heaton of Henry introduced to the House the President of Wesleyan College, David Johnson, who addressed the House briefly, thanking them for the honor.

The House rose and expressed its welcome.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 6

Hansen of Pottawattamie called up for consideration **House Concurrent Resolution 6**, a concurrent resolution relating to the federal Medicare program and requesting assistance from the federal government, and moved its adoption.

The motion prevailed and the resolution was adopted.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 240**, a bill for an act relating to the composition of the Iowa egg council, was taken up for consideration.

S. Olson of Clinton 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. 240)

The ayes were, 100:

Alons  
Berry  
Bukta  
Connors

Arnold  
Boal  
Carroll  
Dandekar

Baudler  
Boddicker  
Chambers  
Davitt

Bell  
Boggess  
Cohoon  
De Boef

Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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

**House File 225**, an act modifying workers' compensation laws and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Horbach of Tama 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. 225)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill

Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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 225, 240 and House Concurrent Resolution 6:**

**House File 215**, a bill for an act eliminating certain public disclosure requirements by state banks, with report of committee recommending passage, was taken up for consideration.

Sands of Louisa 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. 215)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess



Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker Rants

The nays were, none.

Absent or not voting, none.

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

**House File 204**, a bill for an act relating to massage therapy by providing for a study regarding the modalities associated with massage therapy and providing a temporary exemption from licensure requirements, was taken up for consideration.

Hutter of Scott 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. 204)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon

Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, 1:

Fallon

Absent or not voting, none.

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 204 and 215.**

### HOUSE FILE 281 REREFERRED

The Speaker announced that House File 281, previously referred to committee on **natural resources** was rereferred to committee on **environmental protection.**

### SPONSORS ADDED

(House File 172)

Gipp of Winneshiek, Jacobs of Polk, Kurtenbach of Story, Maddox of Polk, Manternach of Jones, Raecker of Polk, Schickel of Cerro

Gordo, D. Taylor of Linn, Tymeson of Madison and Whitaker of Van Buren request to be added as sponsors of House File 172.

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

Fiscal Year 2002 annual report of Community Economic Betterment Account (CEBA), pursuant to Chapter 15.315, 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

- |          |   |
|----------|---|
| 2003\491 | Rick and Lil Beatty, Denison – For celebrating their 50 <sup>th</sup> wedding anniversary.                              |
| 2003\492 | Roger and Rebecca Schmidt, Holstein – For celebrating their 50 <sup>th</sup> wedding anniversary.                       |
| 2003\493 | Helen Andersen, Denison – For celebrating her 85 <sup>th</sup> birthday.  |
| 2003\494 | Phil Neddermeyer, Denison – For celebrating his 80 <sup>th</sup> birthday.  |
| 2003\495 | Merle Burton, Ida Grove – For celebrating her 100 <sup>th</sup> birthday.   |
| 2003\496 | Large Group Speech of Ankeny High School, Ankeny – For winning the All State Nomination for "Sylvia".                   |
| 2003\497 | Large Group Speech of Ankeny High School, Ankeny – For winning the All State Nomination to Perform Group Improvisation. |
| 2003\498 | Large Group Speech of Ankeny High School, Ankeny – For winning the All State Nomination for "Blues".                    |
| 2003\499 | Large Group Speech of Ankeny High School, Ankeny – For winning the All State Nomination for "Agnes of God".             |
| 2003\500 | Larry and Betty Spence, Waterloo – For celebrating their 50 <sup>th</sup> wedding anniversary.                          |

- 2003\501 Arthur and Mable Ecklund, Waterloo – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\502 Margaret and Jack Wood, Waterloo – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\503 Hazel Lilleg, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2003\504 Frances Benson, Urbana – For celebrating her 95<sup>th</sup> birthday.
- 2003\505 Clarence and Lillian Thoman, Norway – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\506 Margaret Wood, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2003\507 Virginia Ashby, Grinnell – For celebrating her 80<sup>th</sup> birthday.
- 2003\508 Ilaruth and Forrest Burke, Oskaloosa – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\509 Gene Ferguson, Oskaloosa – For celebrating his 80<sup>th</sup> birthday.
- 2003\510 Chuck DePauw, Grinnell – For celebrating his 80<sup>th</sup> birthday.
- 2003\511 Arlo and Maxine Van Hoever, Montezuma – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\512 Julian and Margaret De Geeter, Brooklyn – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\513 Bill and Ruth Jahlas, Deep River – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\514 Cordelle Clay, Williamsburg – For celebrating her 80<sup>th</sup> birthday.
- 2003\515 Lillian Brown, Keokuk – For being named Honorary Auxiliarian of the Keokuk Area Hospital Auxiliary for volunteering 1,200 hours at KAH.
- 2003\516 Emily Welborn, Keokuk – For being named to the Iowa Girls' High School Athletic Union All State Swim Team.
- 2003\517 Al Van Hill, Rock Rapids – For celebrating his 90<sup>th</sup> birthday.
- 2003\518 John B. and Harriet Van Voorst, Sioux Center – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\519 Heather Coffman, Cedar Rapids – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2003\520 Ray and Mary Taylor, Steamboat Rock – For celebrating their 60<sup>th</sup> wedding anniversary.

- 2003\521 Myron and Beverly Shetler, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\522 Ray and Lois Hoffman, Moorhead – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\523 Charles City High School Speech Team, Charles City – For receiving the One-Act Play Critics Choice, for the Iowa High School Association Large Group Speech Contest.
- 2003\524 Helen E. Nelson, St. Ansgar – For celebrating her 90<sup>th</sup> birthday.
- 2003\525 Billie Johnson, Fort Dodge – For celebrating her 80<sup>th</sup> birthday.
- 2003\526 Glen and LaVonne Claude, Vincent – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\527 Pearl Zeka, Fort Dodge – For celebrating her 90<sup>th</sup> birthday.
- 2003\528 Evelyn Queek, Fontanelle – For celebrating her 85<sup>th</sup> birthday.
- 2003\529 Large Group Speech of Ankeny High School, Ankeny – For winning the All State Nomination for "Steel Magnolias".
- 2003\530 Large Group Speech of Ankeny High School, Ankeny – For winning the All State Nomination for "Oklahoma".
- 2003\531 Large Group Speech of Ankeny High School, Ankeny – For winning the All State Nomination for "The King and I".
- 2003\532 Laura Mae Hicks, Walker – For celebrating her 80<sup>th</sup> birthday.
- 2003\533 Gladys Lovell Goepfinger, Boone – For celebrating her 89<sup>th</sup> birthday.
- 2003\534 Catherine Arlene Graney, Perry – For celebrating her 86<sup>th</sup> birthday.
- 2003\535 Harriet Loraine Schnoor, Perry – For celebrating her 80<sup>th</sup> birthday.
- 2003\536 Irene Carolyn Pohl, Boone – For celebrating her 90<sup>th</sup> birthday.
- 2003\537 Lori Olson, Boone – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 198

Transportation: Rayhons, Chair; Chambers, Huseman, Lykam and H. Miller.

##### House File 246

Transportation: Klemme, Chair; Bukta and Rasmussen.

**House File 247**

Commerce, Regulation and Labor: Horbach, Chair; Connors and Watts.

**House File 256**

State Government: Watts, Chair; Mascher and Roberts.

**House File 258**

Local Government: Fallon, Chair; Arnold and B. Hansen.

**House File 262**

Education: Tymeson, Chair; Boal, Chambers, Stevens and Wise.

**House File 263**

Human Resources: Wilderdyke, Chair; Watts and Wendt.

**House File 264**

Education: Schickel, Chair; Dolecheck and Mascher.

**House File 266**

Education: Paulsen, Chair; Boal and Bukta.

**House File 267**

Education: K. Kramer, Chair; Stevens and Tjepkes.

**House File 269**

Education: Dennis, Chair; Roberts and Wendt.

**House File 271**

Education: Tymeson, Chair; B. Hansen and Mascher.

**Senate File 97**

Transportation: Huser, Chair; Arnold, Cohoon, Klemme and S. Olson.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 155**

Education: Tymeson, Chair; Chambers and Wise.

**House Study Bill 164.1**

Ways and Means: K. Kramer, Chair; Jochum and Jones.

**House Study Bill 179**

Economic Growth: Lukan, Chair; Lalk and Struyk.

**House Study Bill 180**

Economic Growth: Hoffman, Chair; Jenkins, S. Olson, Stevens and Thomas.

**House Study Bill 181**

Economic Growth: Granzow, Chair; H. Miller and Wilderdyke.

**House Study Bill 182**

Ways and Means: Tymeson, Chair; Boal and Wendt.

**House Study Bill 183**

State Government: Dennis, Chair; Jochum and Roberts.

**House Study Bill 184**

State Government: Manternach, Chair; Hutter and Lykam.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 185 Natural Resources**

Requiring annual registration of snowmobiles and establishing a fee.

**H.S.B. 186 Natural Resources**

Relating to park user permits and fees for state lands under the jurisdiction of the natural resource commission, providing for writing fees, making an appropriation, providing civil and criminal penalties, and providing an effective date.

**H.S.B. 187 State Government**

Relating to certain alternative forms of county and city government, including referendum provisions on the question of adopting a city-county consolidated government or a community commonwealth government and election of officers of a city-county consolidated government and including effective and applicability date provisions.

**H.S.B. 188 State Government**

Changing the bid requirements for construction of certain public improvements.

**H.S.B. 189 Economic Growth**

Relating to the enterprise zone program, including the provision of tax incentives and other assistance.

**H.S.B. 190 Human Resources**

Relating to providing information to schools regarding child custody order provisions.

**H.S.B. 191 Human Resources**

Relating to physician assistant licensure and providing an effective date.

**H.S.B. 192 State Government**

Providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, making appropriations, and providing an effective date.

**H.S.B. 193 Commerce, Regulation and Labor**

Relating to various business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations.

**H.S.B. 194 Commerce, Regulation and Labor**

Relating to utility services provided by a city, including applying lien provisions to certain gas and electric service account holders and allowing the water service lien exemption for all rental property.

**H.S.B. 195 Commerce, Regulation and Labor**

Authorizing the sale of title insurance and regulating title insurance agents and title insurers, providing penalties, and providing effective applicability dates.



**H.S.B. 196 Commerce, Regulation and Labor**

Relating to insurance, including various filing and information privacy requirements throughout the insurance code, calculation of assessments by the Iowa individual health benefit reinsurance association, payment of certain insurance fees, certain self-funded insurance plans by school corporations or political subdivisions, designation of the commissioner of insurance as process agent for various entities conducting insurance business in this state, notification provisions relating to the effective date of cancellation of insurance, beneficial stock ownership filings, funding agreements, creating an insurable interest in active or retired employee lives for the benefit of an employer, providing for an interstate insurance product regulation compact, and providing for retroactive applicability and an effective date.

**H.S.B. 197 Education**

Authorizing creation of an Iowa virtual academy, authorizing the board of educational examiners to license instructors of internet courses, making an appropriation, and providing an effective date.

**H.S.B. 198 Government Oversight**

A concurrent resolution expressing the appreciation of the Eightieth General Assembly to the membership of the Program Elimination Commission for their efforts on behalf of the people of Iowa.

**H.S.B. 199 Economic Growth**

Providing for an annual allocation of four million dollars for accelerated career education programs.

**H.S.B. 200 Local Government**

Relating to fees for publication of official government business.

**H.S.B. 201 Local Government**

Relating to election or appointment of trustees of a city hospital or health care facility.

**H.S.B. 202 Local Government**

Relating to contract letting procedures for certain public improvements.

**H.S.B. 203 Local Government**

Relating to proof of motor vehicle financial responsibility, and providing effective and applicability dates.

**H.S.B. 204 Education**

Providing for a special education alternative instruction pilot project.

**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 Study Bill 104), permitting written demand via regular mail prior to an action under the uniform commercial code for recovery of civil damages for a dishonored check, draft, or order, when supported by an affidavit of service.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2003.

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House File 64), relating to modification of a child custody order based on exposure of the child to a cohabiting intimate partner.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2003.

**COMMITTEE ON JUDICIARY**

**Committee Bill** (Formerly House Study Bill 54), relating to the representation of indigent persons and indigent defense claims.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 25, 2003.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 22), modifying the duties of county recorders.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2003.

#### COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House Study Bill 97), relating to enforcement of motor vehicle law provisions and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2003.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 141), relating to the payment by a county of the agricultural land tax credit and reimbursement to the county of its payment and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2003.

#### RESOLUTIONS FILED

**HCR 14**, by Hogg, Dandekar, Rasmussen, Murphy, Wendt, Hunter, Whitead, Connors, Fallon, Oldson, Frevert, Mertz, Miller, Kuhn, Wilderdyke, Struyk, Winckler, Lensing, Heddens, Schickel, Whitaker, D. Olson, Smith, Swaim, Gaskill, Foege, Mascher and Myers, a concurrent resolution relating to federal Medicare program reimbursement.

Laid over under **Rule 25**.

**HR 21**, by Lensing, a resolution relating to the maintenance of the Iowa Department of Elder Affairs as a separate department within state government.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1021	H.F.	96	Carroll of Poweshiek Huser of Polk Kuhn of Floyd
H—1022	H.F.	234	Boggess of Page
H—1023	H.F.	265	Hogg of Linn
H—1024	H.F.	265	Hogg of Linn
H—1025	H.F.	259	T. Taylor of Linn
H—1026	H.F.	250	Hogg of Linn

On motion by Gipp of Winneshiek the House adjourned at 9:33 a.m., until 8:45 a.m., Wednesday, February 26, 2003.

# JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 26, 2003

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

Prayer was offered by Reverend Jim Beranek, pastor of the United Methodist Church, Pella. He was the guest of Representative Tjepkes from Webster County and Representative Van Engelenhoven of Marion County.

The Journal of Tuesday, February 25, 2003 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 5**, by Hahn, a joint resolution to nullify administrative rules of the department of natural resources concerning methods of taking wild turkey and deer and providing an effective date.

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

**House File 301**, by Heaton, a bill for an act relating to the use of blaze orange apparel by hunters and fur harvesters and subjecting violators to a penalty.

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

**House File 302**, by Huser, a bill for an act providing for a length of service award program for volunteer fire fighters.

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

**House File 303**, by Heaton, a bill for an act establishing a school district transportation levy.

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

**House File 304**, by committee on ways and means, a bill for an act relating to the payment by a county of the agricultural land tax credit and reimbursement to the county of its payment and providing an effective date.

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

**House File 305**, by Huser, a bill for an act relating to the right of condemnation of owners of certain land and including effective and applicability date provisions.

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

**House File 306**, by committee on transportation, a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening.

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

**House File 307**, by Greiner, a bill for an act relating to screening of newborns and infants for retinoblastoma.

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

**House File 308**, by Murphy and T. Taylor, a bill for an act relating to discipline and discharge provisions of collective bargaining agreements for public sector employees.

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

**House File 309**, by Hogg, a bill for an act relating to notice to individual property owners or property taxpayers of an equalization order increasing the assessed value of their property.

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

**House File 310**, by Mascher, a bill for an act reenacting the income tax checkoff for domestic abuse services and providing for the Act's retroactive applicability.

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

**House File 311**, by committee on local government, a bill for an act modifying the duties of county recorders.

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

**House File 312**, by Mascher, a bill for an act providing for special late voter registration to enable an eligible elector to vote at the polling place on election day and providing a durational residency requirement for voting.

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

**House File 313**, by Carroll, a bill for an act relating to physical and medical qualifications for certain motor carrier drivers.

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

**House File 314**, by Raecker, a bill for an act relating to the licensure of electrical and mechanical gambling amusement devices and the licensure of manufacturers and distributors thereof and making penalties applicable.

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

**House File 315**, by Alons, Klemme, Hahn, Sands, Watts, Greiner, Boddicker, Rasmussen, Freeman, Baudler, Huseman, Chambers, Huser, Boggess, Roberts, Myers, Manternach, Struyk, Lalk, and Wilderdyke, a bill for an act relating to the issuance of certain deer hunting licenses for various gun seasons.

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

**House File 316**, by Gipp, a bill for an act relating to property tax school reorganization incentives for specified school districts, and providing an effective date.

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

**House File 317**, by B. Hansen and Struyk, a bill for an act relating to the election of directors of local school districts, area

education agencies, and merged areas at the general election and including an effective date, applicability, and transition provision.

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

**House File 318**, by J. R. Van Fossen, a bill for an act relating to the training of an individual who intends to become certified as a law enforcement officer.

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk on request of Myers of Johnson; Mertz of Kossuth on request of Freeman of Buena Vista.

### CONSIDERATION OF BILLS Regular Calendar

**House File 216**, a bill for an act relating to intelligence data and intelligence assessment dissemination to an agency, organization, or person, was taken up for consideration.

Hogg of Linn offered the following amendment H-1018 filed by him and Alons of Sioux and moved its adoption:

H-1018

- 1 Amend House File 216 as follows:
- 2 1. Page 2, line 11, by inserting after the word
- 3 "harm" the following: "if the dissemination complies
- 4 with paragraphs "b" and "c" of subsection 1".

Amendment H-1018 was adopted.

Speaker pro tempore Carroll in the chair at 9:00 a.m.

Alons of Sioux 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. 216)



The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

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

**House File 254**, a bill for an act providing that revenues deposited in the state conservation fund are temporarily exempt from reversion and providing an effective date, was taken up for consideration.

Granzow of Hardin 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. 254)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Carroll,			
Presiding			

The nays were, none.

Absent or not voting, 3:

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

### IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 216 and 254.**

On motion by Klemme of Plymouth, the House was recessed at 9:16 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 1:00 p.m., Roberts of Carroll in the chair.

### INTRODUCTION OF BILLS

**House Joint Resolution 6**, by Fallon, a joint resolution proposing an amendment to the Constitution of the State of Iowa changing the legislative branch of state government to a nonpartisan unicameral system.

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

**House File 319**, by committee on commerce, regulation and labor, a bill for an act permitting written demand via regular mail prior to an action under the uniform commercial code for recovery of civil damages for a dishonored check, draft, or order, when supported by an affidavit of service.

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

**House File 320**, by Hutter and J. R. Van Fossen, a bill for an act relating to child abuse reporting by providing for a report to be made to a local law enforcement agency for an initial response.

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

**House File 321**, by Greimann and Heddens, a bill for an act establishing the at-home infant child care program.

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

**House File 322**, by Heaton, a bill for an act relating to windshield wiper operation and the use of certain vehicle lights and making a penalty applicable.

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

**House File 323**, by Wendt, a bill for an act establishing a school infrastructure assistance program, and making an appropriation.

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

**House File 324**, 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 325**, by Hogg, a bill for an act relating to program criteria and program costs of the healthy and well kids in Iowa program and providing effective dates.

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

**House File 326**, by McCarthy, a bill for an act creating a new criminal offense related to carrying a knife or BB or pellet gun on school grounds and providing a penalty.

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

**House File 327**, by Ford, a bill for an act relating to information contained in applications for and recorded on driver's licenses and nonoperator's identification cards and providing an effective date.

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

**House File 328**, by S. Olson, a bill for an act providing that landowners may hunt, fish, and trap on their own land without paying a fee.

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

**House File 329**, by committee on economic growth, a bill for an act relating to site preparation for targeted economic development.

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

**House File 330**, by committee on human resources, a bill for an act relating to modification of a child custody order based on exposure of the child to cohabitation of a parent and an unrelated person.

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

On motion by Gipp of Winneshiek, the House was recessed at 1:04 p.m., until 5:00 p.m.

## EVENING SESSION

The House reconvened at 5:00 p.m., Speaker Rants in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-five members present, fifteen absent.

## CONSIDERATION OF BILLS Regular Calendar

**House File 206**, a bill for an act increasing the child age applicable to mandatory reporting of suspected child sexual abuse perpetrated by a person other than the person responsible for the care of the child, was taken up for consideration.

Murphy of Dubuque offered amendment H-1019 filed by him and McCarthy of Polk as follows:

H-1019

- 1 Amend House File 206 as follows:
- 2 1. Page 1, by inserting after line 13 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 232.69, subsection 1, paragraph
- 5 b, Code 2003, is amended by adding the following new
- 6 subparagraph:
- 7 NEW SUBPARAGRAPH. (13) A member of the clergy.
- 8 However, if the belief that a child has suffered abuse
- 9 arises from information obtained only during a
- 10 penitential communication, the clergy member is not
- 11 subject to the requirement to make the report. This
- 12 subparagraph shall not be construed to modify or limit
- 13 a clergy member's duty to report the belief that a
- 14 child has been abused when the clergy member is acting
- 15 in some other capacity that would otherwise make the
- 16 clergy member a mandatory reporter of abuse. For the
- 17 purposes of this subparagraph, unless the context
- 18 otherwise requires:
- 19 (a) "Clergy member" or "member of the clergy"
- 20 means an individual who is designated as clergy by

21 ordination, licensing, or other form of entitlement by  
22 the religious group or sect with whom the individual  
23 is affiliated.  
24 (b) "Penitential communication" means a  
25 communication intended to be in confidence, including  
26 but not limited to a sacramental confession made to a  
27 clergy member who, in the course of the discipline or  
28 practice of the clergy member's religious group or  
29 sect, is authorized to hear those communications, and  
30 under the discipline, practice, tenets, or customs of  
31 the religious group or sect, the clergy member has the  
32 duty to keep the communication secret.  
33 Sec. \_\_\_\_ Section 232.69, subsection 3, paragraph  
34 b, Code 2003, is amended to read as follows:  
35 b. A person required to make a report under  
36 subsection 1, other than a physician whose  
37 professional practice does not regularly involve  
38 providing primary health care to children or a member  
39 of the clergy, shall complete two hours of training  
40 relating to the identification and reporting of child  
41 abuse within six months of initial employment or self-  
42 employment involving the examination, attending,  
43 counseling, or treatment of children on a regular  
44 basis. Within one month of initial employment or  
45 self-employment, the person shall obtain a statement  
46 of the abuse reporting requirements from the person's  
47 employer or, if self-employed, from the department.  
48 The person shall complete at least two hours of  
49 additional child abuse identification and reporting  
50 training every five years."

Page 2

1 2. By renumbering as necessary.

Winckler of Scott offered the following amendment H-1027, to amendment H-1019, filed by her from the floor and moved its adoption:

H-1027

1 Amend the amendment, H-1019, to House File 206 as  
2 follows:  
3 1. Page 1, line 6, by striking the word  
4 "subparagraph" and inserting the following:  
5 "subparagraphs".  
6 2. Page 1, by inserting after line 32, the  
7 following:  
8 "**NEW SUBPARAGRAPH.** (14) An employee or a  
9 volunteer of an organization providing pregnancy-  
10 related education, counseling, or referrals."

11 3. By renumbering as necessary.

Amendment H-1027 lost.

On motion by Murphy of Dubuque amendment H-1019 was adopted.

Roberts of Carroll 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. 206)

The ayes were, 76:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	Connors	Dandekar	Davitt
Dennis	Dix	Dolecheck	Eichhorn
Elgin	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Hoffman	Hogg
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Kramer
Kuhn	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	McCarthy
Miller	Murphy	Myers	Olson, D.
Olson, S.	Osterhaus	Paulsen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.	Wendt
Whitaker	Whitead	Winckler	Mr. Speaker
			Rants

The nays were, 22:

Berry	Bukta	Cohoon	De Boef
Drake	Fallon	Foege	Greimann
Heaton	Heddens	Horbach	Hunter
Klemme	Kurtenbach	Mascher	Oldson
Petersen	Shoultz	Van Engelenhoven	Watts
Wilderdyke	Wise		

Absent or not voting, 2:

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

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 206** be immediately messaged to the Senate.

### HOUSE FILE 133 WITHDRAWN

Roberts of Carroll asked and received unanimous consent to withdraw House File 133 from further consideration by the House.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, February 26, 2003. Had I been present, I would have voted "aye" on House Files 216 and 254.

JACOBS of Polk

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### BOARD OF REGENTS

Annual report on Beginning Farm Center at Iowa State University, pursuant to Chapter 266.39E, 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

2003\538

Ford and Betty Wright, Arnolds Park – For celebrating their 60<sup>th</sup> wedding anniversary.



- 2003\539 Colin McDonough, Wahpeton – For being named to the Basketball All State Academic Team.
- 2003\540 Ryan Ransom, Harris - For being named to the Basketball All State Academic Team.
- 2003\541 Cody Morrow, Lake Park - For being named to the Basketball All State Academic Team.
- 2003\542 Jessica Northey, Spirit Lake – For being named a National Merit Scholarship Finalist.
- 2003\543 Michelle Kalkhoff, Spirit Lake – For being named a National Merit Scholarship Finalist.
- 2003\544 Collin Bockman, Terril – For being named a National Merit Scholarship Finalist.
- 2003\545 Merle "Gene" Kindig, DeWitt – For celebrating his 90<sup>th</sup> birthday.
- 2003\546 Nathan Lacina, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENTS

##### House Joint Resolution 5

Natural Resources: Baudler, Chair; Boddicker and Whitead.

##### House File 239

Appropriations: Dix, Chair; Jenkins and Smith.

##### House File 253

Appropriations: Dix, Chair; Dandekar and Jenkins.

##### House File 255

Appropriations: Chambers, Chair; Boggess and Thomas.

##### House File 257

Natural Resources: Freeman, Chair; Davitt and Rasmussen.

##### House File 281

Environmental Protection: Greiner, Chair; Fallon, D. Hanson.

##### House File 282

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

**House File 286**

State Government: Jones, Chair; J. Drake and Whitead.

**House File 287**

Natural Resources: Rayhons, Chair; Frevert and Granzow.

**House File 295**

Human Resources: Heaton, Chair; Greimann and Tymeson.

**House File 296**

Local Government: D. Hanson, Chair; Jones and Lensing.

**House File 301**

Natural Resources: Arnold, Chair; Lukan and Mertz.

**House File 315**

Natural Resources: Boddicker, Chair; Baudler and Whitaker.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 50**

Commerce, Regulation and Labor: Watts, Chair; Ford and Jacobs.

**House Study Bill 156**

State Government: Jacobs, Chair; Dennis, M. Gaskill, Greiner, Mascher, Petersen and Rasmussen.

**House Study Bill 185**

Natural Resources: Lukan, Chair; Rayhons and D. Taylor.

**House Study Bill 186**

Natural Resources: Freeman, Chair; Davitt and Rasmussen.

**House Study Bill 187**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

**House Study Bill 188**

State Government: Roberts, Chair; Jochum and Rasmussen.

**House Study Bill 189**

Economic Growth: Jenkins, Chair; Boggess, D. Hanson, D. Olson and Smith.

**House Study Bill 190**

Human Resources: Carroll, Chair; Boddicker and H. Miller.

**House Study Bill 191**

Human Resources: Boddicker, Chair; Berry, Heddens, Tymeson and Watts.

**House Study Bill 192**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

**House Study Bill 193**

Commerce, Regulation and Labor: Raecker, Chair; Manternach and Murphy.

**House Study Bill 194**

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

**House Study Bill 195**

Commerce, Regulation and Labor: B. Hansen, Chair; Manternach, Petersen, J.K. Van Fossen and Wise.

**House Study Bill 196**

Commerce, Regulation and Labor: Hoffman, Chair; Oldson and Sands.

**House Study Bill 197**

Education: Dolecheck, Chair; Chambers, Cohoon, K. Kramer and Wise.

**House Study Bill 199**

Economic Growth: Jenkins, Chair; Lukan and D. Olson.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 205 Local Government**

Relating to conflicts of interest in public contracts.

**H.S.B. 206 Local Government**

Relating to county administration and organization in regard to the documentation of certain real estate records.

**H.S.B. 207 Judiciary**

Relating to consumer privacy, including financial and health information privacy protection, driver's license regulation, and protection of the information of children provided while on the internet, providing for private causes of action, providing for applicability and effective dates, and applying penalties.

**H.S.B. 208 Judiciary**

Relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations.

**H.S.B. 209 Judiciary**

Relating to the payment of delinquent motor vehicle parking violations on an abandoned motor vehicle.

**H.S.B. 210 Judiciary**

Relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision.

**H.S.B. 211 Judiciary**

Concerning the creation of and the method for imposition of an operating-while-intoxicated surcharge.

**H.S.B. 212 Judiciary**

Relating to the calculation of interest on certain awards.

**H.S.B. 213 Commerce, Regulation and Labor**

Relating to dealership agreements, and providing for the Act's applicability.

**H.S.B. 214 Commerce, Regulation and Labor**

Relating to contract choice-of-law provisions referring to the uniform computer information transactions Act, and related matters.

**H.S.B. 215 Commerce, Regulation and Labor**

Relating to the computation of interest on credit transactions other than consumer credit transactions.

**H.S.B. 216 Commerce, Regulation and Labor**

Relating to a premium tax offset for the Iowa individual health reinsurance association, and phasing-in a standing appropriation for replacement of the individual health reinsurance association assessments upon political subdivisions and school corporations.

**H.S.B. 217 Education**

Relating to publication of proceedings by the board of directors of a school district and the publication of the sale of property by a school district, community college, or area education agency.

**H.S.B. 218 Public Safety**

Prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting illegal controlled substances and providing for penalties.

**H.S.B. 219 Economic Growth**

Exempting the interest from Iowa state and local securities and including a retroactive applicability date.

**H.S.B. 220 Agriculture**

Relating to the powers and duties of the department of agriculture and land stewardship by providing for the elimination of administrative requirements.

## **H.S.B. 221 Agriculture**

Relating to commercial devices, including commercial weighing and measuring devices and commercial scanners, providing for standards, providing for licensure and inspection requirements, providing for fees, and making penalties applicable.

## **H.S.B. 222 State Government**

Relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of a governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, and including effective an applicability date provisions.

## **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 Study Bill 14), relating to the licensure, permit, and approval process for site development of economic development projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2003.

### **COMMITTEE ON EDUCATION**

**Committee Bill** (Formerly House Study Bill 140), relating to personnel and instructors employed by community colleges.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2003.

**Committee Bill** (Formerly House Study Bill 155), providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2003.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 77), relating to the use of sick leave by certain members of the Iowa department of public safety peace officers' retirement, accident, and disability system who are temporarily incapacitated for duty.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2003.

**Committee Bill** (Formerly House Study Bill 133), relating to the regulation of liquefied petroleum gas storage tanks, making an appropriation, providing penalties, and including an effective date.

Fiscal note is not required.

Recommended **Amend and Do Pass** February 25, 2003.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 138), relating to snowmobile franchises by requiring the repurchase of certain inventory upon termination of a franchise.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2003.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 132), a bill for an act allowing a refund of motor fuel taxes paid by an agency or instrumentality of two or more political subdivisions of the state formed by a joint intergovernmental agreement.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 2003.

#### RESOLUTIONS FILED

**HR 22**, by Ford, a resolution urging the State Board of Education, education professionals throughout Iowa, and Iowa's community

leaders to actively and prominently make ever effort to close Iowa's achievement gap.

Laid over under **Rule 25**.

**HR 23**, by Ford, a resolution relating to support of increased funding for research and public health programs.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 5:42 p.m., until 8:45 a.m., Thursday, February 27, 2003.



# JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 27, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Susan Vergerout, pastor of the First Presbyterian Church, Waterloo. She was the guest of Representative Willard Jenkins of Black Hawk County.

The Journal of Wednesday, February 26, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 331**, by Ford, a bill for an act relating to an unfair or discriminatory practice under the civil rights law based upon the wearing apparel of a person.

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

**House File 332**, by Winckler, a bill for an act requiring the insurance division of the department of commerce to establish a school health insurance reform team study and to make recommendations to the general assembly.

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

**House File 333**, by Hogg, Elgin, and Raecker, a bill for an act providing for a reduction in annual registration fees for motor vehicles based on federal fuel economy ratings.

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

**House File 334**, by Watts, a bill for an act relating to approval of certain urban renewal projects and including effective and applicability date provisions.

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

**House File 335**, by Heaton, a bill for an act relating to state and local funding for the costs of providing educational services to children residing in psychiatric medical institutions for children and mental health institutes operated by the state, and providing effective date and retroactive applicability provisions.

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

**House File 336**, by Lensing, Mascher, Myers, and Foegen, a bill for an act designating lake Macbride as a protected water area.

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

**House File 337**, by Ford, a bill for an act relating to minority teacher loan payments and making an appropriation.

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

**House File 338**, by Hogg, a bill for an act increasing the maximum balance for the Iowa economic emergency fund and providing a contingent effective date.

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

**House File 339**, by committee on transportation, a bill for an act relating to snowmobile franchises by requiring the repurchase of certain inventory upon termination of a franchise and providing effective and retroactive applicability dates.

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

**House File 340**, by committee on education, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

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

**House File 341**, by committee on education, a bill for an act relating to personnel and instructors employed by community colleges.

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

**House File 342**, by committee on state government, a bill for an act relating to the use of sick leave by certain members of the Iowa department of public safety peace officers' retirement, accident, and disability system who are temporarily incapacitated for duty.

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

**House File 343**, by committee on public safety, a bill for an act relating to enforcement of motor vehicle law provisions and making penalties applicable.

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

**House File 344**, by committee on ways and means, a bill for an act allowing a refund of motor fuel taxes paid by a benefited fire district.

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

**House File 345**, by Gaskill, a bill for an act authorizing the department of human services to disclose information regarding the presence of a perpetrator of certain sexual offenses or sexual abuse in the client's home.

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

**House File 346**, by Raecker, a bill for an act applying Iowa's open meetings law to newly elected members of a governmental body not yet sworn in.

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

**House File 347**, by Raecker, a bill for an act providing for revised civil penalties associated with specified liquor control violations.

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

**House File 348**, by committee on state government, a bill for an act relating to the regulation of liquefied petroleum gas storage tanks, making an appropriation, and providing penalties.

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

**House File 349**, by committee on judiciary, a bill for an act relating to the representation of indigent persons and indigent defense claims.

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 February 26, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 66, a bill for an act requiring motor vehicle operators to take certain precautions when passing stationary utility maintenance vehicles and making a penalty applicable.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 94, a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 102, a bill for an act relating to the chief executive officer of the Iowa public employees' retirement system and providing an effective and retroactive applicability date.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 127, a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 172, a bill for an act relating to the establishment of a public charter school pilot program and providing effective and applicability dates.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 202, a bill for an act relating to state financial obligations by making supplemental appropriations for property tax replacement claims and elderly and disabled tax credit reimbursement, providing for the application of debt service proceeds from tobacco settlement authority bonds, providing for related matters, and including an effective date.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 211, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

Also: That the Senate has on February 26, 2003, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 5, a Concurrent Resolution requesting that the United States Congress take all action required to preserve free and private enterprise, prevent monopoly, and protect consumers including by immediately enacting legislation to prohibit livestock packers from owning, controlling, or feeding livestock to such an extent that producers can no longer materially participate in the management of their livestock operations as provided in Senate Bill 27 introduced by the Honorable Senator Charles E. Grassley and cosponsored by the Honorable Senator Tom Harkin and others.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGE CONSIDERED

Senate File 211, by committee on education, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk on request of T. Taylor of Linn.

## RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House File 340.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 340**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date, was taken up for consideration.

#### SENATE FILE 211 SUBSTITUTED FOR HOUSE FILE 340

Tymeson of Madison asked and received unanimous consent to substitute Senate File 211 for House File 340.

**Senate File 211**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date, was taken up for consideration.

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?" (S.F. 211)

The ayes were, 97:

Alons	Baudler	Bell	Berry
Boal	Boggess	Bukta	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy

Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

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

### HOUSE FILE 340 WITHDRAWN

Tymeson of Madison asked and received unanimous consent to withdraw House File 340 from further consideration by the House.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 211** 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

2003\547	Bob and Shirley Wolfe, Adel – For celebrating their 50 <sup>th</sup> wedding anniversary.
2003\548	Tim Rhoads, Johnston – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
2003\549	Ben Parry, Johnston – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2003\550      Andrew Barnett, Newton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\551      Dan and Arlene Huhn, Nevada – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\552      Scott Muxfeldt, Story City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### **SUBCOMMITTEE ASSIGNMENTS**

##### **House File 288**

Economic Growth: Dix, Chair; Dandekar and Lalk.

##### **House File 292**

Economic Growth: Boggess, Chair; Granzow and Thomas.

##### **House File 294**

Economic Growth: Jenkins, Chair; Boggess, D. Hanson, D. Olson and Smith.

##### **House File 303**

Education: K. Kramer, Chair; Bukta and B. Hansen.

##### **House File 307**

Human Resources: Upmeyer, Chair; Heddens and Watts.

##### **House File 308**

Commerce, Regulation and Labor: Horbach, Chair; Murphy and Raecker.

##### **House File 316**

Education: Boal, Chair; Tjepkes and Wendt.

##### **House File 320**

Human Resources: Hutter, Chair; Carroll and Smith.

##### **House File 321**

Human Resources: Granzow, Chair; Greimann and Tymeson.

##### **House File 323**

Education: Dolecheck, Chair; B. Hansen and Wendt.



**House File 324**

Education: Dolecheck, Chair; Roberts and Winckler.

**House File 325**

Human Resources: Hutter, Chair; Heaton and Hunter.

**House File 328**

Natural Resources: Arnold, Chair; Bell and Freeman.

**House File 335**

Education: Tymeson, Chair; Foege and Roberts.

**House File 336**

Environmental Protection: Klemme, Chair; Greimann and Upmeyer.

**House File 345**

Human Resources: Roberts, Chair; Boddicker and Smith.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 144 Reassigned**

Human Resources: Upmeyer, Chair; Hutter and Wendt.

**House Study Bill 200**

Local Government: Schickel, Chair; Cohoon and Maddox.

**House Study Bill 201**

Local Government: Maddox, Chair; M. Gaskill and B. Hansen.

**House Study Bill 202**

Local Government: D. Hanson, Chair; Connors and Maddox.

**House Study Bill 203**

Local Government: Hoffman, Chair; Boal and D. Olson.

**House Study Bill 204**

Education: Tymeson, Chair; Cohoon and Dennis.

**House Study Bill 205**

Local Government: Schickel, Chair; Boal and Lensing.

**House Study Bill 206**

Local Government: Tjepkes, Chair; Hahn and Reasoner.

**House Study Bill 207**

Judiciary: Eichhorn, Chair; Boddicker and Reasoner.

**House Study Bill 208**

Judiciary: Maddox, Chair; Berry and K. Kramer.

**House Study Bill 209**

Judiciary: Schickel, Chair; Dennis and Winckler.

**House Study Bill 210**

Judiciary: Eichhorn, Chair; Foege and Paulsen.

**House Study Bill 211**

Judiciary: Boal, Chair; Baudler and Reasoner.

**House Study Bill 212**

Judiciary: Boddicker, Chair; Dennis and Greimann.

**House Study Bill 213**

Commerce, Regulation and Labor: Manternach, Chair; Dix and Quirk.

**House Study Bill 214**

Commerce, Regulation and Labor: Jacobs, Chair; Manternach and Osterhaus.

**House Study Bill 215**

Commerce, Regulation and Labor: Manternach, Chair; Osterhaus and Sands.

**House Study Bill 216**

Commerce, Regulation and Labor: B. Hansen, Chair; J.K. Van Fossen and Wise.

**House Study Bill 217**

Education: Dennis, Chair; Tymeson and Wendt.

**House Study Bill 219**

Economic Growth: K. Kramer, Chair; Struyk and Wilderdyke.

**House Study Bill 220**

Agriculture: Lalk, Chair; S. Olson and Struyk.

**House Study Bill 221**

Agriculture: J. Drake, Chair; Klemme, Kuhn, Lalk and Stevens.

**House Study Bill 222**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 223 Education**

Relating to the duties and operations of the department of education and school boards.

**H.S.B. 224 State Government**

Relating to elections and voter registration by implementing requirements of federal law, modifying closing hours of the polls and voter identification requirements, transferring duties relating to conduct of elections and voter registration from the office of secretary of state to the Iowa ethics and campaign disclosure board, and making changes relating to absentee voting procedures, including request and delivery of absentee ballot applications, delivery of absentee ballots to the voter, and delivery of completed absentee ballots to the county commissioner of elections, and including effective date provisions.

**H.S.B. 225 Environmental Protection**

Creating an environmental oversight committee and making an appropriation.

**H.S.B. 226 Human Resources**

Relating to child care requirements involving prohibitions against involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable.

**H.S.B. 227 Human Resources**

Relating to authorization to perform spinal manipulations and spinal adjustments, and providing penalties.

**H.S.B. 228 Public Safety**

Relating to transporting an inmate for medical or dental care, and providing for a fee.

**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 136), providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

**COMMITTEE ON COMMERCE, REGULATION AND LABOR**

**Committee Bill** (Formerly House File 147), relating to anatomical gifts including bone marrow and organ donations by state employees and grants from the anatomical gift public awareness and transplantation fund.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

**Committee Bill** (Formerly House File 199), establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2003.

**Committee Bill** (Formerly House Study Bill 134), relating to the extension of credit without discrimination under the consumer credit code.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

#### COMMITTEE ON GOVERNMENT OVERSIGHT

**Committee Bill** (Formerly House Study Bill 169), relating to life science enterprises by providing for financing, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2003.

**Committee Bill** (Formerly House Study Bill 198), a concurrent resolution expressing the appreciation of the Eightieth General Assembly to the membership of the Program Elimination Commission for their efforts on behalf of the people of Iowa.

Fiscal note is not required.

Recommended **Do Pass** February 26, 2003.

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 200), relating to mental health and developmental disabilities by expanding an exemption to health care licensing requirements for certain residential programs that receive funding under a medical assistance home and community-based services waiver and approval from the department of human services and revising membership requirements for the mental health and developmental disabilities commission and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2003.

**Committee Bill** (Formerly House Study Bill 143), relating to the department of elder affairs including provision relating to the elder Iowans Act.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

**Committee Bill** (Formerly House Study Bill 147), relating to disaster preparedness and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

**Committee Bill** (Formerly House Study Bill 148), providing for miscellaneous technical and substantive changes relating to controlled and precursor substances.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House File 126), providing for the confidentiality of certain veterans' records maintained by county recorders.

Fiscal Note is required.

Recommended **Do Pass** February 27, 2003.

#### COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House Study Bill 90), relating to conducting searches of persons on probation or parole and providing information to local law enforcement agencies and the state department of transportation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2003.

**Committee Bill** (Formerly House Study Bill 135), authorizing a sentencing court to issue no-contact orders against persons arrested for any public offense.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2003.

#### RESOLUTIONS FILED

**HCR 15**, by committee on government oversight, a concurrent resolution expressing the appreciation of the Eightieth General Assembly to the membership of the Program Elimination Commission for their efforts on behalf of the people of Iowa.

Laid over under **Rule 25**.

**HR 24**, by Wise, Foege, Bukta, Myers, Stevens, Quirk, Whitaker, Whitead, Wendt, Gaskill, Frevert, Berry, Miller, Smith, Greimann, Heddens, McCarthy, D. Taylor, Murphy, Mascher, Shoultz, Oldson, Reasoner, Swaim, Lensing, Hogg, Davitt, Osterhaus, Winckler, Jochum, Hunter, Struyk, T. Taylor, Connors, Dandekar, Petersen, D. Olson, Lykam, and Fallon, a resolution requesting Iowa's

congressional delegation to work to secure adequate funding for mandates required under the federal "No Child Left Behind Act of 2001".

Laid over under **Rule 25.**

**HR 25**, by Mascher, Bukta, D. Taylor, Heddens, Frevert, T. Taylor, Miller, Whitead, Greimann, Wendt, Gaskill, Winckler, Stevens, Quirk, Bell, Lykam, Davitt, Dandekar, D. Olson, Swaim, Foege, Murphy, Hunter, Whitaker, Osterhaus, Jochum, Thomas, Berry, Lensing, Ford, and Struyk, a resolution identifying problems of Iowans in meeting health care costs and calling upon candidates for national office to provide proposals for addressing the health care needs of Iowans and the people of the United States.

Laid over under **Rule 25.**

**SCR 5**, by committee on agriculture, a concurrent resolution requesting that the United State Congress take all action required to preserve free and private enterprise, prevent monopoly, and protect consumers by immediately enacting legislation to prohibit livestock packers from owning, controlling, or feeding livestock to such an extent that producers can no longer materially participate in the management of their livestock operations as provided in Senate Bill 27 introduced by the Honorable Senator Charles E. Grassley and cosponsored by the Honorable Senator Tom Harkin and others.

Passed on file.

#### AMENDMENTS FILED

H-1028	H.F.	341	Dolecheck of Ringgold
H-1029	H.F.	235	Carroll of Poweshiek
			Connors of Polk
H-1030	H.F.	265	Klemme of Plymouth
			Hogg of Linn

On motion by Gipp of Winneshiek the House adjourned at 9:05 a.m., until 8:45 a.m., Friday, February 28, 2003.

# JOURNAL OF THE HOUSE

Forty-seventh Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 28, 2003

The House met pursuant to adjournment at 8:49 a.m., Hansen of Pottawattamie in the chair.

The Journal of Thursday, February 27, 2003 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 7**, by Drake, a joint resolution proposing an amendment to the Constitution of the State of Iowa to change the length of term of office for members of the Iowa House of Representatives from two years to four years.

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

**House File 350**, by Greiner, a bill for an act requiring that dealers of certain swine file a surety bond with the department of agriculture and land stewardship.

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

**House File 351**, by Jenkins, a bill for an act relating to the authority of a city to contract with or acquire equity interests in business entities for the purpose of participating in electric energy transmission organizations or implementing open-access tariffs for the use of transmission or distribution facilities.

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

**House File 352**, by Roberts, a bill for an act relating to the marketing of motor vehicle fuel and making penalties applicable.

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



**House File 353**, by T. Taylor and Murphy, a bill for an act relating to employee choice of medical care in workers' compensation.

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

**House File 354**, by Winckler, Hutter, Lykam, and J. R. Van Fossen, a bill for an act modifying the requirements for cities and counties to enter into certain leases.

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

**House File 355**, by Foege, a bill for an act stating legislative intent to fully fund newborn visitation services in order to make these services available statewide by a future date.

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

**House File 356**, by Horbach, a bill for an act relating to tribal law enforcement officer training at the Iowa law enforcement academy.

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

**House File 357**, by Wise, a bill for an act relating to the purchase of a police service dog by the department of corrections.

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

**House File 358**, by committee on government oversight, a bill for an act relating to life science enterprises by providing for financing.

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

**House File 359**, by Myers, a bill for an act relating to immunity from liability of certain health care facilities participating in the volunteer health care provider program.

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

**House File 360**, by Eichhorn, a bill for an act requiring the legislative fiscal bureau to provide estimates of tax compliance costs when providing fiscal notes for revenue-generating bills.

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

**House File 361**, by Mascher, a bill for an act providing an Iowa individual income tax checkoff for the arts, making an appropriation, and providing a retroactive applicability date.

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

**House File 362**, by Wendt, a bill for an act relating to a competitively bid contract to provide technical assistance to school districts and community-based organizations that provide mentoring programs to youth and making an appropriation.

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

**House File 363**, by Mascher, a bill for an act increasing the fine for failure to yield to or exercise due care to avoid colliding with a pedestrian.

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

**House File 364**, by Connors, Dandekar, Petersen, D. Olson, Murphy, Mascher, Bukta, D. Taylor, Greimann, Foege, Miller, Berry, Frevert, Gaskill, Wendt, Whitead, Whitaker, Quirk, Stevens, Shoultz, Myers, Fallon, Lensing, Osterhaus, Winckler, Jochum, and T. Taylor, a bill for an act relating to approval of campaign advertisements.

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

**House File 365**, by Mascher, a bill for an act concerning appropriations for community college salaries.

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

**House File 366**, by committee on local government, a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders.

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

**House File 367**, by Huser, a bill for an act relating to state of disaster or public disorder proclamations in cities and counties.

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

**House File 368**, by Dolecheck and Reasoner, a bill for an act relating to requirements for elder group homes.

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

**House File 369**, by Frevert, a bill for an act establishing minimum requirements for the staffing of the county offices maintained by the department of human services.

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

**House File 370**, by Mascher and Lensing, a bill for an act requiring credit reporting agencies to provide credit reports to consumers annually without charge.

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

**House File 371**, by Kuhn, a bill for an act changing the amounts of appropriations available for the agricultural land credit fund and the family farm tax credit fund and including effective and applicability date provisions.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 94**, by Warnstadt, a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders.

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

**Senate File 102**, by committee on state government, a bill for an act relating to the chief executive officer of the Iowa public employees' retirement system and providing an effective and retroactive applicability date.

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

**Senate File 127**, by Gronstal and Iverson, a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening.

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

**Senate File 172**, by committee on education, a bill for an act relating to the establishment of a public charter school pilot program and providing effective and applicability dates.

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

**Senate File 202**, by committee on appropriations, a bill for an act relating to state financial obligations by making supplemental appropriations for property tax replacement claims and elderly and disabled tax credit reimbursement, providing for the application of debt service proceeds from tobacco settlement authority bonds, providing for related matters, and including an effective date.

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

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### IOWA NATIONAL GUARD – PUBLIC DEFENSE

State of Iowa Legislative ICN savings report for the calendar year 2002, pursuant to Chapter 29.1, Code of Iowa.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### House Study Bill 223

Education: Chambers, Chair; Tymeson and Wise.

### 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 Study Bill 16), relating to the purpose of the community attraction and tourism program.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

**Committee Bill** (Formerly House Study Bill 32), relating to economic growth strategic planning.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

**Committee Bill** (Formerly House Study Bill 58), relating to the new jobs and income program and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2003.

**Committee Bill** (Formerly House Study Bill 59), relating to economic development programs for targeted small businesses.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

**Committee Bill** (Formerly House Study Bill 63), relating to the procedures for certificates of completion of property rehabilitation projects for which tax credits may be available.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2003.

**Committee Bill** (Formerly House Study Bill 64), relating to community development block grants to the department of economic development and including effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

## RESOLUTION FILED

**HR 26**, by Boggess, a resolution honoring the City of Clarinda on its sesquicentennial year.

Laid over under **Rule 25**.

On motion by Paulsen of Linn the House adjourned at 8:56 a.m., until 1:00 p.m., Monday, March 3, 2003.

# JOURNAL OF THE HOUSE

Fiftieth Calendar Day - Thirty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 3, 2003

The House met pursuant to adjournment at 1:06 p.m., Speaker Rants in the chair.

Prayer was sung by Miss Iowa, Stephanie Moore from Okoboji. She was the guest of Representative Greg Stevens of Dickinson County.

The Journal of Friday, February 28, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Adam Frei, the House Journal Room Page from Johnston.

## INTRODUCTION OF BILLS

**House Joint Resolution 8**, by Heaton, a joint resolution to nullify administrative rules of the department of human services relating to case management for persons with mental retardation, chronic mental illness, or developmental disabilities, and providing an effective date.

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

**House File 372**, by Eichhorn, a bill for an act relating to the exemption from land ownership restrictions for nonresident aliens under the new jobs and income program.

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

**House File 373**, by Myers, a bill for an act establishing a courthouse security surcharge on criminal fines, creating a courthouse security fund, making an appropriation of surcharge moneys; and making related changes.

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

**House File 374**, by Kurtenbach, a bill for an act relating to the operation of an all-terrain vehicle with a passenger.

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

**House File 375**, by Osterhaus, a bill for an act relating to the establishment of a senior pharmaceutical assistance program and making an appropriation.

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

**House File 376**, by Mertz, a bill for an act regulating farm deer, providing for penalties, and providing an effective date.

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

**House File 377**, by Mascher, a bill for an act providing for the retention of licensing and renewal fees received by the board of nursing, and providing an effective date.

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

**House File 378**, by Jochum, Reasoner, Murphy, Oldson, Whitead, Lykam, Quirk, D. Olson, Myers, Bukta, Mascher, Whitaker, Hogg, Gaskill, Berry, Frevert, Wendt, Winckler, Lensing, Miller, Petersen, Thomas, Dandekar, and Foege, a bill for an act relating to genetic information privacy, including the requirement of informed consent to test and written authorization prior to disclosure, prohibitions on certain uses of genetic information, and creating a private cause of action.

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

**House File 379**, by Heddens, Greimann, Whitead, D. Taylor, Bukta, Mascher, Winckler, Gaskill, Foege, Ford, Lensing, Jochum, Shoultz, Whitaker, and Miller, a bill for an act relating to beverage container control laws and making appropriations.

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

**House File 380**, by committee on agriculture, a bill for an act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

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

**House File 381**, by committee on commerce, regulation and labor, a bill for an act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the anatomical gift public awareness and transplantation fund.

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

**House File 382**, by Heaton, a bill for an act providing for offset of certain billings to counties for mental health, mental retardation, and developmental disabilities services.

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

**House File 383**, by Heaton, a bill for an act relating to contractors under a medical assistance program waiver.

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

**House File 384**, by Heaton, a bill for an act relating to providing coverage under the healthy and well kids in Iowa (hawk-i) program as an option for medical support of a dependent.

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

**House File 385**, by Heaton, a bill for an act providing for a fee for transporting an inmate for medical or dental care.

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

**House File 386**, by committee on human resources, a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act.

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



**House File 387**, by committee on human resources, a bill for an act relating to mental health and developmental disabilities by revising life safety requirements for intermediate care facilities for persons with mental retardation, expanding an exemption to health care licensing requirements for certain residential programs that receive funding under a medical assistance home and community-based services waiver and approval from the department of human services, and revising membership requirements for the mental health and developmental disabilities commission, and providing an effective date.

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

**House File 388**, by Horbach, Sands, Huser, Alons, Watts, Hahn, Freeman, Tjepkes, De Boef, Wilderdyke, Jenkins, Rasmussen, Dolecheck, Baudler, Wise, Mertz, Foege, Quirk, and Thomas, a bill for an act relating to the imposition of a revenue nondistribution tax on certain credit unions and including an applicability date provision.

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

**House File 389**, by committee on human resources, a bill for an act providing for miscellaneous technical and substantive changes relating to controlled and precursor substances.

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

### RULES SUSPENDED

Jacobs of Polk asked and received unanimous consent to suspend the rules for the immediate consideration of House Resolutions 26 and 27.

### ADOPTION OF HOUSE RESOLUTION 27

Stevens of Dickinson called up for consideration **House Resolution 27**, a resolution congratulating Stephanie A. Moore on her service as Miss Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

### ADOPTION OF HOUSE RESOLUTION 26

Bogges of Taylor called up for consideration **House Resolution 26**, a resolution honoring the City of Clarinda on its sesquicentennial year, and moved its adoption.

The motion prevailed and the resolution was adopted.

### ADOPTION OF SENATE CONCURRENT RESOLUTION 3

Lukan of Dubuque called up for consideration **Senate Concurrent Resolution 3**, a resolution requesting the establishment of standing Senate and House subcommittees on veterans affairs, and moved its adoption.

The motion prevailed and the resolution was adopted.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 27, 2003. Had I been present, I would have voted "aye" on Senate File 211.

ARNOLD of Lucas

### 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 3<sup>rd</sup> day of March, 2003: House File 66.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 332

Commerce, Regulation and Labor: Sands, Chair; J.K. Van Fossen and Wise.

**House File 362**

Education: Dolecheck, Chair; Schickel and Wendt.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 224**

State Government: Jacobs, Chair; Dennis, M. Gaskill, Greiner, Mascher, Petersen and Rasmussen.

**House Study Bill 225**

Environmental Protection: Greiner, Chair; D. Olson and Shoultz.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 229 Ethics**

Relating to elected officials, including reports of official misconduct, and lobbyist and client reports and applying penalties.

**H.S.B. 230 Economic Growth**

Encouraging the purchase of software and information technology produced in this state in state procurement processes.

**H.S.B. 231 Commerce, Regulation and Labor**

Relating to an employer's liability for workers' compensation benefits.

**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 NATURAL RESOURCES**

**Committee Bill** (Formerly House File 238), relating to the amount of mussels and shells which may be taken pursuant to a sport fishing license.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2003.

**Committee Bill** (Formerly House File 244), providing resident license fees for hunting, fishing, trapping, and related activities to certain persons in the armed forces of the United States.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2003.

**Committee Bill** (Formerly House Study Bill 36), relating to the registration of hunting outfitters or hunting guides and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March, 3, 2003.

### RESOLUTION FILED

**HCR 16**, by Freeman, Miller, Murphy, Wendt, Whitead, Mertz, Kuhn, D. Taylor, Shoultz, Osterhaus, Jochum, Thomas, Berry, Ford, Myers, Tjepkes, Rasmussen, Huseman, Chambers, Alons, Hoffman, Granzow, Roberts, Tymeson, Frevert, Rayhons, Lukan, Manternach, Dennis, D. Hanson, Eichhorn, Klemme, Rants, Upmeyer, Jenkins, Schickel, Dix and Gipp, a concurrent resolution supporting the completion of U.S. Highway 20 across northern Iowa and requesting federal assistance.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—1031	H.F.	235	Carroll of Poweshiek
H—1032	H.F.	381	Watts of Dallas

On motion by Jacobs of Polk the House adjourned at 1:28 p.m., until 8:45 a.m., Tuesday, March 4, 2003.

# JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 4, 2003

The House met pursuant to adjournment at 8:50 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Randy Widbin, pastor of Christ Community Church, Sioux Center. He was the guest of Representative Dwayne Alons of Sioux County.

The Journal of Monday, March 3, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 390**, by committee on economic growth, a bill for an act relating to economic development programs for targeted small businesses.

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

**House File 391**, by committee on commerce, regulation and labor, a bill for an act establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal.

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

**House File 392**, by committee on economic growth, a bill for an act relating to economic growth strategic planning.

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

**House File 393**, by Wendt, a bill for an act establishing a multiagency quality service review pilot project for children involved in the juvenile justice, education, and child welfare systems and providing an appropriation.

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

**House File 394**, by committee on economic growth, a bill for an act relating to the purposes of the community attraction and tourism program.

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

**House File 395**, by committee on commerce, regulation and labor, a bill for an act relating to the extension of credit without discrimination under the consumer credit code.

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

**House File 396**, by committee on human resources, a bill for an act relating to disaster preparedness and providing an effective date.

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

**House File 397**, by committee on economic growth, a bill for an act relating to community development block grants to the department of economic development and including effective and retroactive applicability dates.

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

**House File 398**, by Kurtenbach, Dix, Alons, Jenkins, Hahn, Boal, Kramer, J. K. Van Fossen, Drake, and Eichhorn, a bill for an act requiring the establishment of alternative defined contribution retirement systems for elementary and secondary school teachers and public hospital employees.

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

**House File 399**, by committee on economic growth, a bill for an act relating to the new jobs and income program and providing a tax credit.

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

**House File 400**, by committee on public safety, a bill for an act relating to conducting searches of persons on probation or parole and

providing information to local law enforcement agencies and the state department of transportation.

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

**House File 401**, by committee on economic growth, a bill for an act relating to the procedures for certificates of completion of property rehabilitation projects for which tax credits may be available.

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

**House File 402**, by Raecker, Maddox, Elgin, Jochum, and Mascher, a bill for an act providing for the restoration of the right to vote for certain persons who have made full restitution and who have been discharged from probation, parole, or work release, or who have been released from confinement.

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

**House File 403**, by Heaton, a bill for an act authorizing the department of human services to contract for managed care of adult mental health or substance abuse services under the medical assistance program under certain circumstances and providing an effective date.

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

**House File 404**, by committee on public safety, a bill for an act authorizing a sentencing court to issue no-contact orders against persons arrested for any public offense.

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

**House File 405**, by Stevens, Upmeyer, Freeman, and Tjepkes, a bill for an act relating to the authority of a local governmental entity to regulate the application, use, sale, and distribution of fertilizers and soil conditioners.

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

**House File 406**, by Heaton, a bill for an act providing for assignment of child support to the department of human services for provision of care to a child in a psychiatric medical institution for children.

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

**House File 407**, by Jochum, a bill for an act providing for an increase in the amount of punitive damages a tenant may recover from a landlord's bad faith retention of a security deposit.

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

**House File 408**, by Lukan, a bill for an act relating to bingo operations.

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

**House File 409**, by Heaton, a bill for an act relating to establishing a pharmaceutical discount clearinghouse and hotline, and making an appropriation.

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

**House File 410**, by Lensing and Mascher, a bill for an act relating to smoking prohibitions.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Kossuth and Huseman of Cherokee on request of Speaker Rants.

#### ADOPTION OF HOUSE RESOLUTION 16

Smith of Marshall called up for consideration **House Resolution 16**, a resolution honoring the city of Marshalltown on its sesquicentennial year, and moved its adoption.

The motion prevailed and the resolution was adopted.



## SPECIAL PRESENTATION

Smith of Marshall introduced to the House the Mayor of Marshalltown, Floyd Harthun, who thanked the House for the honor.

The House rose and expressed its welcome.

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 249**, a bill for an act relating to the manufacture, delivery, possession with the intent to manufacture or deliver, or conspiring to manufacture, deliver, or possess with the intent to manufacture or deliver flunitrazepam, and providing a penalty, was taken up for consideration.

Eichhorn of Hamilton 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. 249)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven

Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

De Boef	Huseman	Van Fossen, J.K.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 250**, a bill for an act relating to the criminal penalties for an assault on members of certain occupations, was taken up for consideration.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-1026 filed by him on February 25, 2003.

J.R. Van Fossen of Scott 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. 250)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz

Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 1.

Fallon

Absent or not voting, 3:

De Boef	Huseman	Van Fossen, J.K.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 234**, a bill for an act transferring the powers and duties of the Missouri river preservation and land use authority to the loess hills development and conservation authority and providing effective dates, was taken up for consideration.

Boggess of Page offered amendment H-1020 filed by Boggess, Freeman of Buena Vista and Whitead of Woodbury as follows:

H-1020

- 1 Amend House File 234 as follows:
- 2 1. By striking page 1, line 1, through page 3,
- 3 line 12, and inserting the following:
- 4 "Section 1. NEW SECTION. 161D.9 MISSOURI RIVER
- 5 PRESERVATION AND LAND USE.
- 6 1. LEGISLATIVE FINDINGS. The general assembly
- 7 finds that the Missouri river is an important natural
- 8 resource to the state of Iowa and that the creation of
- 9 comprehensive plans which lead to the purchase,
- 10 development, and preservation of land adjacent to the
- 11 Missouri river will provide recreational and economic
- 12 benefits to the state and to the counties and cities
- 13 which border on the river. The general assembly
- 14 further finds that current planning and purchase
- 15 efforts relating to development of Missouri riverfront
- 16 property have fallen short of the goal of developing a
- 17 comprehensive plan for the recreational development of
- 18 the Missouri river and that giving the loess hills
- 19 development and conservation authority the mission of
- 20 engaging in these efforts will have a greater
- 21 likelihood of reaching the desired goal.

## 22 2. DUTIES OF AUTHORITY.

23 a. The authority may engage in comprehensive  
24 planning for and the development and implementation of  
25 strategies designed to preserve and restore the  
26 natural beauty of the land adjacent to and the water  
27 of the Missouri river through land acquisition.  
28 Planning and implementation activities may be  
29 coordinated with plans and implementation activities  
30 of the department of natural resources for lands owned  
31 or acquired by the department.

32 b. The mission of the authority is to research,  
33 develop comprehensive plans, and implement strategies  
34 which emphasize the creation of multipurpose  
35 recreational areas that foster and accent the natural  
36 characteristics of the Missouri river and which  
37 provide for environmentally sound land and water use  
38 practices for land adjacent to the Missouri river; to  
39 designate and prioritize for purchase parcels of land  
40 which are located in areas critical for the  
41 environmental health of the Missouri river waterway;  
42 to develop plans for and to acquire parcels of land to  
43 establish a public greenbelt along the banks of the  
44 Missouri river; to develop plans for public  
45 recreational use of lands adjacent to the Missouri  
46 river, including but not limited to a public bicycle  
47 trail; and to cooperate with county and city  
48 authorities and federal and state authorities in order  
49 to fulfill the mission of the authority.

50 c. The authority may develop plans and proposals

## Page 2

1 and conduct public hearings relating to the  
2 conservation, preservation, and acquisition of land  
3 adjacent to the Missouri river. In developing plans  
4 and proposals, the authority may consult with any  
5 person or organization which has interests that would  
6 be affected by the acquisition and development of  
7 Missouri river property in accordance with the mission  
8 of the authority, including but not limited to utility  
9 companies, municipalities, agricultural organizations,  
10 the corps of engineers, rural water districts, soil  
11 and water conservation districts, private water  
12 suppliers, business and industry organizations,  
13 drainage and levee district associations, benefited  
14 recreational lake districts, and any soil conservation  
15 organizations. The authority may include a copy of  
16 any plans and proposals and may document the results  
17 and findings of those hearings in a report or series  
18 of reports.

19 d. The authority shall administer the Missouri  
20 river preservation and land use fund established under

21 subsection 3, and shall deposit and expend moneys in  
22 the fund for the development of plans for, development  
23 of, and purchase of lands adjacent to the Missouri  
24 river and for annual payment of property taxes on any  
25 land purchased. The county treasurer shall certify  
26 the amount of taxes due the authority. The assessed  
27 value of the property held by the authority shall be  
28 that value determined under section 427.1, subsection  
29 18, and the authority may protest the assessed value  
30 in the manner provided by law for any property owner  
31 to protest an assessment. For purposes of chapter  
32 257, the assessed value of any property which was  
33 acquired by the authority shall be included in the  
34 valuation base of the school district and the payments  
35 made by the authority shall be considered as property  
36 tax revenues and not as miscellaneous income. The  
37 expenditure of funds may include, but is not limited  
38 to, use of moneys from the Missouri river preservation  
39 and land use fund to match funds from state, federal,  
40 and private resources.

41 e. The title to all property purchased by the  
42 authority shall be taken in the name of the state, but  
43 land shall not be acquired through condemnation  
44 proceedings and all purchases shall be from willing  
45 sellers. The authority may transfer jurisdiction over  
46 any lands the authority acquires to the department of  
47 natural resources, or may enter into agreements with  
48 the department or the appropriate county conservation  
49 board, for the management of the lands. All lands  
50 purchased shall be for public use, and not for private

Page 3

1 commercial purposes, but the authority may permit the  
2 expenditure of private funds for the improvement of  
3 land or water adjacent to or purchased by the  
4 authority. All surveys and plats of lands purchased  
5 by the authority shall be filed in the manner provided  
6 in section 461A.22. Land purchased by the authority  
7 shall be managed and policed in the manner provided  
8 under agreements between the authority and the agency  
9 responsible for management of the property, except  
10 that, subject to the restrictions contained in chapter  
11 455B, the authority shall not be required to obtain  
12 the prior permission of the natural resource  
13 commission when using private funds to establish land  
14 or water recreational areas, and any property  
15 purchased by the authority shall not be sold without  
16 the prior notification and consent of the authority.

17 3. MISSOURI RIVER PRESERVATION AND LAND USE FUND.  
18 A Missouri river preservation and land use fund is  
19 established in the office of treasurer of state, to be

20 administered by and subject to the use of the  
21 authority for the purposes established in subsection  
22 2. The Missouri authority may accept gifts, grants,  
23 bequests, other moneys including but not limited to  
24 state or federal moneys, and in-kind contributions for  
25 deposit in the fund for the use of the authority to  
26 carry out the authority's mission. Gifts, grants, and  
27 bequests from public and private sources, state and  
28 federal moneys, and other moneys received by the  
29 authority shall be deposited in the fund and any  
30 interest earned on the fund shall be credited to the  
31 fund to be used for the purposes specified in  
32 subsection 2. Notwithstanding section 8.33, any  
33 unexpended or unencumbered moneys remaining in the  
34 fund at the end of a fiscal year shall not revert, but  
35 shall remain available for expenditure by the  
36 authority in succeeding fiscal years.  
37 Sec. 2. Section 456A.14, Code 2003, is amended to  
38 read as follows:  
39 456A.14 TEMPORARY APPOINTMENTS – PEACE OFFICER  
40 STATUS.  
41 The director may appoint temporary officers for a  
42 period not to exceed six months and may adopt minimum  
43 physical, educational, mental, and moral requirements  
44 for the temporary officers. Chapter 80B does not  
45 apply to the temporary officers. Temporary officers  
46 have all the powers of peace officers in the  
47 enforcement of this chapter and chapters 161D, 321G,  
48 456B, 461A, 461B, 462A, 462B, ~~463B~~, 465C, 481A, 481B,  
49 482, 483A, 484A, and 484B, and the trespass laws.  
50 Sec. 3. Section 456A.24, subsection 12, Code 2003,

#### Page 4

1 is amended to read as follows:  
2 12. Adopt rules authorizing officers and employees  
3 of the department who are peace officers to issue  
4 warning citations for violations of this chapter and  
5 chapters 161D, 321G, 350, 456B, 457A, 461A through  
6 461C, 462A, 462B, ~~463B~~, 464A, 465A through 465C, 481A,  
7 481B, 482, 483A, 484A, and 484B.  
8 Sec. 4. Section 461A.78, Code 2003, is amended to  
9 read as follows:  
10 461A.78 METHOD NOT EXCLUSIVE.  
11 This division shall not be the exclusive method for  
12 establishing a water recreational area and shall not  
13 be construed to prohibit the establishment of public  
14 recreational areas by the ~~Missouri river preservation~~  
15 ~~and land use~~ loess hills development and conservation  
16 authority under chapter ~~463B~~ 161D.  
17 Sec. 5. Section 481A.1, unnumbered paragraph 1,  
18 Code 2003, is amended to read as follows:

- 19 Words and phrases as used in this chapter and  
 20 chapters 161D, 350, 456A, 456B, 457A, 461A through  
 21 461C, 462A, 462B, ~~463B~~, 464A, 465A through 465C, 481B,  
 22 482, 483A, 484A, and 484B and such other chapters as  
 23 relate to the subject matter of these chapters shall  
 24 be construed as follows:  
 25 Sec. 6. Chapter 463B, Code 2003, is repealed."  
 26 2. By renumbering as necessary.

Boggess of Page offered the following amendment H-1022, to amendment H-1020, filed by her and moved its adoption:

H-1022

- 1 Amend the amendment, H-1020, to House File 234 as  
 2 follows:  
 3 1. Page 3, line 47, by striking the figure  
 4 "161D."  
 5 2. Page 4, line 5, by striking the figure  
 6 "161D."  
 7 3. Page 4, line 20, by striking the figure  
 8 "161D."

Amendment H-1022 was adopted.

On motion by Boggess of Page amendment H-1020, as amended, was adopted.

Boggess of Page 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. 234)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Huttrer	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer

Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

De Boef

Huseman

Van Fossen, J.K.

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

### HOUSE FILE 80 WITHDRAWN

Bogges of Page asked and received unanimous consent to withdraw House File 80 from further consideration by the House.

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 234, 249 and 250.**

On motion by Gipp of Winneshiek, the House was recessed at 9:23 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:01 p.m., Speaker Rants in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.



## INTRODUCTION OF BILLS

**House File 411**, by committee on natural resources, a bill for an act providing resident license fees for hunting, fishing, trapping, and related activities to certain persons in the armed forces of the United States.

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

**House File 412**, by committee on natural resources, a bill for an act relating to the amount of mussels and shells which may be taken pursuant to a sport fishing license.

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

**House File 413**, by Mascher, a bill for an act creating a wetlands program and providing penalties.

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

**House File 414**, by Thomas, a bill for an act relating to employer notification to employees of cancellation of group insurance, and providing recovery for certain medical bills.

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

**House File 415**, by Mascher, a bill for an act defining infamous crime as a class "A" felony for purposes of disqualifying a person from registering to vote and voting and from being a candidate for certain elective offices.

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

**House File 416**, by Dix, a bill for an act providing for exceptions to municipal tort liability for river rafting, canoeing, and kayaking.

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

**House File 417**, by Mascher, a bill for an act relating to the required number of hours of training necessary for approval as a certified nurse aide.

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

**House File 418**, by Foege, a bill for an act relating to the collection and maintenance of obesity-related data by the Iowa department of public health and participating elementary and secondary schools.

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

**House File 419**, by Fallon and Hogg, a bill for an act requiring that state agencies purchase Iowa agricultural commodities and food derived from Iowa agricultural commodities.

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

**House File 420**, by Hogg, a bill for an act relating to a business health care tax credit for individual and corporate income tax purposes and including a retroactive applicability date provision.

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

**House File 421**, by committee on natural resources, a bill for an act relating to the registration of hunting outfitters or hunting guides and providing a penalty.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 265**, a bill for an act relating to the withdrawal of blood without a warrant from a person under arrest for an operating-while-intoxicated offense when the arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death, was taken up for consideration.

Hogg of Linn asked and received unanimous consent to withdraw amendments H-1023 and H-1024 filed by him on February 25, 2003.

Klemme of Plymouth offered amendment H-1030 filed by him and Hogg of Linn as follows:

H-1030

- 1 Amend House File 265 as follows:
- 2 1. Page 1, by inserting after line 21, the
- 3 following:
- 4 "4. If the person from whom a specimen of blood is
- 5 to be withdrawn objects to the withdrawal, a breath or
- 6 urine sample may be taken under the following
- 7 circumstances:
- 8 a. If the person is capable of giving a specimen
- 9 of breath, and a direct breath testing instrument is
- 10 readily available, the withdrawal of a specimen of the
- 11 person's breath may be taken for chemical testing,
- 12 unless the peace officer has reasonable grounds to
- 13 believe that the person was under the influence of a
- 14 controlled substance, a drug other than alcohol, or a
- 15 combination of alcohol and another drug.
- 16 b. If the peace officer has reasonable grounds to
- 17 believe that the person was under the influence of a
- 18 controlled substance, a drug other than alcohol, or a
- 19 combination of alcohol and another drug, a urine
- 20 sample shall be collected in lieu of a blood sample,
- 21 if the person is capable of giving a urine sample and
- 22 the sample can be collected."

Klemme of Plymouth offered the following amendment H-1033, to amendment H-1030, filed by him and Hogg of Linn from the floor and moved its adoption:

H-1033

- 1 Amend the amendment, H-1030, to House File 265 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1, the
- 4 following:
- 5 " \_\_\_\_ Page 1, line 3, by inserting before the
- 6 word "Notwithstanding" the following: "1."
- 7 \_\_\_\_ Page 1, line 13, by striking the figure "1."
- 8 and inserting the following: "a."
- 9 \_\_\_\_ Page 1, line 15, by striking the figure "2."
- 10 and inserting the following: "b."
- 11 \_\_\_\_ Page 1, line 18, by striking the figure "3."
- 12 and inserting the following: "c.""
- 13 2. Page 1, line 4, by striking the figure "4."
- 14 and inserting the following: "2."
- 15 3. By renumbering as necessary.

Amendment H-1033 was adopted.

On motion by Klemme of Plymouth amendment H-1030, as amended, was adopted.

Klemme 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?" (H.F. 265)

The ayes were, 88:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Chambers	Cphoon	Connors	Dandekar
Davitt	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Smith	Stevens	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 8:

Berry	Fallon	Ford	Greimann
Hunter	Mascher	Shoultz	Taylor, T.

Absent or not voting, 4:

Carroll	De Boef	Foege	Huseman
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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 File 265** and **Senate Concurrent Resolution 3**.

SPONSOR ADDED  
(House File 190)

Murphy of Dubuque requests to be added as a sponsor of House File 190.

SPONSORS ADDED  
(House Joint Resolution 5)

Alons of Sioux, Arnold of Lucas, Baudler of Adair, Boal of Polk, Boddicker of Cedar, Boggess of Page, Carroll of Poweshiek, Chambers of O'Brien, Cohoon of Des Moines, Connors of Polk, De Boef of Keokuk, Dennis of Black Hawk, Dix of Butler, Dolecheck of Ringgold, Drake of Pottawattamie, Eichhorn of Hamilton, Freeman of Buena Vista, Gipp of Winneshiek, Granzow of Hardin, Greiner of Washington, Hansen of Pottawattamie, Hanson of Benton, Heaton of Henry, Hoffman of Crawford, Horbach of Tama, Huseman of Cherokee, Jacobs of Polk, Jenkins of Black Hawk, Jones of Mills, Klemme of Plymouth, Kramer of Polk, Kurtenbach of Story, Lalk of Fayette, Lukan of Dubuque, Maddox of Polk, Manternach of Jones, Mertz of Kossuth, S. Olson of Clinton, Paulsen of Linn, Quirk of Chickasaw, Rasmussen of Buchanan, Rayhons of Hancock, Roberts of Carroll, Sands of Louisa, Smith of Marshall, T. Taylor of Linn, Thomas of Clayton, Tjepkes of Webster, Tymeson of Madison, Upmeyer of Hancock, Van Engelenhoven of Marion, J.K. Van Fossen of Scott, J.R. Van Fossen of Scott, Watts of Dallas, Whitead of Woodbury and Wilderdyke of Harrison request to be added as sponsors of House Joint Resolution 5.

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 4, 2003. Had I been present, I would have voted "aye" on House Files 234, 249 and 250.

J.K. VAN FOSSEN of Scott

## 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

- |          |  |
|----------|--|
| 2003\553 | Ben and Betty Pickel, Mapleton – For celebrating their 50 <sup>th</sup> wedding anniversary.   |
| 2003\554 | Lawrence Bartels, Schleswig- For celebrating his 85 <sup>th</sup> birthday.  |
| 2003\555 | Dorothy Davis, Anthon – For celebrating her 95 <sup>th</sup> birthday.   |
| 2003\556 | Frances Wiegel, Charter Oak – For celebrating her 80 <sup>th</sup> birthday.   |
| 2003\557 | Loren and Dorothy Stine, Dallas Center – For celebrating their 63 <sup>rd</sup> wedding anniversary.   |
| 2003\558 | Raymond Fistler, Ackley – For celebrating his 80 <sup>th</sup> birthday.   |
| 2003\559 | Jeanette White, Iowa Falls – For celebrating her 80 <sup>th</sup> birthday.  |
| 2003\560 | Charles Birker, Vinton – For celebrating his 90 <sup>th</sup> birthday.  |
| 2003\561 | Berniece Duello, Vinton – For celebrating her 85 <sup>th</sup> birthday.   |
| 2003\562 | Marion Dykstra, Grinnell – For celebrating his 80 <sup>th</sup> birthday.  |
| 2003\563 | Lowell and Rosalie McClure, Grinnell – For celebrating their 55 <sup>th</sup> wedding anniversary.   |
| 2003\564 | Paul and Mary Lewis, Beacon – For celebrating their 55 <sup>th</sup> wedding anniversary.  |
| 2003\565 | Dale Ferns, Oskaloosa – For celebrating his 80 <sup>th</sup> birthday.   |
| 2003\566 | Gerald and Betty Thomas, Farnhamville – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2003\567 | Doris and Dean Hoag, Manson – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2003\568 | Chase Holmgaard, Ft. Dodge – For receiving 1 <sup>st</sup> place in the 171 lb. weight class in the Class 3-A Division of the 2003 State Wrestling Tournament. |
| 2003\569 | Marvin and Kay Schoneman, Garner – For celebrating their 60 <sup>th</sup> wedding anniversary.   |

- 2003\570 Eldon Hagen, Klemme – For celebrating his 80<sup>th</sup> birthday.
- 2003\571 Ella Lembke, Rockwell – For celebrating her 90<sup>th</sup> birthday.
- 2003\572 T.J. Sebolt, Centerville – For receiving 1<sup>st</sup> place in the 103 lb. weight class in the Class 2-A Division of the 2003 State Wrestling Tournament.
- 2003\573 Justin Brown, Centerville – For receiving 1<sup>st</sup> place in the 112 lb. weight class in the Class 2-A Division of the 2003 State Wrestling Tournament.
- 2003\574 Grace Harrenstein, Grundy Center – For celebrating her 80<sup>th</sup> birthday.
- 2003\575 Mr. and Mrs. Gerald Lee, Davenport – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\576 Gena Owens, DeWitt – For winning the Outstanding Teacher of the Year Award.
- 2003\577 Ruby Denney, Sioux City – For celebrating her 87<sup>th</sup> birthday.
- 2003\578 John Mitchell, Carroll – For celebrating his 85<sup>th</sup> birthday.
- 2003\579 Colby Goetsch, Ankeny – For receiving 1<sup>st</sup> place in the 140 lb. weight class in the Class 3-A Division of the 2003 State Wrestling Tournament.
- 2003\580 Christopher "Topher" Ewing, Ankeny – For receiving 1<sup>st</sup> place in the 145 lb. weight class in the Class 3-A Division of the 2003 State Wrestling Tournament.
- 2003\581 Jim Gebhart, Saylor Township – For being named the 2003 Athletic Director of the Year.
- 2003\582 Jack and Eva Hoglan, Independence – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\583 Clarence and Nona Liebsch, Jesup – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\584 Vern Wermerskirchen, Gilbertville – For celebrating his 86<sup>th</sup> birthday.
- 2003\585 Bernard and Margaret Schons, Waterloo – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\586 Millie Diehm, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2003\587 Velma Hansen, Waterloo – For celebrating her 85<sup>th</sup> birthday.

- 2003\588 Euarda Lichty, Waterloo – For celebrating her 95<sup>th</sup> birthday.
- 2003\589 Hattie Christians, Sibley – For celebrating her 90<sup>th</sup> birthday.
- 2003\590 Wilbert and Melva Rusch, Hartley – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\591 Don and Darlene Lauder, Fairfield – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\592 Donald and Maxine Ledger, Fairfield – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\593 Lorence (Bill) and Iva Bolsinger, Guttenberg – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\594 Norma Jean Brainard, Luana – For celebrating her 80<sup>th</sup> birthday.
- 2003\595 John and Jeanette Cannon, Dubuque – For celebrating their 52<sup>nd</sup> wedding anniversary.
- 2003\596 Ray and Dorothy Hall, Dubuque – For celebrating their 61<sup>st</sup> wedding anniversary.
- 2003\597 Leroy and Ida Mehlmann, Massena – For celebrating their 64<sup>th</sup> wedding anniversary.
- 2003\598 Gayle R. Johnson, Atlantic – For celebrating her 90<sup>th</sup> birthday.
- 2003\599 Deb and Willma Clayton, Greenfield – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\600 Vina Smith-Mains, Casey – For celebrating her 80<sup>th</sup> birthday.
- 2003\601 Sadie Slauson, Des Moines – For celebrating her 80<sup>th</sup> birthday.
- 2003\602 Florence Hughes, Des Moines – For celebrating her 90<sup>th</sup> birthday.
- 2003\603 Everett and Bernice Johansen, Audubon – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\604 Loyd Hofer, Sumner – For celebrating his 80<sup>th</sup> birthday.
- 2003\605 Herman Lalk, Hawkeye – For celebrating his 80<sup>th</sup> birthday.
- 2003\606 Inga Evenson, West Union – For celebrating her 91<sup>st</sup> birthday.
- 2003\607 Hilda Kasemeier, Sumner – For celebrating her 90<sup>th</sup> birthday.
- 2003\608 Marie Halstead, West Union – For celebrating her 102<sup>nd</sup> birthday.
- 2003\609 Vervyle Anderson, Eldorado – For celebrating her 90<sup>th</sup> birthday.



- 2003\610 Harlan and LaVerda Welzel, Eldorado – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\611 Frank and Ruth Boriskey, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\612 Everett and Shirley Dexter, Marshalltown – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\613 Gordon and Irene Finders, Marshalltown – For celebrating their 61<sup>st</sup> wedding anniversary.
- 2003\614 Catherine Struble, Marshalltown – For celebrating her 82<sup>nd</sup> birthday.
- 2003\615 Myrtle B. Thompson, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2003\616 Carol Buckman, Davenport – For celebrating her 95<sup>th</sup> birthday.
- 2003\617 Wade Hammen, Rockwell City – For receiving 2<sup>nd</sup> place in the 189 lb. weight class in the Class 1-A Division of the 2003 State Wrestling Tournament.
- 2003\618 Irene Walther, Readlyn – For celebrating her 85<sup>th</sup> birthday.
- 2003\619 Leslie Peters, Tripoli – For celebrating his 85<sup>th</sup> birthday.
- 2003\620 Amil Fisher, Charles City – For celebrating his 87<sup>th</sup> birthday.
- 2003\621 Kathryn Nath, Riceville – For celebrating her 90<sup>th</sup> birthday.
- 2003\622 Dorothy Manley, Milo – For celebrating her 80<sup>th</sup> birthday.
- 2003\623 Vern and Dottie Thomas, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House Joint Resolution 6

State Government: Jacobs, Chair; Dennis, M. Gaskill, Greiner, Mascher, Petersen and Rasmussen.

##### House Joint Resolution 7

State Government: Jacobs, Chair; Dennis, M. Gaskill, Greiner, Mascher, Petersen and Rasmussen.

##### House Joint Resolution 8

Human Resources: Heaton, Chair; Carroll and H. Miller.

**House File 302**

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

**House File 305**

Local Government: Huser, Chair; Arnold and B. Hansen.

**House File 306**

Appropriations: Jacobs, Chair; Dandekar and Huseman.

**House File 314**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House File 326**

Public Safety: Horbach, Chair; De Boef and McCarthy.

**House File 346**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House File 347**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House File 350**

Agriculture: Greiner, Chair; Dolecheck and Frevert.

**House File 351**

Commerce, Regulation and Labor: Sands, Chair; Hoffman and Quirk.

**House File 352**

Commerce, Regulation and Labor: Raecker, Chair; D. Taylor and Watts.

**House File 353**

Commerce, Regulation and Labor: Horbach, Chair; Manternach and Murphy.

**House File 355**

Human Resources: Heaton, Chair; Foege and Tymeson.

**House File 356**

Public Safety: Horbach, Chair; Boddicker and Hunter.

**House File 358**

Agriculture: Alons, Chair; Baudler and Kuhn.

**House File 359**

Human Resources: Watts, Chair; Roberts and Smith.

**House File 368**

Human Resources: Upmeyer, Chair; Boddicker and Smith.

**House File 369**

Human Resources: Heaton, Chair; Carroll and Heddens.

**House File 370**

Commerce, Regulation and Labor: Jacobs, Chair; Murphy and Sands.

**House File 375**

Human Resources: Roberts, Chair; Wendt and Wilderdyke.

**House File 376**

Agriculture: Mertz, Chair; Dolecheck and Rayhons.

**House File 382**

Human Resources: Heaton, Chair; Carroll and Smith.

**House File 383**

Human Resources: Heaton, Chair; Berry and Carroll.

**House File 384**

Human Resources: Heaton, Chair; Murphy and Tymeson.

**House File 385**

Public Safety: Alons, Chair; Hunter and Klemme.

**House File 398**

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

**House File 403**

Human Resources: Heaton, Chair; Carroll and Greimann.

**House File 406**

Human Resources: Heaton, Chair; Boddicker and Smith.

**House File 408**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House File 409**

Human Resources: Heaton, Chair; Murphy and Upmeyer.

**Senate File 172  
(Committee of the Whole)**

Education: Carroll, Chair; Berry, Boal, Bukta, Chambers, Cohoon, Dandekar, Dennis, Dolecheck, Foege, B. Hansen, K. Kramer, Mascher, Paulsen, Raecker, Roberts, Schickel, Stevens, Tjepkes, Tymeson, Wendt, Winckler and Wise.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 109**

Human Resources: Boddicker, Chair; Heddens, Smith, Tymeson and Watts.

**House Study Bill 150 Reassigned**

Agriculture: Rayhons, Chair; Davitt and S. Olson.

**House Study Bill 175 Reassigned**

Agriculture: Rayhons, Chair; Davitt and S. Olson.

**House Study Bill 226**

Human Resources: Granzow, Chair; Greimann and Watts.

**House Study Bill 227**

Human Resources: Boddicker, Chair; Berry and Tymeson.

**House Study Bill 228**

Public Safety: Klemme, Chair; Hunter and Sands.

**House Study Bill 230**

Economic Growth: Lalk, Chair; Lukan and H. Miller.

**House Study Bill 231**

Commerce, Regulation and Labor: Horbach, Chair; Connors and Watts.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 232 Appropriations**

Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

### **H.S.B. 233 Human Resources**

Relating to the regulation of elder family homes, elder group homes, and assisted living programs, providing for appropriation of fees, and providing penalties.

### **H.S.B. 234 State Government**

Relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes.

### **H.S.B. 235 Agriculture**

Relating to soil conservation by providing for the acquisition of land by soil and water conservation districts, and eliminating certain reporting requirements.

**H.S.B. 236 Agriculture**

Providing for evidence of financial responsibility filed by commercial pesticide applicators.

**H.S.B. 237 Judiciary**

Relating to the assessment of a correctional fee by a county or municipality.

**H.S.B. 238 Judiciary**

Relating to payment of restitution to the state or a political subdivision of the state in certain criminal offenses.

**H.S.B. 239 Human Resources**

Relating to the regulation of adult day services, providing for appropriations and penalties, and providing a contingent effective date.

**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 APPROPRIATIONS**

**Committee Bill** (Formerly House File 255), relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

Fiscal Note is required.

Recommended **Do Pass** March 3, 2003.

**COMMITTEE ON COMMERCE REGULATION AND LABOR**

**Committee Bill** (Formerly House Study Bill 31), relating to the definition and authorized activities of a licensed real estate broker and making criminal penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2003.

**Committee Bill** (Formerly House Study Bill 213), relating to dealership agreements, and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2003.

**Committee Bill** (Formerly House Study Bill 214), relating to contract choice-of-law provisions referring to the uniform computer information transactions Act, and relating matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2003.

#### COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly House Study Bill 180), relating to animal biotechnology by creating an animal biotechnology commercialization fund, extending the time period during which a life science enterprise may purchase agricultural land, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2003.

#### COMMITTEE ON EDUCATION

**Senate File 172**, a bill for an act relating to the establishment of a public charter school pilot program and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1034** March 3, 2003.

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 190), relating to mandatory universal newborn and infant hearing screening.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2003.

#### COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House File 151), creating an exception to the statutory rule against perpetuities and making related changes.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2003.

#### COMMITTEE ON TRANSPORTATION

**Senate File 97**, a bill for an act relating to highway, aviation, motor vehicle transportation and public transit, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar revolving loan fund, applications for certificates of title by motor vehicle dealers, fees charged for driver's licenses and nonoperator's identification cards and making an appropriation, security interests in motor vehicles, charges financed in a motor vehicle retail installment transaction, confidentiality of motor vehicle accident reports, requirements for motor carrier safety rules, exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations, load limits for vehicles transporting construction machinery, urban public transit funding, and tariffs charged by motor carriers of household goods, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2003.

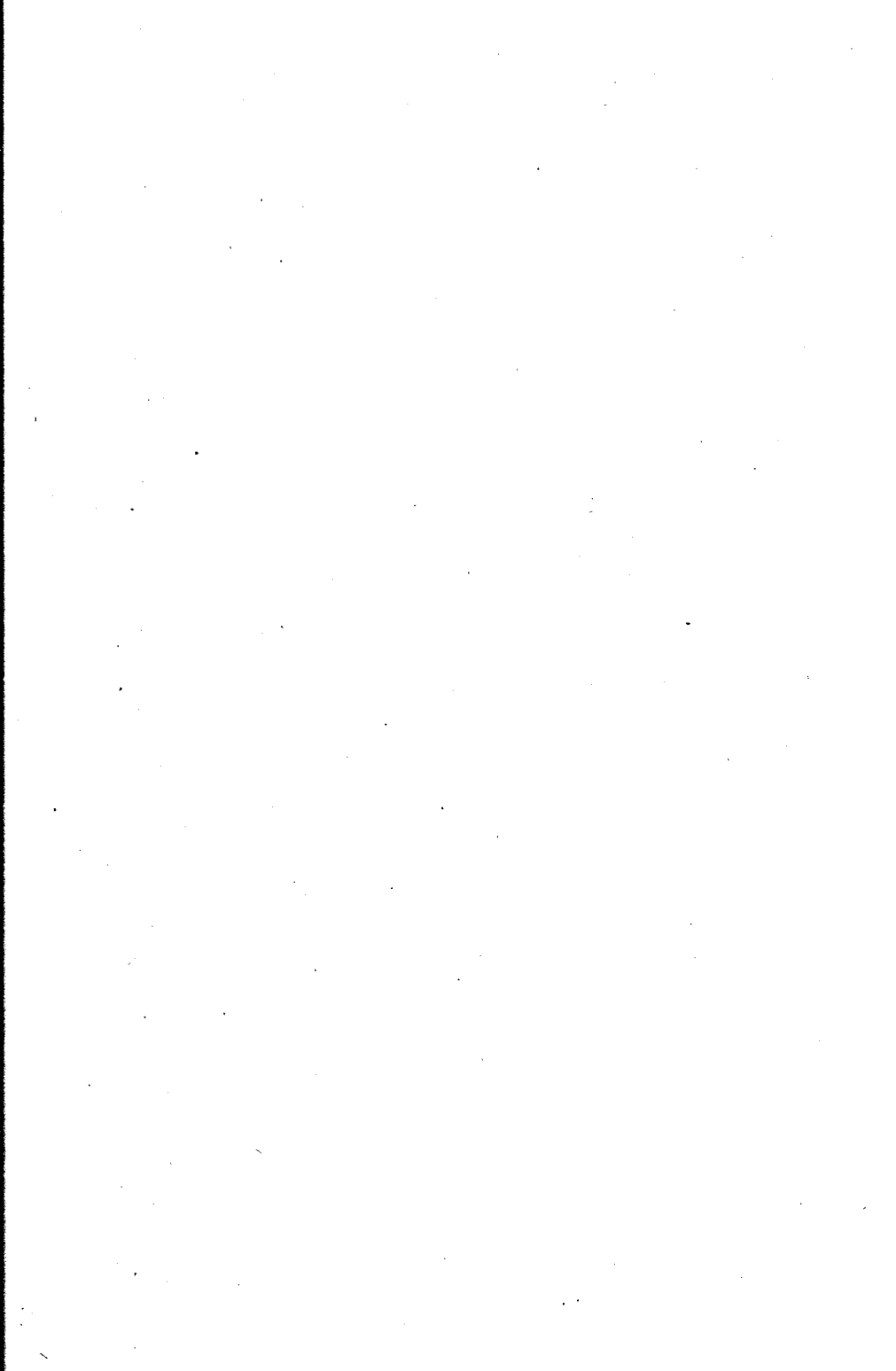
Pursuant to Rule 31.7, Senate File 97 was referred to the committee on ways and means.

#### AMENDMENTS FILED

H—1034	S.F.	172	Committee on Education
H—1035	H.F.	342	Connors of Polk
			Drake of Pottawattamie
			Jones of Mills
			Lykam of Scott

On motion by Gipp of Winneshiek the House adjourned at 1:40 p.m., until 8:45 a.m., Wednesday, March 5, 2003.





# JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 5, 2003

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

Prayer was offered by Reverend Robert Striegel, pastor of Saint Mary of the Visitation Church, Ottumwa. He was the guest of Representative Gaskill of Wapello County.

The Journal of Tuesday, March 4, 2003 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee for the remainder of the week, on request of Speaker Rants; Myers of Johnson on request of T. Taylor of Linn; Wise of Lee, until his arrival, on request of Foege of Linn.

## INTRODUCTION OF BILLS

**House File 422**, by Mertz, a bill for an act authorizing the use of investigational, experimental, new, or unconventional medical treatment.

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

**House File 423**, by Ford, a bill for an act relating to certain assaults using a choke hold, and providing a penalty.

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

**House File 424**, by Granzow, Whitaker, and D. Hanson, a bill for an act prohibiting a separate tort liability claim against a county based upon or arising out of a tort liability claim against a county or district fair or agricultural society.

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

**House File 425**, by Stevens, Winckler, and Mascher, a bill for an act to include school nurses, school social workers, counselors, and media specialists in the student achievement and teacher quality program and eliminate a program requirement for an educational license.

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

**House File 426**, by Huser, a bill for an act relating to the use of recycled polystyrene in private sewage disposal systems.

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

**House File 427**, by Eichhorn, a bill for an act relating to product liability actions.

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

**House File 428**, by Granzow, Whitaker, and D. Hanson, a bill for an act prohibiting a separate tort liability claim against a county based upon or arising out of a tort liability claim against a county public hospital board of trustees or its employees.

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

**House File 429**, by committee on appropriations, a bill for an act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

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

**House File 430**, by Alons, Baudler, and Horbach, a bill for an act relating to the residency requirements of a sex offender.

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

**House File 431**, by Boddicker, a bill for an act relating to the provision of a statewide dual party relay telephone service.

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

**House File 432**, by Drake, Klemme, Baudler, Huser, Wise, Bukta, Foege, Boal, Mertz, Petersen, Smith, Jenkins, Lukan, Jacobs, J. K. Van Fossen, Jones, Hoffman, Manternach, Roberts, Sands, Kurtenbach, Struyk, Chambers, Greiner, Huseman, Upmeyer, Tymeson, Wilderdyke, Hahn, Alons, S. Olson, De Boef, Lalk, Dennis, Bell, D. Taylor, and Arnold, a bill for an act relating to an annual appropriation of sales and use tax revenues for purposes of a tourism fund.

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

**House File 433**, by Hoffman, a bill for an act relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with certain medication and training for the treatment of diabetes.

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

**House File 434**, by Bukta, Foege, Fallon, Myers, Mascher, D. Taylor, D. Olson, Mertz, T. Taylor, Miller, Gaskill, Whitaker, Davitt, Winckler, Wendt, Whitead, Quirk, Stevens, Wise, Ford, Dandekar, Bell, Cohoon, Lykam, Greimann, Frevert, Connors, and Murphy, a bill for an act providing for a feasibility study on creating a statewide public employee health insurance system.

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

**House File 435**, by Shoultz, a bill for an act relating to mercury emissions from electricity generators, medical waste incineration facilities, and municipal solid waste incineration facilities and providing an effective date.

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

**House File 436**, by Heaton, a bill for an act making an appropriation to the college student aid commission for purposes of

loan repayments under the registered nurse loan repayment program.

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

**House File 437**, by Shoultz, a bill for an act relating to the property tax assessment limitation provision tying increases in assessments for agricultural and residential property and including a retroactive applicability date provision.

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

**House File 438**, by Heaton and Smith, a bill for an act requiring additional services to be included under the medical assistance program home and community-based services waiver for persons with mental retardation.

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

**House File 439**, by Bukta, Mascher, Stevens, Myers, Chambers, Tymeson, Wilderdyke, Foege, Wise, D. Taylor, Mertz, Miller, Gaskill, Whitaker, Davitt, Winckler, Wendt, Whitead, Quirk, Ford, Dandekar, Bell, Cohoon, Lykam, Greimann, Frevert, Connors, Murphy, Reasoner, Oldson, Petersen, Thomas, Jochum, Berry, Lensing, Osterhaus, Hunter, Kuhn, and Struyk, a bill for an act directing the board of educational examiners to convene an educator licensing review working group.

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

**House File 440**, by Jones, a bill for an act relating to the imposition of a countywide hotel and motel tax.

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

**House File 441**, by Heaton, a bill for an act relating to insurance coverage for the diminution in value of certain damaged automobiles.

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

**House File 442**, by Ford, a bill for an act relating to trust services provided by a credit union service organization.

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

**House File 443**, by Shoultz, a bill for an act relating to eligibility, program costs, and program services under the industrial new jobs training Act.

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

**House File 444**, by Petersen, Connors, Dandekar, D. Olson, Lykam, Murphy, Mascher, Bukta, D. Taylor, McCarthy, Greimann, Berry, Frevert, Gaskill, Whitead, Whitaker, Quirk, Stevens, Wise, Fallon, Shoultz, Oldson, Reasoner, Swaim, Lensing, Hogg, Davitt, Osterhaus, Winckler, Jochum, Hunter, and T. Taylor, a bill for an act relating to notice of rate increases for health insurance coverage and short-term renewability of coverage.

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

**House File 445**, by Ford, a bill for an act relating to the process for restoring for certain persons the right to register to vote and to vote and providing an applicability date.

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

**House File 446**, by committee on commerce, regulation and labor, a bill for an act relating to dealership agreements, and providing for the Act's applicability.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 319**, a bill for an act permitting written demand via regular mail prior to an action under the uniform commercial code for recovery of civil damages for a dishonored check, draft, or order, when

supported by an affidavit of service, with report of committee recommending passage, was taken up for consideration.

Sands of Louisa 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. 319)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Huttrer	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

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

**House File 290**, a bill for an act authorizing the issuance of special registration plates to owners of motor trucks, was taken up for consideration.

S. Olson of Clinton 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. 290)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

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

### HOUSE FILE 113 WITHDRAWN

S. Olson of Clinton asked and received unanimous consent to withdraw House File 113 from further consideration by the House.



**House File 311**, a bill for an act modifying the duties of county recorders, was taken up for consideration.

Jones of Mills 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. 311)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

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

**House File 329**, a bill for an act relating to site preparation for targeted economic development, was taken up for consideration.

Jenkins of Black Hawk 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. 329)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker,	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevort	Gaskill
Gipp	Granzow	Greiman	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Huseman	Myers	Wise
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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 290, 311, 319 and 329.

On motion by Gipp of Winneshiek, the House was recessed at 9:30 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:03 p.m., Klemme of Plymouth in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Webster, until her arrival, on request of Mascher of Johnson.

### INTRODUCTION OF BILLS

**House File 447**, by Petersen, a bill for an act relating to attachment-to-the-workforce requirements for unemployment benefits.

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

**House File 448**, by committee on commerce, regulation and labor, a bill for an act relating to the real estate commission and provisions applicable to a licensed real estate broker and making criminal penalties applicable.

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

**House File 449**, by Hogg, a bill for an act relating to the provision of a postsecondary education subsidy for children born out of wedlock.

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

**House File 450**, by committee on judiciary, a bill for an act creating an exception to the statutory rule against perpetuities and making related changes.

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

**House File 451**, by Petersen, a bill for an act relating to wage discrimination in employment by providing for the determination of wage discrimination.

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

**House File 452**, by Maddox and Foege, a bill for an act relating to the medical assistance program eligibility of inmates of public institutions.

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

**House File 453**, by committee on economic growth, a bill for an act relating to animal biotechnology by creating an animal biotechnology commercialization fund, extending the time period during which a life science enterprise may purchase agricultural land, making appropriations, and providing an effective date.

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

**House File 454**, by committee on human resources, a bill for an act relating to mandatory universal newborn and infant hearing screening.

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

**House File 455**, by committee on judiciary, a bill for an act requiring licensed health-related professionals to report certain burn injuries to a law enforcement agency.

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

**House File 456**, by committee on commerce, regulation and labor, a bill for an act relating to contract choice-of-law provisions referring to the uniform computer information transactions Act, and related matters and providing an effective date.

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

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-three members present, thirty-seven absent.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 341**, a bill for an act relating to personnel and instructors employed by community colleges, was taken up for consideration.

Dolecheck of Ringgold offered the following amendment H-1028 filed by him and moved its adoption:

H-1028

- 1 Amend House File 341 as follows:
- 2 1. Page 1, line 17, by striking the word "that"
- 3 and inserting the following: "who".

Amendment H-1028 was adopted.

Dolecheck of Ringgold 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. 341)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevort	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hogg	Horbach
Hunter	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Murphy

Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Klemme, Presiding			

The nays were, none.

Absent or not voting, 7:

Carroll	Chambers	Hansen	Hoffman
Huseman	Miller	Myers	

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

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 341** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 1:16 p.m., until 5:00 p.m.

### EVENING SESSION

The House reconvened at 4:59 p.m., Speaker Rants in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Gipp of Winneshiek.

### INTRODUCTION OF BILLS

**House File 457**, by Heaton, a bill for an act expanding requirements for the transition of an individual from the child welfare services system to adulthood.

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

**House File 458**, by Shoultz, a bill for an act excepting from noncompetition provisions the acceptance and sale or other disposition of an interest in property offered by a debtor to the state.

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

**House File 459**, by Mascher, a bill for an act providing for the establishment of an expanded newborn screening program, establishing a fee and a fund, and making an appropriation.

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

**House File 460**, by Jochum, a bill for an act relating to the financial limitation pertaining to certain covered consumer transactions under the Iowa consumer credit code.

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

**House File 461**, by Boggess, a bill for an act relating to deer hunting and providing penalties.

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

**House File 462**, by Granzow, Horbach, and Heaton, a bill for an act relating to the criminal penalties for an assault on an employee of a juvenile placement facility.

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

**House File 463**, by T. Taylor, a bill for an act relating to salaries of certain county deputy officers.

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

**House File 464**, by Jochum, a bill for an act relating to consumer recovery for certain violations of the Iowa consumer credit code.

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

**House File 465**, by Mascher, a bill for an act relating to the human growth and development, health education, and family life instruction by school districts and accredited nonpublic schools.

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

**House File 466**, by Fallon and Petersen, a bill for an act relating to condemnation of agricultural land for recreational trails in certain counties.

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

**House File 467**, by Mascher, a bill for an act providing individual and corporate income tax credits to businesses that provide apprenticeships and internships for students at community colleges or state board of regents institutions and for subsequent employment, and including effective and retroactive applicability date provisions.

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

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 342**, a bill for an act relating to the use of sick leave by certain members of the Iowa department of public safety peace officers' retirement, accident, and disability system who are temporarily incapacitated for duty, was taken up for consideration.

Connors of Polk offered the following amendment H-1035 filed by Connors, et al., and moved its adoption:

H-1035

- 1 Amend House File 342 as follows:
- 2 1. Page 1, by inserting after line 16, the
- 3 following:
- 4 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."



- 6 2. Title page, line 4, by inserting after the  
 7 word "duty" the following: "and providing an  
 8 effective date".  
 9 3. By renumbering as necessary.

Amendment H-1035 was adopted.

Drake of Pottawattamie 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. 342)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

De Boef

Huseman

Myers

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

**House File 289**, a bill for an act relating to electronic financial transactions with county treasurers, was taken up for consideration.

Tjepkes of Webster 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. 289)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boguess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

De Boef

Huseman

Myers

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

## Ways and Means Calendar

**House File 304**, a bill for an act relating to the payment by a county of the agricultural land tax credit and reimbursement to the county of its payment and providing an effective date, was taken up for consideration.

Lalk of Fayette 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. 304)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggeß
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jenkins
Jochun.	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

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

#### HOUSE FILE 141 WITHDRAWN

Lalk of Fayette asked and received unanimous consent to withdraw House File 141 from further consideration by the House.

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 289, 304 and 342.**

#### HOUSE FILE 291 REFERRED

The Speaker announced that House File 291, presently placed on the **calendar** was referred to committee on **ways and means**.

#### HOUSE FILE 251 REREFERRED

The Speaker announced that House File 251, previously referred to committee on **local government** was rereferred to committee on **environmental protection**.

#### SENATE FILE 97 REREFERRED

The Speaker announced that Senate File 97, previously referred to committee on **ways and means** was rereferred to the **calendar**.

#### SENATE FILE 127 PASSED ON FILE

The Speaker announced that Senate File 127, previously referred to committee on **transportation** was **passed on file**.

#### SPONSOR ADDED (House File 402)

Fallon of Polk requests to be added as a sponsor of House File 402.

## SPONSOR ADDED

(House File 419)

Whitaker of Van Buren requests to be added as a sponsor of House File 419.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 4, 2003. Had I been present, I would have voted "aye" on House File 265.

CARROLL of Poweshiek

I was necessarily absent from the House chamber on March 5, 2003. Had I been present, I would have voted "aye" on House Files 290, 311 and 319.

FORD of Polk

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 3, 2003, he approved and transmitted to the Secretary of State the following bill:

Senate File 211, an Act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

## 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

2003\624 Zachary J. Dick, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

2003\625 Trevor P. Koenck, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2003\626 Sgt. James Loveland, Mason City – For making the Governor's Twenty list consecutively for twenty years and for his outstanding commitment to the State Patrol and to the State Patrol Firearms Program.
- 2003\627 Mr. and Mrs. Samuel Nodarse, Cedar Falls – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\628 Edwin and Evelyn DeBell, Clear Lake – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\629 Jeremy Meyer, Newton – For receiving 1<sup>st</sup> place in the 135 lb. weight class in the Class 3-A Division of the 2003 State Wrestling Tournament.
- 2003\630 Maharishi Upper School, Fairfield – For winning the E. Wayne Cooley Sweepstakes Trophy, for most entries performing at All-State Festival, IHSSA 2003.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 210

Judiciary: Boal, Chair; Jochum and Schickel.

##### House File 274

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

##### House File 299

Public Safety: Freeman, Chair; Hunter and Sands.

##### House File 300

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

##### House File 318

Public Safety: J.R. Van Fossen, Chair; Heddens and Tjepkes.

##### House File 402

State Government: Raecker, Chair; Lykam and Rasmussen.

##### House File 413

Natural Resources: Rayhons, Chair; Arnold and Frevert.

##### House File 416

Judiciary: Schickel, Chair; Dennis and Jochum.

**House File 424**

Judiciary: Hutter, Chair; Heaton and Jochum.

**House File 426**

Environmental Protection: De Boef, Chair; M. Gaskill and Hahn.

**House File 427**

Judiciary: Eichhorn, Chair; Paulsen and Winckler.

**House File 428**

Judiciary: Hutter, Chair; Heaton and Jochum.

**House File 430**

Judiciary: Boal, Chair; Baudler and Foegel.

**House File 435**

Environmental Protection: Kurtenbach, Chair; Hahn and Shoultz.

**House File 453**

Appropriations: Jenkins, Chair; Chambers and Thomas.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 218**

Public Safety: Tjepkes, Chair; Alons and Hogg.

**House Study Bill 229**

Ethics: Raecker, Chair; Bukta, Dennis, Huseman, Mascher and McCarthy.

**House Study Bill 232**

Appropriations: Upmeyer, Chair; Roberts and Smith.

**House Study Bill 234**

State Government: Jacobs, Chair; Dennis, M. Gaskill, Greiner, Mascher, Petersen and Rasmussen.

**House Study Bill 235**

Agriculture: S. Olson, Chair; Frevert and Klemme.

**House Study Bill 236**

Agriculture: S. Olson, Chair; Klemme and Whitaker.

**House Study Bill 237**

Judiciary: Hutter, Chair; Reasoner and Schickel.

**House Study Bill 238**

Judiciary: Heaton, Chair; Boddicker and Struyk.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 240 Administration and Rules**

Relating to legislative branch consolidation of functions by combining the legislative service bureau, legislative fiscal bureau, and legislative computer support bureau into a single central legislative staff agency, providing for legislative publications procedures, modifying the sales tax exemption for items sold or services provided by the new agency, including related matters, and providing an effective date.

**H.S.B. 241 State Government**

Providing for changes relating to pharmaceutical practice and the regulation of licensed pharmacists, and making penalties applicable.

**H.S.B. 242 State Government**

Relating to the consolidation of the management of state archives and records and making conforming changes.

**H.S.B. 243 Ethics**

Relating to the ethics and campaign disclosure board, including reports of official misconduct, lobbyist and client reports, advisory opinions, campaign finance reporting, and making penalties applicable.



**H.S.B. 244 Environmental Protection**

Relating to composition and responsibilities of the Iowa comprehensive petroleum underground storage tank fund board.

**H.S.B. 245 Public Safety**

Relating to tobacco retailers and providing penalties and providing an effective date.

**H.S.B. 246 Public Safety**

Relating to the statutory responsibilities of the department of public defense, emergency management division, by modifying the responsibilities of the emergency management division regarding urban search and rescue, incident command system training, and enhanced 911 service administration, and modifying enhanced 911 surcharges.

**H.S.B. 247 State Government**

Relating to campaign finance, including political party committees, campaign disclosure reports, independent expenditures, and income tax checkoff provisions.

**H.S.B. 248 State Government**

Providing for transfer of the professional licensing and regulation division of the department of commerce to the secretary of state's office.

**H.S.B. 249 Agriculture**

Providing for manure application requirements, providing for fees, making penalties applicable, and providing an effective date.

**H.S.B. 250 Agriculture**

Regulating organic agricultural products, providing for fees and penalties, and providing an effective date.

## 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 ADMINISTRATION AND RULE

**Senate Joint Resolution 1**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2003.

### COMMITTEE ON APPROPRIATIONS

**House File 306**, a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2003.

**Committee Bill** (Formerly House Study Bill 232), appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Fiscal Note is required.

Recommended **Do Pass** March 5, 2003.

### COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House File 116), requiring a physician to report certain burn injuries to the state fire marshal's office, and providing a penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 4, 2003.

## AMENDMENT FILED

H—1036	S.F.	97	Alons of Sioux
	Rasmussen of Buchanan		Whitaker of Van Buren
	Chambers of O'Brien		Baudler of Adair
	Thomas of Clayton		Wilderdyke of Harrison
	Van Engelenhoven of Marion		Hunter of Polk
	Rayhons of Hancock		Elgin of Linn
	S. Olson of Clinton		

On motion by Gipp of Winneshiek the House adjourned at 5:26 p.m., until 8:45 a.m., Thursday, March 6, 2003.

# JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 6, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prior to convening John Busbee, currently performing at the Ingersoll Dinner Theater, playing Tevya in the "Fiddler on the Roof" production sang before the House in celebration of Cultural Arts Day. He was introduced by Representative Oldson of Polk County.

Prayer was offered by Reverend Doug Peters, pastor of Walnut Hills United Methodist Church, Urbandale. He was the guest of Representative Watts of Dallas County.

The Journal of Wednesday, March 5, 2003 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Myers of Johnson on request of Mascher of Johnson; Quirk of Chickasaw on request of T. Taylor of Linn.

## INTRODUCTION OF BILLS

**House File 468**, by Granzow and Hogg, a bill for an act relating to school improvement advisory committee recommendations for foreign language instruction at the elementary school level.

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

**House File 469**, by Paulsen and Raecker, a bill for an act relating to the state fleet administrator by providing for the purchase of vehicles for use of the institutions of the board of regents, providing for the sale of state-owned motor vehicles, and making an appropriation.

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

**House File 470**, by Davitt and Hogg, a bill for an act relating to urban renewal plans, including the procedures for notification of and consultation with affected taxing entities, agreement on recommendations for certain modifications to a proposed plan, the consequences of failing to reach agreement on certain recommendations for modification of a proposed plan, and providing an effective date.

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

**House File 471**, by Boggess, a bill for an act relating to providing financing to agricultural processors, providing for bonding authority, and providing an appropriation.

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

**House File 472**, by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

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

**House File 473**, by Murphy, a bill for an act creating a pension advocate within the office of the treasurer of state.

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

**House File 474**, by Alons, a bill for an act expanding the tuition tax credit under the individual income tax to include tuition and textbook expenses at an elementary or secondary school situated outside of Iowa including a retroactive applicability date provision.

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

#### 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 5, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 215, a bill for an act eliminating certain public disclosure requirements by state banks.

Also: That the Senate has on March 5, 2003, passed the following bill in which the concurrence of the House was asked:

Senate File 134, a bill for an act relating to the various duties of the county treasurer and providing an effective date.

Also: That the Senate has on March 5, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 180, a bill for an act relating to the procedures for handling abandoned property and property presumed to be abandoned.

Also: That the Senate has on March 5, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 185, a bill for an act relating to criminal law and procedure, including the criminal offenses of arson, communications by an arrested person, and harassment.

Also: That the Senate has on March 5, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 201, a bill for an act relating to a review of statistical information compiled by the board of educational examiners from Praxis II examinations administered to initial, provisional teaching license applicants.

MICHAEL E. MARSHALL, Secretary

## RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House File 306.

## CONSIDERATION OF BILLS

### Appropriations Calendar

**House File 306**, a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening, was taken up for consideration.

### SENATE FILE 127 SUBSTITUTED FOR HOUSE FILE 306

Jacobs of Polk asked and received unanimous consent to substitute Senate File 127 for House File 306.

**Senate File 127**, a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening, was taken up for consideration.

Jacobs of Polk 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. 127)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Hunter	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdryke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Bogges	Horbach	Huseman	Myers
Quirk			

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

## Regular Calendar

**House File 387**, a bill for an act relating to mental health and developmental disabilities by revising life safety requirements for intermediate care facilities for persons with mental retardation, expanding an exemption to health care licensing requirements for certain residential programs that receive funding under a medical assistance home and community-based services waiver and approval from the department of human services, and revising membership requirements for the mental health and developmental disabilities commission, and providing an effective date, was taken up for consideration.

Carroll of Poweshiek 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. 387)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bukta
Carroll	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Hunter	Huser
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdye	Winckler
Wise	Mr. Speaker		
	Rants		



The nays were, 1:

Jochum

Absent or not voting, 5:

Bogges  
Quirk

Horbach

Huseman

Myers

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

### HOUSE FILES 184 and 306 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House Files 184 and 306 from further consideration by the House.

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 387 and Senate File 127.**

### HOUSE FILE 200 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 200 from further consideration by the House.

On motion by Gipp of Winneshiek, the House was recessed at 9:07 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 12:59 p.m., Speaker Rants in the chair.

### INTRODUCTION OF BILLS

**House File 475**, by Paulsen, a bill for an act relating to the award of damages in an action alleging medical malpractice.

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

**House File 476**, by Hogg, a bill for an act relating to retroactive applicability of modifications of child support orders.

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

**House File 477**, by Fallon, a bill for an act relating to the provision of complementary and alternative health care diagnoses and treatment by unlicensed persons, and making penalties applicable.

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

### SENATE MESSAGES CONSIDERED

**Senate File 134**, by committee on local government, a bill for an act relating to the various duties of the county treasurer and providing an effective date.

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

**Senate File 180**, by committee on commerce, a bill for an act relating to the procedures for handling abandoned property and property presumed to be abandoned.

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

**Senate File 185**, by committee on judiciary, a bill for an act relating to criminal law and procedure, including the criminal offenses of arson, communications by an arrested person, and harassment.

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

**Senate File 201**, by committee on education, a bill for an act relating to a review of statistical information compiled by the board of educational examiners from Praxis II examinations administered to initial, provisional teaching license applicants.

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

## SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Rants invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the First Regular Session of the Eightieth General Assembly were presented to the following Pages by Speaker Rants, Majority Leader Chuck Gipp of Winneshiek and Representative Mascher of Johnson:

Justin Ehrecke  
Tyler Goings  
Megan Page

John Pilkington  
Sarah Skoog  
Kelsey Veach

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 5, 2003, he approved and transmitted to the Secretary of State the following bill:

House File 66, an Act requiring motor vehicle operators to take certain precautions when passing stationary utility maintenance or municipal maintenance vehicles and making a penalty applicable.

## 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

- |          |   |
|----------|---|
| 2003\631 | Collin Nelson, McGregor – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2003\632 | Jeff Bickel, McGregor – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.   |
| 2003\633 | Laurence Martin, Marion – For celebrating his 80 <sup>th</sup> birthday.  |
| 2003\634 | Laurence and Marjory Martin, Marion – For celebrating their 55 <sup>th</sup> wedding anniversary.               |

- 2003\635 Colin Frescoln, Eldon – For receiving 2<sup>nd</sup> place in the 140 lb. weight class in the Class 1-A Division of the 2003 State Wrestling Tournament.
- 2003\636 Don and Darlene Fagen, Keota – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\637 Indianola High School Jazz 1, Indianola – For their performance at the Iowa State Capitol.
- 2003\638 Indianola High School Thespian Society, Indianola – For their performance at the Iowa State Capitol.
- 2003\639 Arlene and Elmer Dinkla, Casey – For celebrating their 61<sup>st</sup> wedding anniversary.
- 2003\640 Evan Holt, Stratford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 251

Environmental Protection: Wilderdyke, Chair; D. Hanson and D. Olson.

##### House File 313

Transportation: Rasmussen, Chair; H. Miller and S. Olson

##### House File 372

Economic Growth: Granzow, Chair; D. Hanson and H. Miller.

##### House File 378

Commerce, Regulation and Labor: B. Hansen, Chair; Osterhaus and Sands.

##### House File 414

Commerce, Regulation and Labor: Hoffman, Chair; B. Hansen and T. Taylor.

##### House File 418

Education: Schickel, Chair; Foege and Paulsen.

##### House File 425

Education: Carroll, Chair; Roberts and Stevens.

##### House File 439

Education: Tymeson, Chair; Chambers and Wise.

**House File 441**

Commerce, Regulation and Labor: Horbach, Chair; B. Hansen and Osterhaus.

**House File 442**

Commerce, Regulation and Labor: B. Hansen, Chair; Ford and Horbach.

**House File 444**

Commerce, Regulation and Labor: B. Hansen, Chair; Hoffman and Petersen.

**House File 447**

Commerce, Regulation and Labor: Horbach, Chair; Petersen and Watts.

**House File 461**

Natural Resources: Boggess, Chair; Granzow and McCarthy.

**House File 465**

Education: Boal, Chair; Mascher and Paulsen.

**House File 468**

Education: K. Kramer, Chair; Dandekar and Dolecheck.

**House File 474**

Education: Tjepkes, Chair; Berry and B. Hansen.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 241**

State Government: Greiner, Chair; Jochum and Watts.

**House Study Bill 242**

State Government: Greiner, Chair; Jones and Whitead.

**House Study Bill 243**

Ethics: Raecker, Chair; Bukta, Dennis, Huseman, Mascher and McCarthy.

**House Study Bill 244**

Environmental Protection: Klemme, Chair; Ford and Greiner.

**House Study Bill 245**

Public Safety: Baudler, Chair; McCarthy and Sands.

**House Study Bill 246**

Public Safety: Baudler, Chair; Chambers and McCarthy.

**House Study Bill 247**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House Study Bill 248**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

**House Study Bill 249**

Agriculture: Alons, Chair; Lalk and Whitaker.

**House Study Bill 250**

Agriculture: Dolecheck, Chair; Rayhons and Struyk.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 251 Local Government**

Relating to the procedure for reducing the number of members of a city council from five to three in certain cities.

**H.S.B. 252 Judiciary**

Relating to real property, including acknowledgements of real property conveyances and limitations on causes of action concerning real property.

**H.S.B. 253 Economic Growth**

Creating workforce training and economic development funds for community colleges, making related appropriations, and providing an effective date.

**H.S.B. 254 Economic Growth**

Creating workforce training and economic development funds for community colleges, creating a workforce training and economic

development levy, making related appropriations, and providing an effective date.

### **H.S.B. 255 Economic Growth**

Creating workforce training and economic development funds for community colleges, increasing the excise tax on cigarettes, making related appropriations, and providing effective dates.

### **H.S.B. 256 Judiciary**

Relating to the prosecution of certain criminal offenses committed in a city located in two or more counties.

### **H.S.B. 257 Judiciary**

Requiring a valid driver's license for issuance or renewal of a motor vehicle registration.

### **H.S.B. 258 Judiciary**

Relating to agreements to arbitrate and providing remedies.

### **H.S.B. 259 Judiciary**

Relating to the construction, size, location, and accessibility of storm shelters located in mobile home parks or manufactured home communities and the resolution of conflicting ordinances between a county and city.

### **H.S.B. 260 Judiciary**

Relating to the uniform athlete agents Act and providing penalties.

### **H.S.B. 261 Judiciary**

To legalize the proceedings of the City Council of the City of Urbandale relating to the approval of a partial exemption from property taxation of actual value added to industrial real estate, and providing for effective and applicability dates.

**H.S.B. 262 Judiciary**

Relating to landlords, tenants, and actions for forcible entry or detention.

**H.S.B. 263 Judiciary**

Relating to electronic communication, providing for restrictions on unsolicited advertisements via e-mail or facsimile, restrictions on unauthorized access to or disruption of computer data and systems, and providing penalties.

**H.S.B. 264 Commerce, Regulation and Labor**

Relating to exempt transactions of unauthorized insurers.

**H.S.B. 265 Natural Resources**

Relating to deer venison abandoned at certain establishments and providing penalties.

**H.S.B. 266 Commerce, Regulation and Labor**

Relating to cemeteries and cemetery regulation; establishing requirements for interment rights agreements, reporting, and permits; establishing and appropriating fees; and providing administration and enforcement procedures and penalties.

**H.S.B. 267 Agriculture**

Relating to biodiesel fuel, including biodiesel fuel tax credits and providing an applicability date.

**H.S.B. 268 Human Resources**

Relating to certain health care provisions including authority for the department of human services to contract for managed care of adult mental health or substance abuse services under the medical assistance program under certain circumstances and providing an effective date.



## 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 Study Bill 50), increasing the surcharge for certain dishonored negotiable instruments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

## COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly House Study Bill 60), relating to the shelter assistance fund.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

**Committee Bill** (Formerly House Study Bill 181), renaming the department of economic development and the Iowa economic development board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 60), designating advanced registered nurse practitioners as providers of health care services pursuant to managed care or prepaid services contracts under the medical assistance program.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

**Committee Bill** (Formerly House Study Bill 145), relating to programs and services under the purview of the department of human services, and providing for retroactive applicability and effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

**Committee Bill** (Formerly House Study Bill 146), relating to family investment program eligibility requirements involving motor vehicle equity and providing an applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

**Committee Bill** (Formerly House Study Bill 168), relating to the authorization of podiatrists to administer anesthesia.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

#### COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House File 131), relating to fraudulent use of a credit card and providing a penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 6, 2003.

**Committee Bill** (Formerly House Study Bill 72), to prohibit unauthorized computer access to operational or support data of a rural water district and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

**Committee Bill** (Formerly House Study Bill 75), relating to appeals filed in child in need of assistance proceedings.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 192), providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

## COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 222), relating to fees charged for special fire fighter motor vehicle registration plates and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

## AMENDMENT FILED

H—1037      H.F.      349      Kramer of Polk

On motion by Gipp of Winneshiek the House adjourned at 1:05 p.m., until 8:45 a.m., Friday, March 7, 2003.

# JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 7, 2003

The House met pursuant to adjournment at 8:45 a.m., Manternach of Jones in the chair.

The Journal of Thursday, March 6, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 478**, by Lukan, a bill for an act establishing a veterans trust fund under the control of the commission of veterans affairs and increasing the admission fee for racing and gaming establishments for purposes of the veterans trust fund.

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

**House File 479**, by committee on human resources, a bill for an act designating advanced registered nurse practitioners as providers of health care services pursuant to managed care or prepaid services contracts under the medical assistance program.

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

**House File 480**, by committee on economic growth, a bill for an act relating to the shelter assistance fund.

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

**House File 481**, by committee on human resources, a bill for an act relating to family investment program eligibility requirements involving motor vehicle equity and required school attendance and including an applicability provision.

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

**House File 482**, by committee on judiciary, a bill for an act relating to appeals filed in child in need of assistance and termination of parental rights proceedings.

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

**House File 483**, by committee on commerce, regulation and labor, a bill for an act relating to the surcharge for certain dishonored negotiable instruments.

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

**House File 484**, by Thomas, a bill for an act relating to the removal of political signs from the primary highway right-of-way and establishing a fee.

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

**House File 485**, by Huser, a bill for an act relating to registration and regulation of off-highway vehicles by the state department of transportation, establishing fees, making an appropriation, and providing penalties.

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

**House File 486**, by Fallon, a bill for an act relating to unlawfully buying or selling a wild animal or part of a wild animal.

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

**House File 487**, by Ford, a bill for an act establishing requirements for persons contracting with the department of human services.

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

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 140

Judiciary: Eichhorn, Chair; Boddicker and Swaim.

**House File 438**

Human Resources: Heaton, Chair; Carroll and Smith.

**House File 457**

Human Resources: Granzow, Chair; Heaton and Heddens.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 251**

Local Government: Maddox, Chair; Boal and Fallon.

**House Study Bill 252**

Judiciary: J.R. Van Fossen, Chair; K. Kramer and Struyk.

**House Study Bill 253**

Economic Growth: Jenkins, Chair; Dandekar, Hoffman, Lukan and Struyk.

**House Study Bill 254**

Economic Growth: Jenkins, Chair; Dandekar, Hoffman, Lukan and Struyk.

**House Study Bill 255**

Economic Growth: Jenkins, Chair; Dandekar, Hoffman, Lukan and Struyk.

**House Study Bill 256**

Judiciary: Hutter, Chair; Reasoner and Schickel.

**House Study Bill 257**

Judiciary: Heaton, Chair; Baudler and Berry.

**House Study Bill 258**

Judiciary: Eichhorn, Chair; Dennis and Jochum.

**House Study Bill 259**

Judiciary: Boddicker, Chair; Schickel and Winckler.

**House Study Bill 263**

Judiciary: Paulsen, Chair; Reasoner and Schickel.

**House Study Bill 267**

Agriculture: J. Drake, Chair; Klemme and Kuhn.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 269 Human Resources**

Providing for changes relating to programs under the purview of the Iowa department of public health.

**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 150), relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

**Committee Bill** (Formerly House Study Bill 220), relating to the powers and duties of the department of agriculture and land stewardship by providing for the elimination of administrative requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

**Committee Bill** (Formerly House Study Bill 235), relating to soil conservation by providing for the acquisition of land by soil and water conservation districts, and eliminating certain reporting requirements.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

## COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House File 258), relating to state land management and planning and local land management and planning for certain counties and cities and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

**Committee Bill** (Formerly House File 305), relating to the right of condemnation of owners of certain land and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

**Committee Bill** (Formerly House Study Bill 21), relating to damage disclosure statements required for transfer of ownership of motor vehicles.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

On motion by Heaton of Henry the House adjourned at 8:48 a.m., until 1:00 p.m., Monday, March 10, 2003.



# JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Fortieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 10, 2003

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

Prayer was offered by Reverend Gene Koth, retired pastor of Walnut Hills Methodist Church. He was the guest of Representative Petersen of Polk County.

The Journal of Friday, March 7, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## INTRODUCTION OF BILLS

**House File 488**, by committee on local government, a bill for an act relating to state land management and planning and local land management and planning for certain counties and cities and providing effective dates.

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

**House File 489**, by committee on human resources, a bill for an act relating to programs and services under the purview of the department of human services, and providing for retroactive applicability and effective dates.

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

**House File 490**, by committee on local government, a bill for an act relating to the right of condemnation of owners of certain land and including effective and applicability date provisions.

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

**House File 491**, by committee on agriculture, a bill for an act relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability.

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

**House File 492**, by committee on agriculture, a bill for an act relating to soil conservation by providing for the acquisition of land by soil and water conservation districts, and eliminating certain reporting requirements.

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

**House File 493**, by committee on agriculture, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship by providing for the elimination of administrative requirements.

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

**House File 494**, by Osterhaus, a bill for an act exempting from the sales and use taxes the sales of tangible personal property to be used primarily in the cultivation or culture of grapes for wine making.

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

**House File 495**, by Hogg, a bill for an act providing for the regulation of building or development permits in or near a flood plain.

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

**House File 496**, by Osterhaus, a bill for an act relating to the regulation of pharmacy benefit managers and making appropriations.

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

## SPECIAL PRESENTATION

Kurtenbach of Story introduced to the House, Iowa artist Bill Lee of Ames, accompanied by his wife Ramona. His artwork is on display in the rotunda.

The House rose and expressed its welcome.

### 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 10<sup>th</sup> day of March, 2003: House File 215.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eighteen 8<sup>th</sup> grade students from Shenandoah, Iowa, accompanied by Mr. Whitehill and Superintendent Profitt. By Boggess of Page.

## 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

- |          |   |
|----------|---|
| 2003\641 | Joan Falke, Des Moines – For celebrating her 80 <sup>th</sup> birthday.     |
| 2003\642 | Jerome Gadbois, Sioux City – For celebrating his 94 <sup>th</sup> birthday. |
| 2003\643 | Naomi Hohman, Inwood – For celebrating her 97 <sup>th</sup> birthday.       |

- 2003\644 Don Ortman, Rock Valley – For being named the 2003 Elementary Principal of the Year.
- 2003\645 Orville and Joann Hammitt, Lehigh – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\646 Kenneth and Norma Hill, Dows – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\647 Richard and Betty Lou Thompson, Clarion – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\648 Howard and Velda Mallow, Webster City – For celebrating their 72<sup>nd</sup> wedding anniversary.
- 2003\649 Orville Anderson, Stratford – For celebrating his 88<sup>th</sup> birthday.
- 2003\650 Marion Didio-Ernst, Belmond – For celebrating her 85<sup>th</sup> birthday.
- 2003\651 Mae Buzick, Webster City – For celebrating her 90<sup>th</sup> birthday.
- 2003\652 Dorothy Ashpole, Clarion – For celebrating her 90<sup>th</sup> birthday.
- 2003\653 Grace Kalkwarf, Belmond – For celebrating her 100<sup>th</sup> birthday.
- 2003\654 Larry Larson, Belmond – For celebrating his 85<sup>th</sup> birthday.
- 2003\655 Marie Christian, Webster City – For celebrating her 80<sup>th</sup> birthday.
- 2003\656 Harold "Bibs" Minard, Clarinda – For celebrating his 94<sup>th</sup> birthday.
- 2003\657 Ken and Dorothy Huffman, Waterloo – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\658 Loma Snyder, Waterloo – For celebrating her 90<sup>th</sup> birthday.
- 2003\659 John and Marlene Alons, Sanborn – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\660 Faye Huibregtse, Sanborn – For celebrating her 95<sup>th</sup> birthday.
- 2003\661 Chelsey Bohr, Royal – For being the Iowa State Spelling Bee Champion.
- 2003\662 Raelle Groeneweg, Sioux Center – For being the state winner of the GOP USA Young Patriots Essay Contest.
- 2003\663 James G. Freeland, Winterset – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\664 Florence Klein, Alden – For celebrating her 85<sup>th</sup> birthday.

- 2003\665 Harlan Willms, Iowa Falls – For celebrating his 80<sup>th</sup> birthday.
- 2003\666 Bertha Borschel, Iowa Falls – For celebrating her 80<sup>th</sup> birthday.
- 2003\667 Rena Boyenga, Ackley – For celebrating her 90<sup>th</sup> birthday.
- 2003\668 Naomi and Harold Freese, Eldora – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\669 Dorothy Slater, Eldora – For celebrating her 80<sup>th</sup> birthday.
- 2003\670 Martin and Arlene (Waldo) Mosch, Hubbard – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\671 Herschel Hawf, Riceville – For celebrating his 90<sup>th</sup> birthday.
- 2003\672 Nellie Dvorak, Charles City – For celebrating her 95<sup>th</sup> birthday.
- 2003\673 Dallas Kuper, Osage – For being Osage's 50<sup>th</sup> State Wrestling Champion.
- 2003\674 Donald Duane Schoof, Boone – For celebrating his 81<sup>st</sup> birthday.
- 2003\675 Mary Swigert, Ogden – For celebrating her 90<sup>th</sup> birthday.
- 2003\676 Darlene Wicks, Perry – For celebrating her 84<sup>th</sup> birthday.
- 2003\677 Mary McCoy, Boone – For celebrating her 86<sup>th</sup> birthday.
- 2003\678 Homer Burgus, Perry – For celebrating his 89<sup>th</sup> birthday.
- 2003\679 Virgil Pantier, Perry – For celebrating his 80<sup>th</sup> birthday.
- 2003\680 Lorraine Belluci, Boone – For celebrating her 81<sup>st</sup> birthday.
- 2003\681 Kristina Kempton, Council Bluffs – For being one of the five first-place VTECH XLence National Award winners for her academic and community achievements.
- 2003\682 Gen Bray, Osage – Fore celebrating her 90<sup>th</sup> birthday.
- 2003\683 Caroline Lingenfelter, West Point – For celebrating her 100<sup>th</sup> birthday.
- 2003\684 Hemstead L. Shook, Mt. Pleasant – For celebrating his 100<sup>th</sup> birthday.
- 2003\685 Edna Dunbar, Van Horne – For celebrating her 80<sup>th</sup> birthday.
- 2003\686 Ruth Lyons, Vinton – For celebrating her 80<sup>th</sup> birthday.

- 2003\687      Joan Cooling, Vinton – For the Cooling Dancers earning Grand Champion Honors.
- 2003\688      Milo and Nellie Cobb, Vinton – For celebrating their 60<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 99

Ways and Means: Lalk, Chair; Hogg and Jones.

##### House File 195

Judiciary: Eichhorn, Chair; Boddicker and Swaim.

##### Senate File 201

Education: Chambers, Chair; B. Hansen and Mascher.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 260

Judiciary: Boal, Chair; Dennis and Lensing.

##### House Study Bill 261

Judiciary: Maddox, Chair; Greimann and K. Kramer.

##### House Study Bill 262

Judiciary: Baudler, Chair; Boal and Swaim.

##### House Study Bill 264

Commerce, Regulation and Labor: B. Hansen, Chair; Hoffman and Oldson.

##### House Study Bill 265

Natural Resources: Freeman, Chair; Baudler and Bell.

##### House Study Bill 266

Commerce, Regulation and Labor: Raecker, Chair; T. Taylor and Wilderdyke.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### H.S.B. 270 Ways and Means

Exempting from sales and use taxes the purchase of coins, currency, and bullion.

### H.S.B. 271 Ways and Means

Relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision.

### H.S.B. 272 Ways and Means

Relating to the gradual repeal of the state franchise tax and providing effective and applicability dates.

### H.S.B. 273 Public Safety

Relating to ephedrine, and making pseudoephedrine a controlled substance, and making penalties applicable.

### H.S.B. 274 Education

Providing for a waiver of deadline requirements relating to whole-grade sharing agreements in specified school districts, and providing an effective date.

### H.S.B. 275 Education

Relating to designation by a county of a property of historical significance, placing a moratorium on activities that imperil the property, and providing an effective date.

## AMENDMENTS FILED

H-1038	H.F.	396	Tymeson of Madison
H-1039	H.F.	391	Wise of Lee
			Jenkins of Black Hawk
H-1040	H.F.	400	Hogg of Linn
H-1041	S.F.	97	Arnold of Lucas

Huser of Polk

McCarthy of Polk

Rayhons of Hancock

Alons of Sioux

Whitaker of Van Buren

Klemme of Plymouth

On motion by Gipp of Winneshiek the House adjourned at 1:07 p.m., until 8:45 a.m., Tuesday, March 11, 2003.



# JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Forty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 11, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jim W. Morris, pastor of the United Methodist Church, Emmetsburg. He was the guest of Representative Marcie Frevert of Palo Alto County.

The Journal of Monday, March 10, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 497**, by committee on transportation, a bill for an act relating to fees charged for special fire fighter motor vehicle registration plates and making an appropriation.

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

**House File 498**, by Greimann, Stevens, Heddens, T. Taylor, Miller, Mertz, Bukta, Mascher, Whitaker, Winckler, Lensing, and Shultz, a bill for an act relating to credible data concerning water quality.

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

**House File 499**, by Dolecheck and Myers, a bill for an act providing an additional property tax levy for community colleges, and providing an effective date.

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

**House File 500**, by Hogg, a bill for an act relating to the payment of host fees by applicants for sanitary landfill construction permits.

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

**House File 501**, by Cohoon, a bill for an act relating to courthouse security, and providing for a fee.

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

**House File 502**, by committee on local government, a bill for an act relating to damage disclosure statements required for transfer of ownership of motor vehicles.

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

**House File 503**, by committee on human resources, a bill for an act relating to the authorization of podiatrists to administer anesthesia.

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

**House File 504**, by committee on judiciary, a bill for an act relating to fraudulent use of a credit card, scanning device, or reencoder, and providing a penalty.

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

**House File 505**, by committee on judiciary, a bill for an act to prohibit unauthorized computer access to operational or support data of a rural water district and a municipal utility and providing a penalty.

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

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 4 through March 6, 2003. Had I been present, I would have voted "aye" on House Files 234, 249, 250, 265, 289, 290, 304, 311, 319, 329, 341, 342, 387 and Senate File 127.

HUSEMAN of Cherokee

## COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 10, 2003, and is on file in the office of the Chief Clerk:

March 7, 2003

Chief Clerk  
House of Representatives  
Statehouse  
LOCAL

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 7 claims of general nature that were denied by the State Appeal Board during February and March 2003.

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

Sincerely,  
Cynthia P. Eisenhauer  
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 80<sup>TH</sup> GENERAL ASSEMBLY  
February through March 2003

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G010736	Lynn M. Bernal	Des Moines, IA	Ambulance	\$371.00
G020386	Fox Lawson & Associates	Roseville, MN	Consulting Services	\$1,681.00
G020489	Dorothy Swarzentruber	Cedar Rapids, IA	License Refund	\$283.00
G020491	Vander Linden Trucking, Inc. (Harold Vander Linden)	Keystone, IA	IRP Refund	Unspecified

G021031	Kaylee Chilton	Grimes, IA	Refund Penalty	\$17.00
G030216	City of Carter Lake	Carter Lake, IA	Motor Fuel Tax Refund	\$3,509.47
G030378	The Segal Company (Western State), Inc.	Englewood, CO	Contract	\$2,158.75

### 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

2003\689	Margaret Woodruff, Cedar Falls – For celebrating her 100 <sup>th</sup> birthday.
2003\690	Fred Hoffman, Cedar Falls – For celebrating his 93 <sup>rd</sup> birthday.
2003\691	Homer Fritz, Glenwood – For celebrating his 90 <sup>th</sup> birthday.
2003\692	Faye De Lashmutt, Pacific Junction – For celebrating her 90 <sup>th</sup> birthday.
2003\693	Maxine Techau, Glenwood – For celebrating her 80 <sup>th</sup> birthday.
2003\694	Harold and Joyce Hansen, Panora – For celebrating their 50 <sup>th</sup> wedding anniversary.
2003\695	Florence Hughes, Bayard – For celebrating her 90 <sup>th</sup> birthday.
2003\696	Harold and Sis Adamson, Greenfield – For celebrating their 70 <sup>th</sup> wedding anniversary.
2003\697	Art and Alma Heuss, Audubon – For celebrating their 60 <sup>th</sup> wedding anniversary.
2003\698	Matt Fields, Tipton – For receiving 1 <sup>st</sup> place in the 275 lb. weight class in the Class 2-A Division of the 2003 State Wrestling Tournament.
2003\699	Kay Bryan, Montezuma – For celebrating her 80 <sup>th</sup> birthday.
2003\700	Robert Hugen, Oskaloosa – For celebrating his 80 <sup>th</sup> birthday.
2003\701	Mr. and Mrs. John Moffet, Oskaloosa – For celebrating their 50 <sup>th</sup> wedding anniversary.
2003\702	Charles Kentfield, Oskaloosa – For celebrating his 80 <sup>th</sup> birthday.

- 2003\703 Virginia Barker, Boone – For celebrating her 90<sup>th</sup> birthday.
- 2003\704 Mr. and Mrs. DeWayne J. Behrens, Bettendorf – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\705 Alberta Littrel, Bettendorf – For celebrating her 80<sup>th</sup> birthday.
- 2003\706 Lester Littrel, Bettendorf – For celebrating his 80<sup>th</sup> birthday.
- 2003\707 Jill Seeba, Bettendorf – For being the 2003 Presidential Scholar.
- 2003\708 Seth Johnson, Bettendorf – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\709 Glen and Marian Schweitzer, Winthrop – For celebrating their 69<sup>th</sup> wedding anniversary.
- 2003\710 Mable Gosse, Independence – For celebrating her 90<sup>th</sup> birthday.
- 2003\711 Dorothy (Frost) Amfahr, Jesup – For celebrating her 90<sup>th</sup> birthday.
- 2003\712 Ross and Deleva Platt, Independence – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\713 Maxine Schares, Jesup – For celebrating her 80<sup>th</sup> birthday.
- 2003\714 Hazel Jensen, Jesup – For celebrating her 80<sup>th</sup> birthday.
- 2003\715 Durwood and Lavonne Baker, Mason City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\716 Ruth Hillis, Mason City – For celebrating her 94<sup>th</sup> birthday.
- 2003\717 Gladys Ringus, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2003\718 Virginia Halfpap, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2003\719 Dianna Krejsa, Indianola – For receiving 2<sup>nd</sup> place in the 6-7<sup>th</sup> grade category in the "Write Women Back Into History" Essay Contest.
- 2003\720 Veryl and Shirley Carr, Clear Lake – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\721 Wayne Skyrme, Clear Lake – For celebrating his 80<sup>th</sup> birthday.
- 2003\722 Oscar and Ona Lamphier, Arlington – For celebrating their 64<sup>th</sup> wedding anniversary.
- 2003\723 Caitlin Oponski, Indianola – For receiving 1<sup>st</sup> place in the 8-9<sup>th</sup> grade category in the "Write Women Back Into History" Essay Contest.

2003\724 Amy Williams, Indianola – For receiving 2<sup>nd</sup> place in the 8-9<sup>th</sup> grade category in the "Write Women Back Into History" Essay Contest.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 422

Human Resources: Smith, Chair; Boddicker and Upmeyer.

##### House File 469

State Government: Raecker, Chair; Elgin and Oldson.

##### House File 471

Agriculture: Greiner, Chair; Dolecheck and Kuhn.

##### House File 475

Judiciary: Paulsen, Chair; Boal and Lensing.

##### House File 477

State Government: J. Drake, Chair; Fallon and Hutter.

##### House File 486

Natural Resources: Arnold, Chair; Rayhons and D. Taylor.

##### House File 496

State Government: Greiner, Chair; Jochum and Watts.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 240

Administration and Rules: Boal, Chair; Bukta, Jacobs, Quirk and Roberts.

##### House Study Bill 267 Reassigned

Agriculture: J. Drake, Chair; Kuhn and Rayhons.

##### House Study Bill 268

Human Resources: Carroll, Chair; Foege and Roberts.

##### House Study Bill 269

Human Resources: Boddicker, Chair; Heddens and Upmeyer.

**House Study Bill 270**

Ways and Means: Boal, Chair; Davitt and Lukan.

**House Study Bill 271**

Ways and Means: J. Drake, Chair; Hahn and D. Taylor.

**House Study Bill 272**

Ways and Means: B. Hansen, Chair; Jochum and Sands.

**House Study Bill 273**

Public Safety: Baudler, Chair; Eichhorn and Heddens.

**House Study Bill 274**

Education: Roberts, Chair; Tymeson and Wendt.

**House Study Bill 275**

Education: Tymeson, Chair; Boal and Wise.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 276 Commerce, Regulation and Labor**

Relating to property insurance, including establishment of a mandatory plan to assure fair access to insurance requirements, and providing for an effective date and retroactive applicability.

**H.S.B. 277 Natural Resources**

Relating to financial assurance for sanitary landfills.

**H.S.B. 278 Judiciary**

Relating to the act or property of a public utility with respect to the definition of nuisance.

**H.S.B. 279 Judiciary**

Relating to certain agricultural liens.

**H.S.B. 280 Commerce, Regulation and Labor**

Relating to mental health and substance abuse treatment coverage, and providing for applicability.

**H.S.B. 281 Commerce, Regulation and Labor**

Modifying workers' compensation disability coverage in certain instances.

**H.S.B. 282 Commerce, Regulation and Labor**

Relating to the Iowa credit union Act, making relating changes, and providing for fees and penalties.

**H.S.B. 283 State Government**

Providing for technical and substantive changes relating to the practice of cosmetology and making penalties applicable.

**H.S.B. 284 Judiciary**

Relating to substance abuse prevention and treatment, providing for an increase in the cigarette tax, making appropriations, and providing an effective date.

**H.S.B. 285 Agriculture**

Relating to the conversion of cooperative associations originally organized as business corporations.

**H.S.B. 286 Economic Growth**

Relating to the investment tax credit under the new jobs and income program.

**H.S.B. 287 Local Government**

Establishing a commission on state and local taxation.



## 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 236), providing for evidence of financial responsibility filed by commercial pesticide applicators.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

## COMMITTEE ON APPROPRIATIONS

**House File 453**, a bill for an act relating to animal biotechnology by creating an animal biotechnology commercialization fund, extending the time period during which a life science enterprise may purchase agricultural land, making appropriations, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** with amendment H-1042 March 10, 2003.

## COMMITTEE ON COMMERCE, REGULATION AND LABOR

**Committee Bill** (Formerly House File 97), relating to mandated insurance coverage for physician-recommended mammography for women with a family history of breast cancer.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House File 230), relating to the requirements for newspapers designated for official publication purposes.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

## COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House Study Bill 223), relating to the duties and operations of the department of education and school boards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2003.

#### COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 112), relating to the review of subdivision plats by a local board of health or a county sanitarian.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2003.

**Committee Bill** (Formerly House Study Bill 225), creating an environmental oversight committee and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2003.

**Committee Bill** (Formerly House Study Bill 244), relating to composition and responsibilities of the Iowa comprehensive petroleum underground storage tank fund board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2003.

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 221), directing the mental health and developmental disabilities commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults and children and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

**Committee Bill** (Formerly House File 263), relating to the fee and use of fee for a certificate of birth.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

**Committee Bill** (Formerly House File 345), authorizing the department of human services to disclose information regarding the presence of a perpetrator of certain sexual offenses or sexual abuse in the client's home.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

• **Committee Bill** (Formerly House File 359), relating to immunity from liability of certain health care facilities participating in the volunteer health care provider program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House File 383), relating to contractors under a medical assistance program waiver.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House File 403), authorizing the department of human services to contract for managed care of adult mental health or substance abuse services under the medical assistance program under certain circumstances and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

#### COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House File 120), relating to the exclusion of certain nonprofit transitional housing from forcible entry and detainer actions and remedies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House File 232), creating the crime of invasion of privacy, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 161), concerning procedures, duties, and fees related to the judicial branch.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 210), relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 201), relating to election or appointment of trustees of a city hospital or health care facility.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 203), relating to proof of motor vehicle financial responsibility, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 251), relating to the procedure for reducing the number of members of a city council from five to three in certain cities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

#### COMMITTEE ON NATURAL RESOURCES

**House Joint Resolution 5**, a joint resolution to nullify administrative rules of the department of natural resources concerning methods of taking wild turkey and deer and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2003.

**Committee Bill** (Formerly House File 95), allowing deer hunters to use first regular gun deer hunting season licenses with unused tags during a second regular gun deer hunting season.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2003.

**Committee Bill** (Formerly House Study Bill 67), relating to fishing by establishing fees, allocating fishing license revenue to fish habitat development, modifying trout fishing fee requirements, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2003.

**Committee Bill** (Formerly House Study Bill 185), requiring annual registration of snowmobiles and establishing a fee.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2003.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 100), increasing the speed limit for vehicular traffic on interstate highways.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

#### RESOLUTIONS FILED

**HCR 17**, by Jacobs and Mascher, a concurrent resolution designating March 2003 as Iowa Women's History Month.

Laid over under **Rule 25**.

**HR 28**, by Ford, a resolution supporting the development of a standard medical school curriculum that ensures physicians receive training relating to racial and cultural bias.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-1042	H.F.	453	Committee on Appropriations
H-1043	H.F.	454	Boddicker of Cedar
			Foege of Linn
H-1044	H.F.	404	Eichhorn of Hamilton
			Hogg of Linn
H-1045	H.F.	391	Wise of Lee
			Jenkins of Black Hawk
H-1046	H.F.	453	Thomas of Clayton
			Hoffman of Crawford

On motion by Gipp of Winneshiek the House adjourned at 8:50 a.m., until 8:45 a.m., Wednesday, March 12, 2003.

# JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Forty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 12, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

The National Anthem was sung by the Show Hawks from Hartley-Melvin-Sanborn High School, Hartley. They were the guests of Representative Royd Chambers from O'Brien.

The Journal of Tuesday, March 11, 2003 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Boal of Polk from one hundred ninety-four constituents of the 70<sup>th</sup> District opposing House File 388, relating to the imposition of a revenue nondistribution tax on certain credit unions.

## INTRODUCTION OF BILLS

**House Joint Resolution 9**, by Ford and B. Hansen, a joint resolution directing the commissioner of insurance to solicit slaveholder insurance policy records from the archives of Iowa-licensed insurance companies.

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

**House File 506**, by committee on economic growth, a bill for an act renaming the department of economic development and the Iowa economic development board.

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

**House File 507**, by Eichhorn, a bill for an act relating to a person's mental capacity to comprehend and exercise the right to vote.

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

**House File 508**, by Rayhons, a bill for an act creating a moratorium on the restoration, construction, and expansion of wetlands, directing a study, and providing an effective date.

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

**House File 509**, by Mertz, a bill for an act relating to deer and elk chronic wasting disease by establishing a task force and requiring departmental cooperation in the implementation of a chronic wasting disease administrative strategy, and providing an effective date.

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

**House File 510**, by T. Taylor, a bill for an act providing for energy performance-based contracts for certain public entities and public educational facilities.

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

**House File 511**, by Ford and Eichhorn, 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.

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

**House File 512**, by Kuhn and Whitaker, a bill for an act relating to the regulation of genetically modified agricultural and vegetable seed and providing penalties and an effective date.

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

**House File 513**, by committee on natural resources, a bill for an act requiring annual registration of snowmobiles and establishing a fee.

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

**House File 514**, by T. Taylor, a bill for an act relating to the election and appointment of commissioners of memorial buildings and monuments and providing applicability dates.

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

**House File 515**, by Kuhn and Whitaker, a bill for an act prohibiting the sale or offer for sale of certain agricultural seed that has been genetically engineered, making penalties applicable, and providing an effective date.

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

**House File 516**, by committee on environmental protection, a bill for an act relating to composition and responsibilities of the Iowa comprehensive petroleum underground storage tank fund board.

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

**House File 517**, by committee on natural resources, a bill for an act relating to fishing by establishing fees, allocating fishing license revenue to fish habitat development, modifying trout fishing requirements, and providing effective and applicability dates.

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

**House File 518**, by Kuhn and Whitaker, a bill for an act relating to agricultural seed, by prohibiting certain persons from requiring seed to be saved for future planting, making penalties applicable, and providing an effective date.

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



**House File 519**, by committee on natural resources, a bill for an act relating to the issuance of additional antlerless deer hunting licenses for the 2003-2004 deer hunting seasons.

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

**House File 520**, by Eichhorn, a bill for an act relating to in-house corporate counsel and the practice of law.

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

**House File 521**, by Kuhn and Whitaker, a bill for an act relating to agricultural seed, by restricting certain pricing practices, making penalties applicable, and providing an effective date.

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

**House File 522**, by Quirk, 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 **ways and means**.

**House File 523**, by Hogg, a bill for an act providing an income tax credit for providing health care benefits to certain recently hired employees and including effective and retroactive applicability date provisions.

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

**House File 524**, by Mascher, a bill for an act establishing a prevention of domestic violence special motor vehicle registration plate and providing fees.

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

**House File 525**, by committee on environmental protection, a bill for an act creating an environmental oversight committee.

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

**House File 526**, by Mascher, a bill for an act establishing a breast cancer research special motor vehicle registration plate and providing fees.

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

**House File 527**, by committee on human resources, a bill for an act authorizing the department of human services to contract for managed care of adult mental health or substance abuse services under the medical assistance program under certain circumstances and providing an effective date.

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

**House File 528**, by committee on local government, a bill for an act relating to election or appointment of trustees of a city hospital or health care facility.

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

**House File 529**, by committee on human resources, a bill for an act directing the mental health and developmental disabilities commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults and children and providing an effective date.

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

**House File 530**, by Petersen, a bill for an act relating to the definition of a sex act.

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

**House File 531**, by Greimann, Petersen, and Oldson, a bill for an act requiring the departments of human services and education to provide information to parents and other consumers regarding child care and preschool programs.

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

**House File 532**, by committee on transportation, a bill for an act increasing the speed limit for vehicular traffic on interstate highways.

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

**House File 533**, by committee on environmental protection, a bill for an act relating to the review of subdivision plats by a local board of health or a county sanitarian.

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

### SPECIAL PRESENTATION

Frevert of Palo Alto and Jenkins of Black Hawk introduced to the House Miss Shamrock, Laura Fog, and her lady in waiting, Staci Gappu. Denis O'Donovan, a member of the Irish Parliament, was introduced. He is the 2003 guest Irish Dignitary and will represent the Republic of Ireland at the Emmetsburg St. Pat's Association St. Patrick's Day Celebration. He was accompanied by his daughter Naomi, Mickey Coulon, and Kim and Andy Joyce. He briefly addressed the House, thanking all for the opportunity to visit Iowa.

The House rose and expressed its welcome.

### CONSIDERATION OF BILLS

#### Regular Calendar

**Senate File 97**, a bill for an act relating to highway, aviation, motor vehicle transportation and public transit, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar revolving loan fund, applications for certificates of title by motor vehicle dealers, fees charged for driver's licenses and nonoperator's identification cards and making an appropriation, security interests in motor vehicles, charges financed in a motor vehicle retail installment transaction, confidentiality of motor vehicle accident reports, requirements for motor carrier safety rules, exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations, load limits for vehicles transporting construction machinery, urban public transit funding, and tariffs charged by motor carriers of household goods, and including effective

and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Arnold of Lucas offered the following amendment H-1041 filed by Arnold, et al., and moved its adoption:

H-1041

1. Amend Senate File 97, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3     1. By striking page 5, line 35, through page 6,
- 4 line 18.
- 5     2. Page 6, line 21, by striking the words
- 6 "TEMPORARY FEE INCREASE", and inserting the following:
- 7 "ONE-TIME SURCHARGE".
- 8     3. Page 6, by striking lines 23 through 25 and
- 9 inserting the following:
- 10     "a. Notwithstanding any other provisions of this
- 11 section, during the period beginning July 1, 2003, and
- 12 ending June 30, 2008, a person applying for a new
- 13 driver's license or for renewal of a driver's license
- 14 subject to a fee under subsection 2, 3, or 4 shall be
- 15 charged a one-time surcharge of three dollars in
- 16 addition to the license fee. A person shall not be
- 17 required to pay the surcharge more than once during
- 18 the five-year period."
- 19     4. Page 6, by striking lines 26 through 29 and
- 20 inserting the following:
- 21     "b. Moneys collected from the one-time surcharge
- 22 under paragraph "a" are appropriated to".
- 23     5. By striking page 7, line 19, through page 8,
- 24 line 1.
- 25     6. Page 11, by inserting after line 13 the
- 26 following:
- 27     "Sec. \_\_\_\_ Section 321M.9, subsection 1, Code
- 28 2003, is amended to read as follows:
- 29     1. FEES TO COUNTIES. Notwithstanding any other
- 30 provision in the Code to the contrary, the county
- 31 treasurer of any county authorized to issue driver's
- 32 licenses under this chapter shall retain for deposit
- 33 in the county general fund ~~three~~ five dollars and
- 34 ~~seventy-five cents~~ of fees received for each issuance
- 35 or renewal of driver's licenses and nonoperator
- 36 identification cards, but shall not retain any moneys
- 37 for the issuance of any persons with disabilities
- 38 identification devices. The county treasurer shall
- 39 remit the balance of fees to the department."
- 40     7. Page 13, by striking lines 6 through 12.
- 41     8. Page 13, by inserting after line 14 the
- 42 following:

43 "Sec. \_\_\_\_ The section in this Act amending  
 44 section 321M.9 is repealed effective July 1, 2005.  
 45 Sec. \_\_\_\_ The state department of transportation,  
 46 in consultation with the Iowa county treasurers  
 47 association, shall conduct a study of the county  
 48 driver's license issuance program, including the  
 49 financial effect the program has had on counties. The  
 50 department shall report its findings and

Page 2

1 recommendations to the general assembly no later than  
 2 December 31, 2003."  
 3 9. By renumbering as necessary.

Amendment H-1041 was adopted.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-1036 filed by Alons of Sioux et al., on March 5, 2003.

Huser of Polk 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. 97)

The ayes were, 90:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Petersen	Quirk
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.R.	Watts	Wendt

Whitaker  
Wise

Whitead  
Mr. Speaker  
Rants

Wilderdyke

Winckler

The nays were, 9:

Berry  
Lukan  
Van Fossen, J.K.

Connors  
Paulsen

De Boef  
Raecker

Hogg  
Shoultz

Absent or not voting and 1:

Hansen

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

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 97** be immediately messaged to the Senate.

### HOUSE FILE 125 WITHDRAWN

Rayhons of Hancock asked and received unanimous consent to withdraw House File 125 from further consideration by the House.

### 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

- |          |  |
|----------|--|
| 2003\725 | Bob and Regina Williams, Nevada – For celebrating their 50 <sup>th</sup> wedding anniversary.              |
| 2003\726 | Matt Hobbs, Argyle – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2003\727 | Audrey Lenabury, Toledo – For celebrating her 80 <sup>th</sup> birthday.                                   |
| 2003\728 | Frances and Elmer Lage, Grundy Center – For celebrating their 50 <sup>th</sup> wedding anniversary.        |

- 2003\729 Bryce Chyma, Tama – For receiving 1<sup>st</sup> place in the 189 lb. weight class in the Class 2-A Division of the 2003 State Wrestling Tournament.
- 2003\730 Nathan Van Dyke, Tama – For receiving 1<sup>st</sup> place in the 152 lb. weight class in the Class 2-A Division of the 2003 State Wrestling Tournament.
- 2003\731 Helen and Kenneth Cowman, Sigourney – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\732 Julian and Margaret De Geeter, Brooklyn – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\733 Howard W. Greiner, Keota – For celebrating his 80<sup>th</sup> birthday.
- 2003\734 Winegarden Hardware, Deep River – For 65 years of dedicated service to the community of Deep River.
- 2003\735 Laci Keith, Ottumwa – For winning the gold medal at the International Equestrian Invitational held in South Africa.
- 2003\736 Kenneth Oliver Webber, Ogden – For celebrating his 81<sup>st</sup> birthday.
- 2003\737 Alice Splendore, Perry – For celebrating her 80<sup>th</sup> birthday.
- 2003\738 Juanita Leone Miller, Ogden – For celebrating her 84<sup>th</sup> birthday.
- 2003\739 Ruth Shiflet, Perry – For celebrating her 81<sup>st</sup> birthday.
- 2003\740 Mary Agnes Schmidt, Ogden – For celebrating her 83<sup>rd</sup> birthday.
- 2003\741 Ruth Mae Snedden, Boone – For celebrating her 86<sup>th</sup> birthday.
- 2003\742 Catherine Jackson, Perry – For celebrating her 93<sup>rd</sup> birthday.
- 2003\743 Alice Willits, Boone – For celebrating her 86<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 500

Environmental Protection: Hahn, Chair; Hogg and Kurtenbach.

##### House File 509

Agriculture: Mertz, Chair; Dolecheck and Rayhons.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 233

Human Resources: Upmeyer, Chair; Boddicker and Murphy.

**House Study Bill 239**

Human Resources: Upmeyer, Chair; Boddicker and Murphy.

**House Study Bill 245 Reassigned**

Public Safety: McCarthy, Chair; Baudler and Eichhorn.

**House Study Bill 276**

Commerce, Regulation and Labor: Horbach, Chair; Jacobs and Oldson.

**House Study Bill 277**

Natural Resources: Freeman, Chair; McCarthy and Rasmussen.

**House Study Bill 278**

Judiciary: Paulsen, Chair; Jochum and K. Kramer.

**House Study Bill 279**

Judiciary: Eichhorn, Chair; Boddicker and Struyk.

**House Study Bill 280**

Commerce, Regulation and Labor: B. Hansen, Chair; Osterhaus and Sands.

**House Study Bill 281**

Commerce, Regulation and Labor: Watts, Chair; Horbach and T. Taylor.

**House Study Bill 283**

State Government: Manternach, Chair; Jones and Mascher.

**House Study Bill 284**

Judiciary: Boal, Chair; Baudler and Struyk.

**House Study Bill 285**

Agriculture: Mertz, Chair; Klemme and Rayhons.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 288 Human Resources**

Relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.



**H.S.B. 289 Economic Growth**

Relating to the development of crop biotechnology, including providing for financing of businesses, the purchase of bio-based products by state government, and the regulation of precision-use crops, and providing penalties.

**H.S.B. 290 Economic Growth**

Relating to creating a loan and credit guarantee program and fund.

**H.S.B. 291 Human Resources**

Relating to technical amendments with regard to programs under the authority of the department of public health.

**H.S.B. 292 Human Resources**

Relating to health care including reimbursement of health care facilities based on resident program eligibility.

**H.S.B. 293 Commerce, Regulation and Labor**

Providing an annual fee for credit unions that acquire banks.

**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 376), regulating farm deer, providing for penalties, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 12, 2003.

**Committee Bill** (Formerly House Study Bill 250), regulating organic agricultural products, providing for fees and penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 267), relating to biodiesel fuel, including biodiesel fuel tax credits and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

#### COMMITTEE ON ECONOMIC GROWTH

**House File 157**, a bill for an act creating a university-based research utilization program, providing tax credits, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1050** March 11, 2003.

**Pursuant to Rule 31.7, House File 157 was referred to the committee on ways and means.**

**House File 213**, a bill for an act creating a housing trust fund and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1049** March 11, 2003.

**Pursuant to Rule 31.7, House File 213 was referred to the committee on appropriations.**

**Committee Bill** (Formerly House Study Bill 13), creating a sales tax exemption for certain equipment to be used in a warehouse or distribution center.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 83), creating a university-based research utilization program, providing tax credits, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 84), relating to the enterprise zone program and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 137), relating to endow Iowa seed grants and endow Iowa tax credits and including effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 179), relating to new capital investment for businesses and new jobs by creating a new capital investment program and amending the new jobs and income program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 189), relating to the enterprise zone program, including the provision of tax incentives and other assistance.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 199), providing for an annual allocation of four million dollars for accelerated career education programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

#### COMMITTEE ON ETHICS

**Committee Bill** (Formerly House Study Bill 243), relating to the ethics and campaign disclosure board, including reports of official misconduct, lobbyist and client reports, advisory opinions, campaign finance reporting, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 49), relating to the healthy and well kids in Iowa program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House File 382), providing for offset of certain billings to counties for mental health, mental retardation, and developmental disabilities services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 233), relating to the regulation of elder family homes, elder group homes, and assisted living programs, providing for appropriation of fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 239), relating to the regulation of adult day services, providing for appropriations and penalties, and providing a contingent effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 269), providing for changes relating to programs under the purview of the Iowa department of public health.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House File 196), relating to certain voluntary annexations and to involuntary annexations and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 205), relating to conflicts of interest in public contracts.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

#### COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House File 318), relating to the training of an individual who intends to become certified as a law enforcement officer.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House File 356), relating to tribal law enforcement officer training at the Iowa law enforcement academy.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

**Committee Bill** (Formerly House File 385), providing for a fee for transporting an inmate for medical or dental care.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 218), prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting illegal controlled substances and providing for penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House File 11), relating to the election of directors of local school districts, area education agencies, and merged areas, and including an effective date, applicability, and transition provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House File 314), relating to the licensure of electrical and mechanical gambling amusement devices and the licensure of manufacturers and distributors thereof and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House File 346), applying Iowa's open meetings law to newly elected members of a governmental body not yet sworn in.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

**Committee Bill** (Formerly House 347), providing for revised civil penalties associated with specified liquor control violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 113), to establish an interior design examining board, to provide for the registration of interior designers in order to use the title of registered interior designer, and to provide fees and penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 121), relating to gambling by providing for the licensure of electrical and mechanical amusement devices, the licensure of manufacturers and distributors thereof, and an exception to bingo licensing requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 222), relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 224), relating to elections and voter registration by implementing requirements of federal law, modifying closing hours of the polls and voter identification requirements, transferring duties relating to conduct of elections and voter registration from the office of secretary of state to the Iowa ethics and campaign disclosure board, and making changes relating to absentee voting procedures, including request and delivery of absentee ballot applications, delivery of absentee ballots to the voter, and delivery of completed absentee ballots to the county commissioner of elections, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

**Committee Bill** (Formerly House Study Bill 234), relating to elections and voter registration by providing for nonpartisan election of township offices, allowing

nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes.

Fiscal Note is not required.

**Recommended Amend and Do Pass March 11, 2003.**

**Committee Bill** (Formerly House Study Bill 241), providing for changes relating to pharmaceutical practice and the regulation of licensed pharmacists, and making penalties applicable.

Fiscal Note is not required.

**Recommended Amend and Do Pass March 11, 2003.**

**Committee Bill** (Formerly House Study Bill 247), relating to campaign finance, including political party committees, campaign disclosure reports, independent expenditures, and income tax checkoff provisions.

Fiscal Note is not required.

**Recommended Amend and Do Pass March 11, 2003.**

**Committee Bill** (Formerly House Study Bill 248), providing for transfer of the professional licensing and regulation division of the department of commerce to the secretary of state's office.

Fiscal Note is not required.

**Recommended Amend and Do Pass March 11, 2003.**

#### AMENDMENTS FILED

H-1047	H.F.	396	Murphy of Dubuque
H-1048	H.F.	502	Hoffman of Crawford
H-1049	H.F.	213	Committee on Economic Growth
H-1050	H.F.	157	Committee on Economic Growth

On motion by Gipp of Winneshiek the House adjourned at 9:26 a.m., until 8:45 a.m., Thursday, March 13, 2003.

# JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Forty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 13, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend David Woolsey, pastor of St. Thomas Lutheran Church, Panora. He was the guest of Representative Baudler of Adair County.

The Journal of Wednesday, March 12, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 534**, by committee on state government, a bill for an act providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, making appropriations, and providing an effective date.

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

**House File 535**, by Dandekar, a bill for an act relating to the definition of small hydro facilities for purposes of public utility regulation.

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

**House File 536**, by Foege, a bill for an act establishing an independent living transition services program in the department of human services for older children and young adults who have been subject to court-ordered out-of-home placement.

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



**House File 537**, by Miller, a bill for an act relating to the establishment of all-terrain vehicle recreational riding areas and appropriating fees.

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

**House File 538**, by Wise, Huser, Quirk, and Mertz, a bill for an act limiting the investment in banks by credit unions, and making related changes.

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

**House File 539**, by Foege, a bill for an act to increase the tax imposed on cigarettes and tobacco products.

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

**House File 540**, by Petersen, a bill for an act relating to the establishment of pilot projects for individual and group health insurance.

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

**House File 541**, by committee on human resources, a bill for an act relating to the fee and use of fee for a certificate of birth.

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

**House File 542**, by committee on public safety, a bill for an act relating to the training of an individual who intends to become certified as a law enforcement officer.

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

**House File 543**, by committee on commerce, regulation and labor, a bill for an act relating to the provision of certain information for insureds regarding external review of health care coverage decisions.

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

**House File 544**, by committee on economic growth, a bill for an act relating to endow Iowa seed grants and endow Iowa tax credits and including effective and retroactive applicability dates.

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

**House File 545**, by committee on commerce, regulation and labor, a bill for an act relating to the requirements for newspapers designated for official publication purposes.

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

**House File 546**, by committee on economic growth, a bill for an act creating a sales tax exemption for certain equipment sold for use in a warehouse or distribution center.

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

**House File 547**, by committee on agriculture, a bill for an act providing for evidence of financial responsibility filed by commercial pesticide applicators.

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

**House File 548**, by committee on public safety, a bill for an act relating to tribal law enforcement officer training at the Iowa law enforcement academy.

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

**House File 549**, by committee on education, a bill for an act relating to the duties and operations of the department of education and school boards.

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

**House File 550**, by committee on local government, a bill for an act relating to proof of motor vehicle financial responsibility, and providing effective and applicability dates.

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

**House File 551**, by committee on public safety, a bill for an act providing for a fee for transporting an inmate for medical or dental care.

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

**House File 552**, by committee on public safety, a bill for an act prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting contraband and providing for penalties.

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

**House File 553**, by committee on local government, a bill for an act relating to the procedure for reducing the number of members of a city council from five to three in certain cities and providing an effective date.

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

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 1

Hansen of Pottawattamie called up for consideration **Senate Concurrent Resolution 1**, a concurrent resolution relating to the federal Medicare program and requesting assistance from the federal government, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate Concurrent Resolution 1** be immediately messaged to the Senate.

#### ADOPTION OF HOUSE RESOLUTION 29

Gipp of Winneshiek asked and received unanimous consent for the

immediate consideration of **House Resolution 29**, a resolution urging the Commissioner of Insurance to solicit slaveholder insurance policy records from the archives of Iowa-licensed insurance companies. Ford of Polk moved its adoption.

The motion prevailed and the resolution was adopted.

### SPECIAL PRESENTATION

In celebration of "March Women's History Month", the Iowa Commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa sponsored a "Write Women Back Into History" essay contest. Maddox of Polk and Mascher of Johnson presented the following winners of the contest:

#### Sixth and Seventh Grade Category

First Place — Brittnei Strouth, Sibley-Ocheyedan Middle School.

Second Place — Kathryn M. Skilton, Nashua-Plainfield Middle School.

Third Place — Rachel Nilles, LeMars Community Middle School.

#### Eighth and Ninth Grade Category

First Place — Caitlin Oponski, Indianola Middle School.

Second Place — Amy Williams, Indianola Middle School.

Third Place — Amy Xu, Fort Dodge Senior High School.

#### Best Essays on Women in Science and Engineering Six and Seventh Grade Category

First Place — David Maffett, Parkview Middle School, Ankeny.

Second Place — Dianna Krejsa, Indianola Middle School.

#### Eighth and Ninth Grade Category

First Place — Desmond Strooh, Central Academy, Des Moines.

Second Place — Tabby Pauly, Wilson Junior High School, Council Bluffs.

Edith Rose Murphy Sackett Award for the  
Best Essay on a Woman Volunteer

Caitlin Hillyard, Central Academy, Des Moines.  
April Sauls, Central Academy, Des Moines.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 2003, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 9, a concurrent resolution designating March 2003 as Iowa Women's History Month.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 469 REREFERRED

The Speaker announced that House File 469, previously referred to committee on **state government** was rereferred to committee on **government oversight**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 12, 2003, he approved and transmitted to the Secretary of State the following bills:

House File 215, an Act eliminating certain public disclosure requirements by state banks.

Senate File 127, an Act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening.

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

- 2003\744     Brittni Strouth, Sibley-Ocheyedan Middle School – For receiving 1<sup>st</sup> place in the 6-7<sup>th</sup> grade category in the "Write Women Back Into History" Essay Contest.
- 2003\745     Jerry and JoAnn Sell, Ames – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\746     Vendola Petra, Ames – For celebrating her 82<sup>nd</sup> birthday.
- 2003\747     Helen Elliott, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2003\748     Verna Webber, Ames – For celebrating her 100<sup>th</sup> birthday.
- 2003\749     George and Delores Leonard, Holstein – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\750     Corrine Schmidt, Holstein – For celebrating her 90<sup>th</sup> birthday.
- 2003\751     Lila and Gene Champion, Denison – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\752     LaVerne Slechta, Denison – For celebrating her 90<sup>th</sup> birthday.
- 2003\753     Orville and Marie Riessen, Charter Oak – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\754     Josh Gorezynski, LeMars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\755     Jason Letsche, Remsen – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\756     Bobby Roe, Washington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\757     Mike Tweeton, Washignton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\758     Tony Calddwell, Washington – For attaining the rank of Eagle Scout, the highest award in the Boy Scouts of America.
- 2003\759     LuVerne Vogt, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2003\760     Ruth Viola Mantz, Ogden – For celebrating her 87<sup>th</sup> birthday.
- 2003\761     Ross Bergloff Hammarstedt, Ogden – For celebrating his 92<sup>nd</sup> birthday.
- 2003\762     Neva McCoy, Boone – For celebrating her 90<sup>th</sup> birthday.
- 2003\763     Lois Fern Doran, Boone – For celebrating her 91<sup>st</sup> birthday.

- 2003\764 Bertha Elizabeth Schmidt, Boone – For celebrating her 83<sup>rd</sup> birthday.
- 2003\765 Harold Robert Farley, Boone – For celebrating his 81<sup>st</sup> birthday.
- 2003\766 Lucille Sterner, Boone – For celebrating her 80<sup>th</sup> birthday.
- 2003\767 Gwendolyn Luella Daffy, Boone – For celebrating her 92<sup>nd</sup> birthday.
- 2003\768 Anthony Grasso, Boone – For celebrating his 84<sup>th</sup> birthday.
- 2003\769 Pearl McCambridge, Boone – For celebrating her 88<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENT

##### Senate File 102

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 288

Human Resources: Boddicker, Chair; Heaton and Smith.

##### House Study Bill 289

Economic Growth: S. Olson, Chair; Lalk and Struyk.

##### House Study Bill 290

Economic Growth: S. Olson, Chair; Lensing and Wilderdyke.

##### House Study Bill 291

Human Resources: Granzow, Chair; Boddicker and Smith.

##### House Study Bill 292

Human Resources: Carroll, Chair; Heaton and Smith.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### H.S.B. 294 Agriculture

Relating to the regulation of motor vehicle fuel, providing for penalties, providing for a compliance fund, and providing for an appropriation.

## H.S.B. 295 Economic Growth

Allocating moneys in the community attraction and tourism fund to the Iowa Lewis and Clark bicentennial fund and providing an effective date.

### 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 ADMINISTRATION AND RULES

**Senate Concurrent Resolution 2**, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eightieth general assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1051** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 240), relating to legislative branch consolidation of functions by combining the legislative service bureau, legislative fiscal bureau, and legislative computer support bureau into a single central legislative staff agency, providing for legislative publications procedures, modifying the sales tax exemption for items sold or services provided by the new agency, including related matters, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 2003.

### COMMITTEE ON COMMERCE, REGULATION AND LABOR

**Committee Bill** (Formerly House File 192), prohibiting a cancellation penalty upon cancellation of a purchase agreement for cemetery merchandise, funeral merchandise, and funeral services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House File 444), relating to notice of rate increases for health insurance coverage and short-term renewability of coverage.



Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 196), relating to insurance, including various filing and information privacy requirements throughout the insurance code, calculation of assessments by the Iowa individual health benefit reinsurance association, payment of certain insurance fees, certain self-funded insurance plans by school corporations or political subdivisions, designation of the commissioner of insurance as process agent for various entities conducting insurance business in this state, notification provisions relating to the effective date of cancellation of insurance, beneficial stock ownership filings, funding agreements, creating an insurable interest in active or retired employee lives for the benefit of an employer, providing for an interstate insurance product regulation compact, and providing for retroactive applicability and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 266), relating to cemeteries and cemetery regulation; establishing requirements for interment rights agreements, reporting, and permits; establishing and appropriating fees; and providing administration and enforcement procedures and penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 276), relating to property insurance, including establishment of a mandatory plan to assure fair access to insurance requirements, and providing for an effective date and retroactive applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 293), providing an annual fee for credit unions that acquire banks.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 2003.

#### COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House File 262), relating to property tax relief and school infrastructure purposes by increasing the state sales and use taxes and distributing certain state sales and use tax revenues to school districts for property tax relief or school infrastructure purposes if approved by a vote of the electorate, providing a penalty, and including an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House File 335), relating to state and local funding for the costs of providing educational services to children residing in psychiatric medical institutions for children and mental health institutes operated by the state, and providing effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 274), providing for a waiver of deadline requirements relating to whole-grade sharing agreements in specified school districts, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 275), relating to designation by a county of a property of historical significance, placing a moratorium on activities that imperil the property, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

#### COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House File 83), relating to the number of controlled burns of demolished buildings conducted by certain cities.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

**Committee Bill** (Formerly House File 251), relating to solid waste commissioners and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

#### COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House File 140), relating to maintaining a magistrate court in a city other than the county seat.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

**Committee Bill** (Formerly House File 416), providing for exceptions to municipal tort liability for river rafting, canoeing, and kayaking.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House File 427), relating to product liability actions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House File 475), relating to the award of damages in an action alleging medical malpractice.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 26), eliminating the limitation on the reduction in damages awarded to plaintiffs who fail to wear a safety belt or safety harness.

Fiscal Note is required.

Recommended **Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 27), relating to recovery of prejudgment interest in relation to an offer to confess judgment.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 74), making changes to the procedures related to reorganizing judicial districts and judicial election districts.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 78), relating to the clerk of the district court by changing the method of appointment and removal, by permitting a clerk to serve in more than one county, and by eliminating certain residency requirements.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 132), relating to nonprofit corporations and providing penalties and effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 157), relating to the judicial branch by changing procedures for nominating a judge or magistrate, by prohibiting members of a judicial nominating commission from voting on certain nominees, and by apportioning judgeships among the judicial election districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 177), relating to criminal sentencing by permitting a conditional discharge, reclassifying certain felonies, and reopening a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

**Committee Bill** (Formerly House Study Bill 237), relating to the assessment of a correctional fee by a county or municipality.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 261), to legalize the proceedings of the City Council of the City of Urbandale relating to the approval of a partial exemption from property taxation of actual value added to industrial real estate, and providing for effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

#### COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House Study Bill 245), relating to tobacco retailers and providing penalties and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 246), relating to the statutory responsibilities of the department of public defense, emergency management division.

by modifying the responsibilities of the emergency management division regarding urban search and rescue, incident command system training, and enhanced 911 service administration, and modifying enhanced 911 surcharges.

Fiscal Note is not required.

Recommended Amend and Do Pass March 13, 2003.

and limit

**Committee Bill** (Formerly House Study Bill 273), relating to ephedrine, and making pseudoephedrine a controlled substance, and making penalties applicable.

Fiscal Note is not required.

Recommended Amend and Do Pass March 13, 2003.

#### COMMITTEE ON STATE GOVERNMENT

**House File 169**, a bill for an act relating to the establishment of a bona fide retirement under the Iowa public employees' retirement system.

Fiscal Note is not required.

Recommended Do Pass March 13, 2003.

**House File 402**, a bill for an act providing for the restoration of the right to vote for certain persons who have made full restitution and who have been discharged from probation, parole, or work release, or who have been released from confinement.

Fiscal Note is not required.

Recommended Do Pass March 11, 2003.

**House File 496**, a bill for an act relating to the regulation of pharmacy benefit managers and making appropriations.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1053 March 13, 2003.

Pursuant to Rule 31.7, House File 496 was referred to the committee on appropriations.

**Committee Bill** (Formerly House Study Bill 131), requiring state and local government official reports to include certain financial information.

Fiscal Note is not required.

Recommended Amend and Do Pass March 11, 2003.

**Committee Bill** (Formerly House Study Bill 242), relating to the consolidation of the management of state archives and records and making conforming changes.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 23), relating to registration with the United States selective service system by application for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

#### RESOLUTION FILED

**SCR 9**, by Ragan and Kramer, a concurrent resolution designating March 2003 as Iowa Women's History Month.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—1051	S.C.R.	2	Committee on Administration and Rules
H—1052	H.F.	453	Jenkins of Black Hawk
H—1053	H.F.	496	Committee on State Government

On motion by Gipp of Winneshiek the House adjourned at 9:08 a.m., until 8:45 a.m., Friday, March 14, 2003.

# JOURNAL OF THE HOUSE

Sixty-first Calendar Day - Forty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 14, 2003

The House met pursuant to adjournment at 8:45 a.m., Manternach of Jones in the chair.

Prayer was offered by the Honorable Gene Manternach, state representative from Jones County.

The Journal of Thursday, March 13, 2003 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Freeman of Buena Vista from two hundred forty-four constituents of the 52<sup>nd</sup> District favoring House File 44, relating to the restoration and maintenance of the senior living trust fund.

By Freeman of Buena Vista from two hundred seventy-three constituents of the 52<sup>nd</sup> District favoring maintaining the Department of Elder Affairs as a department because of the need to coordinate service specifically for the elderly.

By Freeman of Buena Vista from two hundred forty-four constituents of the 52<sup>nd</sup> District favoring the preservation of the area agencies on aging because of the significant work they do at the local level with limited funding.

## INTRODUCTION OF BILLS

**House File 554**, by committee on judiciary, a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision.

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

**House File 555**, by committee on economic growth, a bill for an act relating to the enterprise zone program, including the provision of tax incentives and other assistance.

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

**House File 556**, by committee on judiciary, a bill for an act relating to the exclusion of certain nonprofit transitional housing and public housing from certain landlord and tenant disputes.

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

**House File 557**, by committee on human resources, a bill for an act relating to liability of certain health care facilities and health care providers participating in the volunteer health care provider program.

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

**House File 558**, by committee on human resources, a bill for an act authorizing the department of human services to disclose information regarding the listing of an individual in the child or dependent abuse registry or the sex offender registry when it is necessary for the protection of a child or a dependent adult.

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

**House File 559**, by Hogg, a bill for an act relating to the tonnage fees for construction and demolition waste, creating a dilapidated building trust fund, and making appropriations.

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

**House File 560**, by committee on human resources, a bill for an act relating to medical assistance home and community-based services waivers.

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



**House File 561**, by committee on judiciary, a bill for an act creating the crime of invasion of privacy, and providing a penalty.

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

**House File 562**, by Struyk, a bill for an act relating to the mailing of confidential information by and to the state and including effective and applicability date provisions.

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

**House File 563**, by Frevert, Kuhn, D. Olson, Wendt, Hogg, Gaskill, Jochum, Shoultz, Whitaker, Greimann, Bukta, Stevens, and Davitt, a bill for an act relating to confinement feeding operations by providing for the construction of structures associated with the operations.

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

**House File 564**, by committee on economic growth, a bill for an act providing for an annual allocation of four million dollars for accelerated career education programs.

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

**House File 565**, by committee on human resources, a bill for an act relating to the healthy and well kids in Iowa program.

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

**House File 566**, by committee on judiciary, a bill for an act relating to the award of damages in an action alleging medical malpractice.

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

**House File 567**, by committee on environmental protection, a bill for an act relating to powers of county environmental health specialists and providing a penalty.

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

**House File 568**, by committee on education, a bill for an act relating to state and local funding for the costs of certain institutions for children under the jurisdiction of the director of human services.

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

**House File 569**, by Winckler, a bill for an act relating to criminal sentencing and procedure by changing the penalties for certain offenses involving a substance containing cocaine base, creating a criminal offense of robbery in the third degree, expanding the applicability of the intermediate criminal sanctions program, changing the parole and work release eligibility of a person serving a sentence that requires the maximum accumulation of earned time credits of fifteen percent of the total term of confinement, creating a community-based corrections advisory board, and providing a penalty.

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

**House File 570**, by Whitaker, a bill for an act providing for a study and pilot project by the Iowa energy center related to hydrogen production.

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

**House File 571**, by committee on education, a bill for an act relating to the establishment of a school infrastructure financing program by providing for a local option school infrastructure sales tax and providing for the use of the revenues from the local option tax for school infrastructure or property tax relief purposes and including an effective date.

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

**House File 572**, by committee on environmental protection, a bill for an act relating to the number of controlled burns of demolished buildings conducted by certain cities.

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

**House File 573**, by committee on judiciary, a bill for an act making changes to the procedures related to reorganizing judicial districts and judicial election districts.

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

**House File 574**, by committee on state government, a bill for an act applying Iowa's open meetings law to newly elected members of a governmental body not yet sworn in.

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

**House File 575**, by committee on human resources, a bill for an act providing for offset of certain billings to counties for mental health, mental retardation, and developmental disabilities services and including an applicability provision.

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

**House File 576**, by committee on economic growth, a bill for an act relating to the enterprise zone program and including effective date provisions.

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

**House File 577**, by committee on education, a bill for an act providing for a waiver of deadline requirements relating to whole-grade sharing agreements in specified school districts, and providing an effective date.

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

**House File 578**, by committee on agriculture, a bill for an act relating to biodiesel fuel, including biodiesel fuel tax credits and providing an applicability date.

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

**House File 579**, by committee on education, a bill for an act relating to designation by a county of a property of historical

significance, placing a moratorium on activities that imperil the property, and providing an effective date.

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

**House File 580**, by committee on judiciary, a bill for an act eliminating the limitation on the reduction in damages awarded to plaintiffs who fail to wear a safety belt or safety harness.

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

**House File 581**, by committee on judiciary, a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment.

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

**House File 582**, by committee on human resources, a bill for an act relating to the regulation of elder family homes, elder group homes, and assisted living programs, providing for appropriation of fees, and providing penalties.

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

**House File 583**, by committee on ethics, a bill for an act relating to the ethics and campaign disclosure board, including reports of official misconduct, lobbyist and client reports, advisory opinions, campaign finance reporting, and making penalties applicable.

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

**House File 584**, by committee on judiciary, a bill for an act providing for exceptions to municipal tort liability for certain activities.

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

**House File 585**, by committee on judiciary, a bill for an act relating to maintaining a magistrate court in a city other than the county seat.

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

**House File 586**, by committee on commerce, regulation and labor, a bill for an act relating to notice of rate increases for group health insurance coverage.

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

**House File 587**, by committee on judiciary, a bill for an act relating to product liability actions.

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

### 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 350), requiring that dealers of certain swine file a surety bond with the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

**House File 509**, a bill for an act relating to deer and elk chronic wasting disease by establishing a task force and requiring departmental cooperation in the implementation of a chronic wasting disease administrative strategy, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 173), providing wine gallonage tax revenue to support grape and wine development, and providing an effective date and retroactive applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 249), providing for manure application requirements, providing for fees, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 285), relating to the conversion of cooperative associations originally organized as business corporations.

Fiscal Note is not required.

**Recommended Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 294), relating to the regulation of motor vehicle fuel, providing for penalties, providing for a compliance fund, and providing for an appropriation.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 13, 2003.

#### COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly House File 372), relating to the exemption from land ownership restrictions for nonresident aliens under the new jobs and income program.

Fiscal Note is not required.

**Recommended Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 34), establishing a growth restriction for the state general fund expenditure limitation.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 172), relating the employment security administrative contribution surcharge, and providing an effective date.

Fiscal Note is not required.

**Recommended Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 230), encouraging the purchase of software and information technology produced in this state in state procurement processes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 253), creating workforce training and economic development funds for community colleges, making related appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 289), relating to the development of crop biotechnology, including providing for financing of businesses, the purchase of bio-based products by state government, and the regulation of precision-use crops, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 290), relating to creating a loan and credit guarantee program and fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 2003.

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 321), establishing the at-home infant child care program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 191), relating to physician assistant licensure, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 288), relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 291), relating to technical amendments with regard to programs under the authority of the department of public health.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

**Committee Bill** (Formerly House Study Bill 292), relating to health care including reimbursement of health care facilities based on resident program eligibility.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

### RESOLUTION FILED

**HCR 18**, by Shoultz, a concurrent resolution designating March 16 annually as Liberty Day.

Laid over under **Rule 25**.

On motion by Lukan of Dubuque the House adjourned at 8:55 a.m., until 1:00 p.m., Monday, March 17, 2003.



# JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 17, 2003

The House met pursuant to adjournment at 1:03 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend John Eilers, pastor of the First Christian Church of Woodbine. He was the guest of Representative Paul Wilderdyke of Harrison County.

The Journal of Friday, March 14, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Petersen of Polk, until her arrival, on request of Dandekar of Linn.

## INTRODUCTION OF BILLS

**House File 588**, by Ford, a bill for an act relating to education and continuing education requirements for certification as a nurse aide.

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

**House File 589**, by committee on state government, a bill for an act providing that incident reports or violations by other licensees or permittees shall not be considered upon review of a local authority decision relating to specified liquor control, wine, or beer licenses or permits.

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

**House File 590**, by committee on state government, a bill for an act relating to the election of directors of local school districts, area education agencies, and merged areas, and including an effective date, applicability, and transition provision.

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

**House File 591**, by committee on economic growth, a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date.

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

**House File 592**, by committee on economic growth, a bill for an act relating to economic development-related issues of the universities under the control of the state board of regents by amending the composition of the Iowa economic development board and the Iowa workforce development board, changing the university-based research and economic development Act to address commercialization of research, and creating an Iowa commercialization advisory council.

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

**House File 593**, by committee on state government, a bill for an act relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes.

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

**House File 594**, by committee on state government, a bill for an act relating to the registration of electrical and mechanical amusement devices and the registration of manufacturers and distributors thereof, making penalties applicable, and providing an effective date.

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

**House File 595**, by committee on local government, a bill for an act relating to land use, by limiting condemnation of century farms, by modifying procedures pertaining to certain voluntary annexations and to involuntary annexations and providing an effective date.

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

**House File 596**, by committee on human resources, a bill for an act relating to the regulation of adult day services, and providing for appropriations and penalties.

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

**House File 597**, by committee on local government, a bill for an act relating to conflicts of interest in public contracts.

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

**House File 598**, by committee on judiciary, a bill for an act relating to criminal sentencing by permitting a conditional discharge, reclassifying certain felonies, and reopening a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement, and providing penalties.

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

**House File 599**, by committee on commerce, regulation and labor, a bill for an act relating to property insurance, including establishment of a mandatory plan to assure fair access to insurance requirements, and providing for an effective date and retroactive applicability.

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

**House File 600**, by committee on agriculture, a bill for an act regulating organic agricultural products, providing for fees and penalties, and providing an effective date.

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

**House File 601**, by committee on state government, a bill for an act relating to campaign finance, including political party committees, campaign disclosure reports, independent expenditures, and income tax checkoff provisions.

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

**House File 602**, by committee on state government, a bill for an act providing for the establishment of a continuous quality improvement program relating to licensed pharmacy operations.

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

**House File 603**, by committee on state government, a bill for an act providing an exception to licensing requirements for certain bingo occasions conducted by nonprofit organizations.

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

**House File 604**, by committee on state government, a bill for an act requiring state government annual reports made to the general assembly to include certain financial information.

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

**House File 605**, by committee on state government, a bill for an act to establish an interior design examining board, to provide for the registration of interior designers in order to use the title of registered interior designer, and to provide fees and penalties.

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

**House File 606**, by committee on state government, a bill for an act providing for transfer of the professional licensing and regulation

division of the department of commerce to the secretary of state's office.

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

**House File 607**, by committee on judiciary, a bill for an act relating to nonprofit corporations and providing penalties and effective and applicability dates.

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

The House stood at ease at 1:07 p.m., until the fall of the gavel.

The House resumed session at 1:12 p.m., Speaker Rants in the chair.

The House stood at ease at 1:18 p.m., until the fall of the gavel.

The House resumed session at 2:58 p.m., Speaker Rants in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Engelenhoven of Marion, until his return, on request of Gipp of Winneshiek;  
T. Taylor of Linn for the remainder of the week, on request of Quirk of Chickasaw.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 339**, a bill for an act relating to snowmobile franchises by requiring the repurchase of certain inventory upon termination of a franchise and providing effective and retroactive applicability dates, was taken up for consideration.

Rayhons of Hancock 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. 339)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, T.                      Van Engelenhoven

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

**House File 343**, a bill for an act relating to enforcement of motor vehicle law provisions and making penalties applicable, was taken up for consideration.

Tjepkes of Webster 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. 343)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, T.                      Van Engelenhoven

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

**House File 349**, a bill for an act relating to the representation of indigent persons and indigent defense claims, was taken up for consideration.

Kramer of Polk offered the following amendment H-1037 filed by him and moved its adoption:

H-1037

- 1 Amend House File 349 as follows:
- 2 1. Page 1, line 19, by striking the word
- 3 "appropriations" and inserting the following:
- 4 "allocations".
- 5 2. Page 2, line 10, by striking the figure
- 6 "815.5," and inserting the following: "815.5".

Amendment H-1037 was adopted.

Kramer of Polk 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. 349)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.



Absent or not voting, 2:

Taylor, T.

Van Engelenhoven

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 339, 343 and 349.**

**House File 380**, a bill for an act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date, was taken up for consideration.

De Boef of Keokuk 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. 380)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevort	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.

Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, T.                      Van Engelenhoven

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

### 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 17, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 73, a bill for an act relating to the reporting requirements under the Iowa industrial new jobs training Act.

Also: that the Senate has on March 17, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 97, a bill for an act relating to highway, aviation, motor vehicle transportation and public transit, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar revolving loan fund, applications for certificates of title by motor vehicle dealers, fees charged for driver's licenses and nonoperator's identification cards and making an appropriation, security interests in motor vehicles, charges financed in a motor vehicle retail installment transaction, confidentiality of motor vehicle accident reports, requirements for motor carrier safety rules, exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations, load limits for vehicles transporting construction machinery, urban public transit funding, and tariffs charged by motor carriers of household goods, and including effective and retroactive applicability date provisions.

Also: that the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 119, a bill for an act relating to real estate appraiser certification.

Also: that the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 235, a bill for an act relating to professional licensing boards by providing for the updating of continuing education and regulatory requirements to include specified licensing boards, authorizing specified licensing boards to obtain criminal history data relating to applicants for licensure and licensees, and authorizing the collection of fees for related costs.

MICHAEL E. MARSHALL, Secretary

**House File 453**, a bill for an act relating to animal biotechnology by creating an animal biotechnology commercialization fund, extending the time period during which a life science enterprise may purchase agricultural land, making appropriations, and providing an effective date, was taken up for consideration.

Jenkins of Black Hawk offered amendment H-1042 filed by the committee on appropriations as follows:

H-1042

1 Amend House File 453 as follows:

2 1. Page 1, by inserting after line 4 the  
3 following:

4 "Sec. \_\_\_\_ Section 12E.12, subsection 1, paragraph  
5 b, subparagraph (1), Code 2003, is amended to read as  
6 follows:

7 (1) The tax-exempt bond proceeds restricted  
8 capital funds account. The net proceeds of tax-exempt  
9 bonds issued to provide funds for capital projects,  
10 certain debt service, and attorney fees related to the  
11 master settlement agreement which the state treasurer  
12 is authorized and directed to deposit on behalf of the  
13 state shall be deposited in the account and shall be  
14 used to fund capital projects, certain debt service,  
15 and the payment of attorney fees related to the master  
16 settlement agreement. The funding of capital projects  
17 may take the form of grants. With respect to capital  
18 projects, it is the intent of the general assembly to  
19 fund capital projects that qualify as vertical  
20 infrastructure projects as defined in section 8.57,  
21 subsection 5, paragraph "c", to the extent practicable  
22 in any fiscal year and without limiting other  
23 qualifying capital expenditures considered and  
24 approved by a constitutional majority of each house of  
25 the general assembly and the governor."

26 2. Page 2, by striking lines 17 through 19 and  
27 inserting the following: "over a period of more than  
28 one year."

29 3. By striking page 2, line 27, through page 3,  
30 line 25, and inserting the following:

31 "Sec. \_\_\_\_ TAX-EXEMPT BOND PROCEEDS RESTRICTED  
 32 CAPITAL FUNDS ACCOUNT OF THE TOBACCO SETTLEMENT TRUST  
 33 FUND – APPROPRIATION.

34 1. There is appropriated from the tax-exempt bond  
 35 proceeds restricted capital funds account of the  
 36 tobacco settlement trust fund established in section  
 37 12E.12 to the department of economic development for  
 38 the fiscal period beginning July 1, 2002, and ending  
 39 June 30, 2005, the following amounts, or so much  
 40 thereof as is necessary, to be used for the purposes  
 41 designated:

42 a. For deposit in the animal biotechnology  
 43 commercialization fund created in section 15E.221 to  
 44 be used for purposes of projects described in section  
 45 15E.221, subsection 1, paragraph "b":  
 46 FY 2002-2003 ..... \$ 5,000,000  
 47 FY 2003-2004 ..... \$ 5,000,000  
 48 FY 2004-2005 ..... \$ 0  
 49 b. For deposit in the animal biotechnology  
 50 commercialization fund created in section 15E.221 to

Page 2

1 be used for purposes of projects described in section  
 2 15E.221, subsection 1, paragraph "c":  
 3 FY 2002-2003 ..... \$ 0  
 4 FY 2003-2004 ..... \$ 0  
 5 FY 2004-2005 ..... \$ 10,000,000

6 2. Any financial assistance awarded from the  
 7 animal biotechnology commercialization fund using  
 8 moneys from the appropriations made under this section  
 9 shall be in the form of grants.

10 3. Any moneys remaining in the fund from the  
 11 appropriations under this section that are unexpended  
 12 or unobligated on June 30, 2006, shall revert to the  
 13 tax-exempt bond proceeds restricted capital funds  
 14 account of the tobacco settlement trust fund on June  
 15 30, 2006.

16 Sec. \_\_\_\_ REBUILD IOWA INFRASTRUCTURE FUND –  
 17 APPROPRIATION.

18 1. There is appropriated from the rebuild Iowa  
 19 infrastructure fund created in section 8.57,  
 20 subsection 5, paragraph "a", to the department of  
 21 economic development for the fiscal period beginning  
 22 July 1, 2003, and ending June 30, 2005, the following  
 23 amounts, or so much thereof as is necessary, to be  
 24 used for the purposes designated:

25 a. For deposit in the animal biotechnology  
 26 commercialization fund created in section 15E.221 to  
 27 be used for purposes of projects described in section  
 28 15E.221, subsection 1, paragraph "a":  
 29 FY 2003-2004 ..... \$ 0

30 FY 2004-2005 ..... \$ 5,000,000  
 31 b. For deposit in the animal biotechnology  
 32 commercialization fund created in section 15E.221 to  
 33 be used for purposes of projects described in section  
 34 15E.221, subsection 1, paragraph "b":  
 35 FY 2003-2004 ..... \$ 5,000,000  
 36 FY 2004-2005 ..... \$ 0  
 37 2. Any financial assistance awarded from the  
 38 animal biotechnology commercialization fund using  
 39 moneys from the appropriations made under this section  
 40 shall be in the form of loans, forgivable loans, loan  
 41 guarantees, principal buy-downs, interest buy-downs,  
 42 equity-like investments, or cost reimbursement for  
 43 technical or professional management services. For  
 44 purposes of this subsection, "equity-like investments"  
 45 means the provision of assistance in such a manner  
 46 that the potential return on investment to the  
 47 provider varies according to the profitability of the  
 48 company assisted. "Equity-like investments" includes  
 49 royalty arrangements, warrant arrangements, or other  
 50 similar forms of investments. Repayments of principal

Page 3

1 and interest on loans made from the animal  
 2 biotechnology commercialization fund shall be  
 3 deposited in the rebuild Iowa infrastructure fund.  
 4 3. Any moneys remaining in the animal  
 5 biotechnology commercialization fund from the  
 6 appropriations under this section that are unexpended  
 7 or unobligated on June 30, 2006, shall revert to the  
 8 rebuild Iowa infrastructure fund on June 30, 2006."  
 9 4. By renumbering as necessary..

Fallon of Polk offered amendment H-1063, to the committee amendment H-1042, filed by him from the floor and requested division as follows:

H-1063

1 Amend the amendment, H-1042, to House File 453 as  
 2 follows:

H-1063A

3 1. Page 1, by inserting before line 2 the  
 4 following:  
 5 " — Page 1, by striking lines 1 through 4."

H-1063B

- 6 2. By striking page 1, line 26, through page 3,  
 7 line 8, and inserting the following:  
 8 " \_\_\_\_\_. By striking page 1, line 5, through page 4,  
 9 line 4, and inserting the following:  
 10 "Sec. \_\_\_\_\_. APPROPRIATIONS.  
 11 1. There is appropriated from the tax-exempt bond  
 12 proceeds restricted capital funds account of the  
 13 tobacco settlement trust fund established in section  
 14 12E.12 to the treasurer of state for the fiscal year  
 15 beginning July 1, 2003, and ending June 30, 2004, the  
 16 following amount, or so much as is necessary, to be  
 17 used for the purpose designated:  
 18 For deposit in the school infrastructure fund  
 19 created in section 12.82 for purposes of providing  
 20 financial assistance under the school infrastructure  
 21 program established in section 292.2:  
 22 ..... \$ 23,000,000  
 23 2. There is appropriated from the rebuild Iowa  
 24 infrastructure fund created in section 8.57,  
 25 subsection 5, paragraph "a", to the treasurer of state  
 26 for the fiscal year beginning July 1, 2003, and ending  
 27 June 30, 2004, the following amount, or so much as is  
 28 necessary, to be used for the purpose designated:  
 29 For deposit in the school infrastructure fund  
 30 created in section 12.82 for purposes of providing  
 31 financial assistance under the school infrastructure  
 32 program established in section 292.2:  
 33 ..... \$ 10,000,000"  
 34 3. By renumbering as necessary.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-1063A, to the committee amendment H-1042.

Fallon of Polk asked and received unanimous consent that amendment H-1062, to the committee amendment H-1042, be deferred.

On motion by Fallon of Polk amendment H-1063B lost.

Lensing of Johnson offered the following amendment H-1055, to the committee amendment H-1042, filed by Lensing, Murphy of Dubuque and Kuhn of Floyd, from the floor, and moved its adoption:

H-1055

- 1 Amend the amendment, H-1042, to House File 453 as

2 follows:

- 3 1. Page 1, line 28, by inserting after the word  
4 "year." the following: "A financial assistance award  
5 shall not be granted unless the applicant submits a  
6 business plan as part of the application for financial  
7 assistance and the department approves the plan."

Amendment H-1055 lost.

Hogg of Linn offered the following amendment H-1061, to the committee amendment H-1042, filed by him from the floor and moved its adoption:

H-1061

- 1 Amend the amendment, H-1042, to House File 453 as

2 follows:

- 3 1. Page 1, line 28, by inserting after the word  
4 "year." the following: "The department, in entering  
5 into an agreement for a financial assistance award,  
6 shall consider, as possible terms to the agreement,  
7 obtaining a commitment from the business to retain all  
8 business operations in the state of Iowa during the  
9 ten years subsequent to receiving the financial  
10 assistance and obtaining a commitment to create two  
11 hundred new jobs during the two years after moneys  
12 have been received."  
13 2. Page 3, by striking line 4 and inserting the  
14 following:  
15 "3. A business receiving moneys from the animal  
16 biotechnology commercialization fund using moneys from  
17 the appropriations made under this section shall be  
18 subject to repayment of all or a portion of the moneys  
19 received if the business fails to create two hundred  
20 new jobs during the two years after moneys have been  
21 received or the business closes any operations or  
22 moves any operations out of the state of Iowa within  
23 ten years of receiving the financial assistance. The  
24 department and a business shall enter into an  
25 agreement specifying the method for determining the  
26 amount of moneys which will be repaid in the event of  
27 any occurrence described in this subsection.  
28 4. Any moneys remaining in the animal".  
29 3. By renumbering as necessary.

Amendment H-1061 lost.

Whitaker of Van Buren offered the following amendment H-1058, to the committee amendment H-1042, filed by him from the floor and moved its adoption:

H-1058

- 1 Amend the amendment, H-1042, to House File 453 as
- 2 follows:
- 3 1. Page 2, line 42, by striking the words "equity-
- 4 like investments,"
- 5 2. Page 2, by striking lines 43 through 50 and
- 6 inserting the following: "technical or professional
- 7 management services. Repayment of principal".

Amendment H-1058 lost.

Hogg of Linn offered the following amendment H-1059, to the committee amendment H-1042, filed by him from the floor and moved its adoption:

H-1059

- 1 Amend the amendment, H-1042, to House File 453 as
- 2 follows:
- 3 1. Page 3, by inserting after line 3 the
- 4 following:
- 5 "\_\_\_ On a date determined by the department, a
- 6 recipient of moneys from the animal biotechnology
- 7 commercialization fund under this section shall report
- 8 to the department the number of jobs created by the
- 9 recipient during the two years after moneys have been
- 10 received. The department shall calculate a jobs-
- 11 created product by multiplying the number of jobs
- 12 created times fifty thousand dollars. A recipient
- 13 shall refund to the department any amount equal to the
- 14 financial assistance award received by the recipient
- 15 under this section minus the jobs-created product
- 16 calculated by the department. A refund shall not
- 17 exceed the amount of money received from the state of
- 18 Iowa or the department since January 1, 2003."
- 19 2. By renumbering as necessary.

Amendment H-1059 lost.

Winckler of Scott offered the following amendment H-1056, to the committee amendment H-1042, filed by Winckler, Kuhn of Floyd, and Lensing of Johnson from the floor and moved its adoption:



H-1056

- 1 Amend the amendment, H-1042, to House File 453 as  
2 follows:  
3 1. Page 3, by striking line 4 and inserting the  
4 following:  
5 "3. a. A business receiving moneys from the  
6 animal biotechnology commercialization fund using  
7 moneys from the appropriations made under this section  
8 shall be subject to repayment of all or a portion of  
9 the moneys received if any of the following occur:  
10 (1) The recipient fails to pay a median wage for  
11 hourly, nonmanagement employees working at a new  
12 project facility of at least fifteen dollars per hour.  
13 (2) The recipient fails to provide at least eighty  
14 percent of the cost of a standard medical and dental  
15 insurance plan for all full-time employees working at  
16 a new project facility.  
17 (3) The recipient closes any of its project  
18 facilities within the state prior to or after  
19 receiving moneys or experiences a layoff within the  
20 state prior to or after receiving the moneys.  
21 b. The department and a business shall enter into  
22 an agreement specifying the method for determining the  
23 amount of moneys which will be repaid in the event of  
24 any occurrence described in paragraph "a".  
25 4. Any moneys remaining in the animal".

Amendment H-1056 lost.

Hogg of Linn offered the following amendment H-1060, to the committee amendment H-1042, filed by him from the floor and moved its adoption:

H-1060

- 1 Amend the amendment, H-1042, to House File 453 as  
2 follows:  
3 1. Page 3, by striking line 4 and inserting the  
4 following:  
5 "3. a. A corporate recipient of moneys from the  
6 animal biotechnology commercialization fund using  
7 moneys from the appropriations made under this section  
8 shall report to the department the amount of total  
9 compensation provided to each officer and director of  
10 the corporation by January 31 of each year for the  
11 previous calendar year. "Compensation" includes but  
12 is not limited to wages, the fair market value of  
13 benefits, and the fair market value of stock options.  
14 A corporate recipient shall refund to the department

- 15 fifty cents for every dollar of compensation in excess  
16 of two hundred fifty thousand dollars provided to an  
17 officer or director. A refund shall not exceed the  
18 amount of money received from the state of Iowa or the  
19 department since January 1, 2003. A corporate  
20 recipient shall make reports and refunds as provided  
21 in this subsection for each calendar year through and  
22 including calendar year 2007.  
23 4. Any moneys remaining in the animal".

Amendment H-1060 lost.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-1052, to the committee amendment H-1042, filed by him on March 13, 2003.

Fallon of Polk offered the following amendment H-1062, previously deferred, to the committee amendment H-1042, filed by him from the floor and moved its adoption:

H-1062

- 1 Amend the amendment, H-1042, to House File 453 as  
2 follows:  
3 1. Page 1, by inserting after line 25 the  
4 following:  
5 " \_\_\_\_ Page 2, by striking lines 2 through 14."  
6 2. Page 1, line 28, by inserting after the word  
7 "year." the following: "A business shall not receive  
8 more than three million dollars from the fund during  
9 the existence of the fund."  
10 3. By renumbering as necessary.

Amendment H-1062 lost.

On motion by Hoffman of Crawford the committee amendment H-1042 was adopted.

Kuhn of Floyd offered the following amendment H-1046 filed by Thomas of Clayton and Hoffman of Crawford and moved its adoption:

H-1046

- 1 Amend House File 453 as follows:  
2 1. Page 2, by inserting after line 1 the  
3 following:  
4 "2A. Any financial assistance received from the  
5 fund shall not be used for purposes of purchasing

6 agricultural land."

7 2. By renumbering as necessary.

Amendment H-1046 was adopted.

Boal of Polk in the chair at 4:54 p.m.

Speaker Rants in the chair at 5:03 p.m.

Hoffman of Crawford 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. 453)

The ayes were, 83:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lukan	Lykam	Maddox
Manternach	Mascher	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Smith	Stevens	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitead
Wilderdyke	Wise	Mr. Speaker	
		Rants	

The nays were, 15:

Connors	De Boef	Fallon	Foege
Greimann	Hogg	Hunter	Huser
Lensing	McCarthy	Shoultz	Swaim
Taylor, D.	Whitaker	Winckler	

Absent or not voting, 2:

Taylor, T.                      Van Engelenhoven

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

### 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 17, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 311, a bill for an act modifying the duties of county recorders.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 3, a bill for an act relating to the inclusion of certain information in a termination of pregnancy report.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 173, a bill for an act authorizing school districts to deduct and pay fees for membership in not-for-profit professional education associations.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 203, a bill for an act relating to the installation of certain aboveground petroleum storage tanks.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 221, a bill for an act relating to the criminal offense of sexual exploitation of a minor.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 224, a bill for an act relating to appeals filed in child in need of assistance and termination of parental rights proceedings.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 230, a bill for an act relating to the procedure for reducing the number of members of a city council from five to three in certain cities.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 236, a bill for an act relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 272, a bill for an act relating to conflicts of interest in public contracts.

MICHAEL E. MARSHALL, Secretary

### IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 380 and 453.**

**House File 386**, a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act, was taken up for consideration.

Upmeyer of Hancock 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. 386)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach

Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, T.                      Van Engelenhoven

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

**House File 392**, a bill for an act relating to economic growth strategic planning, was taken up for consideration.

Wilderdyke of Harrison moved that the bill be read a last time <sup>now</sup> 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. 392)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevort	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz

Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 1:

Fallon

Absent or not voting, 2:

Taylor, T.      Van Engelenhoven

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

### IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 386 and 392.**

**House File 390**, a bill for an act relating to economic development programs for targeted small businesses, was taken up for consideration.

Boggess of Page 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. 390)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege

Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Kuhn	Taylor, T.	Van Engelenhoven	Whitead
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 389**, a bill for an act for miscellaneous technical and substantive changes relating to controlled and precursor substances, was taken up for consideration.

Upmeyer of Hancock moved that the bill be read a last time <sup>now</sup> 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. 389)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill



Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, T.                      Van Engelenhoven

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 389 and 390.**

### HOUSE FILE 213 REREFERRED

The Speaker announced that House File 213, previously referred to committee on **appropriations** was placed on the **calendar**.

### HOUSE FILE 502 REFERRED

The Speaker announced that House File 502, presently placed on the **calendar** was referred to committee on **commerce, regulation and labor**.

## HOUSE FILE 576 REREFERRED

The Speaker announced that House File 576, previously referred to committee on **ways and means** was placed on the **calendar**.

## 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

- |          |   |
|----------|---|
| 2003\770 | Annemarie Scheiding, Marshalltown – For celebrating her 84 <sup>th</sup> birthday.  |
| 2003\771 | Ruth and Jim Clancy, Dubuque – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2003\772 | Jan and Jim Stierman, Dubuque – For celebrating their 50 <sup>th</sup> wedding anniversary.   |
| 2003\773 | Carol and Ron Brayton, Dubuque – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2003\774 | Max and Janet Sylvester, Webster City – For celebrating their 50 <sup>th</sup> wedding anniversary.   |
| 2003\775 | Don and Darlene Best, Webster City – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2003\776 | Helen Vrbsky, Farragut – For celebrating her 90 <sup>th</sup> birthday.   |
| 2003\777 | Evert and Cornie Van Westen, George – For celebrating their 63 <sup>rd</sup> wedding anniversary.   |
| 2003\778 | Deb Remmerde, Rock Valley – For being chosen as the Class 1-A Girls' All State Basketball Team for her third title and also for the state scoring record of 2,756 points. |
| 2003\779 | Coach Preston Kooima and the Rock Valley Rockets, Rock Valley – For their third consecutive 1-A Girls' Basketball State Tournament win.                                   |
| 2003\780 | Erica Schlotfeldt, Rock Valley – For being selected for the All-State Girls' Basketball Second Team.  |
| 2003\781 | Kristen Klaassen, Rock Valley – For being selected for the All-State Girls' Basketball Third Team.  |

- 2003\782 Paul Braden, Winthrop – For celebrating his 80<sup>th</sup> birthday.
- 2003\783 Clair Reiling, Winthrop – For celebrating her 90<sup>th</sup> birthday.
- 2003\784 Leonard and Pauline Benton, Dallas Center – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\785 Clarence Luke, Waukee – For celebrating his 96<sup>th</sup> birthday.
- 2003\786 Edith Slatten, Adel – For celebrating her 93<sup>rd</sup> birthday.
- 2003\787 Don Thompson, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2003\788 Virgil and Marie Redding, Kellogg – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\789 Lewis and Barb Hartgers, Newton – For celebrating their 50<sup>th</sup> wedding anniversary.

### 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 HUMAN RESOURCES

**House File 22**, a bill for an act relating to the awarding of joint physical care of a child.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

**Committee Bill** (Formerly House File 320), relating to child abuse reporting by providing for a report to be made to a local law enforcement agency for an initial response.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 2003.

**House File 457**, a bill for an act expanding requirements for the transition of an individual from the child welfare services system to adulthood.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

## RESOLUTIONS FILED

**HR 30**, by Heaton, a resolution requesting the transition planning group established by the Department of Human Services to complete deliberations and deliver a final report prior to adjournment of the Eightieth General Assembly, 2003 Regular Session.

Laid over under **Rule 25**.

**HR 31**, by Alons, Mertz, Struyk, Huseman, Rayhons, Greimann, Wilderdyke, Jones, Greiner, Whitaker, Hutter, Lukan, Lalk, Roberts, De Boef, Schickel, Boggess, Miller, Gaskill, Heddens, Sands, Eichhorn, D. Hanson, D. Olson, Frevert, and Reasoner, a resolution honoring the Iowa State University of Science and Technology Extension for 100 years of service to Iowa.

Laid over under **Rule 25**.

**HR 32**, by Winckler, a resolution requesting the government oversight committee to study nurse staffing levels and mandatory overtime practices involving nurses.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1054	H.F.	549	Winckler of Scott
H—1057	H.F.	533	Kurtenbach of Story
H—1064	H.F.	391	Wise of Lee
			Jenkins of Black Hawk
H—1065	H.F.	481	Mascher of Johnson
H—1066	H.F.	549	Mascher of Johnson
H—1067	H.F.	549	Mascher of Johnson
H—1068	H.F.	602	Greiner of Washington
H—1069	H.F.	557	Smith of Marshall
H—1070	H.F.	472	Upmeyer of Hancock
H—1071	H.F.	548	Horbach of Tama
H—1072	H.F.	472	Upmeyer of Hancock

On motion by Speaker Rants, the House adjourned at 5:55 p.m., until 8:45 a.m., Tuesday, March 18, 2003.

# JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 18, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Tom McDermott, pastor of Sacred Heart Church, Maquoketa. He was the guest of Representative Robert Osterhaus of Jackson County.

The Journal of Monday, March 17, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 608**, by Tymeson, Jenkins, Kurtenbach, and Boal, a bill for an act providing a corporate income tax, franchise tax, or insurance premiums tax credit for continuation of salary or wages, or health benefits coverage for employees that are members of the national guard or military service reserve and are ordered to active duty, and including effective and retroactive applicability date provisions.

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

**House File 609**, by committee on economic growth, a bill for an act encouraging the purchase of software and information technology produced in this state in state procurement processes.

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

**House File 610**, by committee on human resources, a bill for an act relating to child abuse reporting by providing for a report to be made to a local law enforcement agency.

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

**House File 611**, by committee on economic growth, a bill for an act relating to the development of crop biotechnology, and providing for precision-use crop utilization financial assistance.

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

**House File 612**, by committee on economic growth, a bill for an act relating to the exemption from land ownership restrictions for nonresident aliens under the new jobs and income program.

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

**House File 613**, by committee on human resources, a bill for an act establishing the at-home infant child care program.

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

**House File 614**, by committee on state government, a bill for an act relating to elections and voter registration by implementing requirements of federal law, modifying closing hours of the polls and voter identification requirements, transferring duties relating to conduct of elections and voter registration from the office of secretary of state to the Iowa ethics and campaign disclosure board, and making changes relating to absentee voting procedures, including request and delivery of absentee ballot applications, delivery of absentee ballots to the voter, and delivery of completed absentee ballots to the county commissioner of elections, and including effective date provisions.

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

**House File 615**, by committee on judiciary, a bill for an act to legalize the proceedings of the City Council of the City of Urbandale relating to the approval of a partial exemption from property taxation of actual value added to industrial real estate, and providing for effective and applicability dates.

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

**House File 616**, by committee on commerce, regulation and labor, a bill for an act prohibiting a cancellation penalty upon cancellation of

a purchase agreement for cemetery merchandise, funeral merchandise, and funeral services.

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

**House File 617**, by committee on agriculture, a bill for an act requiring that dealers of certain swine file a surety bond with the department of agriculture and land stewardship.

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

**House File 618**, by Stevens, a bill for an act relating to the prevention and control of certain invasive plant and animal species and providing penalties.

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

**House File 619**, by committee on human resources, a bill for an act relating to health care including reimbursement of health care facilities based on resident program eligibility.

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

**House File 620**, by committee on economic growth, a bill for an act relating to new capital investment for businesses and new jobs by creating a new capital investment program, creating tax incentives, and amending the new jobs and income program.

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

**House File 621**, by committee on economic growth, a bill for an act relating to creating a loan and credit guarantee program and fund.

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

**House File 622**, by Mascher, a bill for an act relating to the issuance of deer hunting licenses to nonresident landowners and providing a fee and penalties.

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

**House File 623**, by committee on transportation, a bill for an act relating to registration with the United States selective service system by application for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card.

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

**House File 624**, by committee on agriculture, a bill for an act regulating farm deer, providing for penalties, and providing an effective date.

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

**House File 625**, by Quirk, a bill for an act providing for the issuance of bonds by the state transportation commission which are payable from the road use tax fund for four-lane construction or improvement projects on certain United States highways.

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

**House File 626**, by committee on economic growth, a bill for an act revising the requirements for establishing the state general fund expenditure limitation.

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

**House File 627**, by committee on human resources, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

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

**House File 628**, by committee on human resources, a bill for an act relating to physician assistant licensure, and providing an effective date.

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

**House File 629**, by committee on economic growth, a bill for an act creating workforce training and economic development funds for community colleges and making related appropriations.



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

**House File 630**, by committee on human resources, a bill for an act relating to technical amendments with regard to programs under the authority of the department of public health.

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

### SENATE MESSAGES CONSIDERED

**Senate File 3**, by Johnson, a bill for an act relating to the inclusion of certain information in a termination of pregnancy report.

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

**Senate File 73**, by McKinley, a bill for an act relating to the reporting requirements under the Iowa industrial new jobs training Act.

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

**Senate File 119**, by committee on commerce, a bill for an act relating to real estate appraiser certification.

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

**Senate File 173**, by committee on education, a bill for an act authorizing school districts to deduct and pay fees for membership in not-for-profit professional education associations.

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

**Senate File 203**, by committee on state government, a bill for an act relating to the installation of certain aboveground petroleum storage tanks.

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

**Senate File 221**, by committee on judiciary, a bill for an act relating to the criminal offense of sexual exploitation of a minor.

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

**Senate File 224**, by committee on judiciary, a bill for an act relating to appeals filed in child in need of assistance and termination of parental rights proceedings.

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

**Senate File 230**, by committee on local government, a bill for an act relating to the procedure for reducing the number of members of a city council from five to three in certain cities.

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

**Senate File 235**, by committee on state government, a bill for an act relating to professional licensing boards by providing for the updating of continuing education and regulatory requirements to include specified licensing boards, authorizing specified licensing boards to obtain criminal history data relating to applicants for licensure and licensees, and authorizing the collection of fees for related costs.

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

**Senate File 236**, by committee on commerce, regulation and labor, a bill for an act relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date.

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

**Senate File 272**, by committee on local government, a bill for an act relating to conflicts of interest in public contracts.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dix of Butler, Carroll of Poweshiek, Eichhorn of Hamilton and Jenkins of Black Hawk, until their arrival, on request of Gipp of Winneshiek.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 395**, a bill for an act relating to the extension of credit without discrimination under the consumer credit code, was taken up for consideration.

Wilderdyke of Harrison 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. 395)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dolecheck
Drake	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.R.	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 8:

Boal	Carroll	Dix	Eichhorn
Jochum	Taylor, T.	Van Fossen, J.K.	Watts

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

**House File 396**, a bill for an act relating to disaster preparedness and providing an effective date, 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 396 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "director" the following: "or the director's
- 4 designee".
- 5 2. Page 3, lines 24 and 25, by striking the words
- 6 "national pharmaceutical" and inserting the following:
- 7 "strategic national".
- 8 3. Page 5, line 20, by striking the words "to
- 9 produce" and inserting the following: "by the owner
- 10 to procure".

Amendment H-1038 was adopted.

Murphy of Dubuque offered the following amendment H-1047 filed by him and moved its adoption:

H-1047

- 1 Amend House File 396 as follows:
- 2 1. Page 10, by inserting after line 23 the
- 3 following:
- 4 "Sec. \_\_. SMALLPOX VACCINATIONS. It is the
- 5 intent of the general assembly that public safety
- 6 workers, smallpox response teams, and others who will
- 7 be required to be vaccinated pursuant to the federal
- 8 Homeland Security Act be protected from both health-
- 9 related and other results of the federally required
- 10 vaccination. State and local government should work
- 11 with employees in the public safety areas or response
- 12 teams to achieve the following:
- 13 1. Vaccinations should be given only on a
- 14 voluntary basis.
- 15 2. Extensive screening should be employed to
- 16 protect those workers who would be at risk from
- 17 current health conditions if vaccinated.
- 18 3. Reprisals or discrimination for workers not
- 19 voluntarily receiving vaccinations should be
- 20 prohibited.
- 21 4. Public employers should protect employees from

22 loss of income or seniority as a result of side  
 23 effects from vaccinations. Homeland security moneys  
 24 received from the federal government should include a  
 25 set-aside to purchase supplemental insurance for  
 26 public safety or response employees to cover those  
 27 reactions not covered by traditional employer-provided  
 28 health insurance.  
 29 5. Disability or long-term reactions from  
 30 vaccinations should be considered a work-related  
 31 injury and should be covered by local or state  
 32 policies governing disability.  
 33 6. Vaccinations should be scheduled at staggered  
 34 times to allow for normal loss of staff time because  
 35 of vaccination-related illnesses without seriously  
 36 hampering public safety service.  
 37 7. Vaccinations administered in Iowa should meet  
 38 the requirements of the federal Needlestick Safety and  
 39 Prevention Act of 2000 that requires safety features  
 40 in the use of needles to administer medicine.  
 41 8. The Iowa department of public health and the  
 42 division of emergency management of the department of  
 43 public defense should coordinate efforts to ensure  
 44 adequate supplies of vaccinia immune globulin and  
 45 cidofovir and other appropriate medical care and  
 46 pharmaceuticals to protect those employees who suffer  
 47 reactions to vaccinations."  
 48 2. By renumbering as necessary.

Amendment H-1047 lost.

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. 396)

• The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dolecheck
Drake	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach

Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Boal	Carroll	Dix	Eichhorn
Taylor, T.			

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 395 and 396.**

The House stood at ease at 9:31 a.m., until the fall of the gavel.

The House resumed session at 11:07 a.m., Speaker pro tempore Carroll in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

### 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 18, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 290, a bill for an act authorizing the issuance of special registration plates to owners of motor trucks.

Also: That the Senate has on March 18, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 343, a bill for an act relating to enforcement of motor vehicle law provisions and making penalties applicable.

Also: That the Senate has on March 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 152, a bill for an act relating to compensation for members of county commissions of veteran affairs.

Also: That the Senate has on March 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 155, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Also: That the Senate has on March 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 196, a bill for an act relating to rotation of judges' names on the ballots in certain counties.

Also: That the Senate has on March 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 303, a bill for an act relating to the contents of certain child abuse assessment reports.

Also: That the Senate has on March 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 340, a bill for an act relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations.

Also: That the Senate has on March 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 343, a bill for an act relating to operation permits for public disposal systems and providing an effective date.

Also: That the Senate has on March 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 353, a bill for an act requiring establishment of county child protection assistance teams.

MICHAEL E. MARSHALL, Secretary

**House File 411**, a bill for an act providing resident license fees for hunting, fishing, trapping, and related activities to certain persons in the armed forces of the United States, was taken up for consideration.

Rasmussen of Buchanan 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. 411)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Carroll,			
Presiding			



The nays were, none.

Absent or not voting, 3:

Dix

Greiner

Taylor, T.

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

**House File 456**, a bill for an act relating to contract choice-of-law provisions referring to the uniform computer information transactions Act, and related matters and providing an effective date, was taken up for consideration.

Jacobs of Polk 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. 456)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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

### HOUSE FILE 244 WITHDRAWN

Rasmussen of Buchanan asked and received unanimous consent to withdraw House File 244 from further consideration by the House.

### IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 411 and 456.**

**House File 543**, a bill for an act relating to the provision of certain information for insureds regarding external review of health care coverage decisions, was taken up for consideration.

Hansen of Pottawattamie 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. 543)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox

Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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

#### HOUSE FILE 97 WITHDRAWN

Hansen of Pottawattamie asked and received unanimous consent to withdraw House File 97 from further consideration by the House.

House File 404, a bill for an act authorizing a sentencing court to issue no-contact orders against persons arrested for any public offense, was taken up for consideration.

Eichhorn of Hamilton offered the following amendment H-1044 filed by him and moved its adoption:

H-1044

1 Amend House File 404 as follows:

2 1. Page 1, line 8, by inserting after the word  
3 "victim" the following: ", persons residing with the  
4 victim, members of the victim's immediate family, or  
5 witnesses to the offense".

6 2. Page 1, by inserting after line 14 the  
7 following:

8 "Upon the filing of an affidavit by the victim  
9 which states that the defendant continues to pose a  
10 threat to the safety of the victim, persons residing  
11 with the victim, members of the victim's immediate  
12 family, or witnesses to the offense within ninety days

- 13 prior to the expiration of the no-contact order, the  
 14 court shall modify and extend the no-contact order for  
 15 an additional period of up to five years, unless the  
 16 court finds that the defendant no longer poses a  
 17 threat to the safety of the victim, persons residing  
 18 with the victim, members of the victim's immediate  
 19 family, or witnesses to the offense. The number of  
 20 modifications extending the no-contact order permitted  
 21 by this subsection is not limited."

Amendment H-1044 was adopted.

Eichhorn of Hamilton 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. 404)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyeke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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

### Appropriations Calendar

**House File 472**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, was taken up for consideration.

Upmeyer of Hancock offered the following amendment H-1070 filed by her and moved its adoption:

H-1070

- 1 Amend House File 472 as follows:
- 2 1. By striking page 1, line 24 through page 2,
- 3 line 3 and inserting the following:
- 4 "2. At least 20 percent of the funds remaining
- 5 from the appropriation made in subsection 1 shall be
- 6 allocated for prevention programs."
- 7 2. Page 2, line 4, by striking the figure "4" and
- 8 inserting the following: "3".
- 9 3. Page 23, line 5, by inserting after the word
- 10 "communities" the following: "- community service
- 11 for suspended and expelled students".
- 12 4. Page 44, by striking lines 28 through 30.
- 13 5. By renumbering as necessary.

Amendment H-1070 was adopted, placing out of order amendment H-1072 filed by Upmeyer of Hancock.

Upmeyer of Hancock 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. 472)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford'
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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

### IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 404, 472 and 543.**

On motion by Klemme of Plymouth, the House was recessed at 11:47 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 12:59 p.m., Speaker Rants in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-four members present, twenty-six absent.

## CONSIDERATION OF BILLS

## Regular Calendar

**House Joint Resolution 5**, a joint resolution to nullify administrative rules of the department of natural resources concerning methods of taking wild turkey and deer and providing an effective date, with report of committee recommending adoption, was taken up for consideration.

Baudler of Adair moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 5)

The yeas were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Maddox	Manternach	Mascher	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen

Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Struyk
Swaim	Taylor, D.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 4:

Fallon	Granzow	Greimann	McCarthy
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Absent or not voting, 3:

Lykam	Stevens	Taylor, T.
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The joint resolution having received a constitutional majority was declared to have been adopted by the House and the title was agreed to.

### SPECIAL PRESENTATION

Rayhons of Hancock introduced to the House the Honorable Cliff Branstad, former state representative from Winnebago County.

The House rose and expressed its welcome.

**House File 391**, a bill for an act establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal, was taken up for consideration.

Wise of Lee asked and received unanimous consent to withdraw amendment H-1039 filed by him and Jenkins of Black Hawk on March 10, 2003.

Wise of Lee asked and received unanimous consent to withdraw amendment H-1045 filed by him and Jenkins of Black Hawk on March 11, 2003.

Wise of Lee offered the following amendment H-1064 filed by Wise and Jenkins of Black Hawk and moved its adoption:



H-1064

1 Amend House File 391 as follows:

- 2 1. Page 2, line 19, by inserting after the word  
3 "applicable," the following: "The guidelines, rules,  
4 and procedures shall not require participation in a  
5 cogeneration pilot project or program by any rate-  
6 regulated public utility providing retail electric  
7 service to more than five hundred twenty thousand  
8 customers in the state as of January 1, 2003, but any  
9 such utility shall have the option to participate."  
10 2. Page 3, line 10, by striking the word  
11 "facility" and inserting the following: "facility,  
12 alternate energy production facility, cogeneration  
13 pilot project facility,".  
14 3. Page 4, by striking lines 27 through 29 and  
15 inserting the following: "public utility shall have  
16 the option of proceeding ~~with construction or lease of~~  
17 ~~the facility in Iowa or withdrawing according to~~  
18 ~~either of the following:~~  
19 (1) Withdrawing its application for a certificate  
20 under pursuant to chapter 476A.  
21 (2) Proceeding with the construction or lease of  
22 the facility or implementation of an energy sales  
23 agreement related to a cogeneration pilot project  
24 facility."  
25 4. Page 5, line 26, by striking the words  
26 "months, and if there is no" and inserting the  
27 following: "months or if there is".  
28 5. By renumbering, relettering, redesignating, and  
29 correcting internal references as necessary.

Amendment H-1064 was adopted.

Wise of Lee 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. 391)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevort	Gaskill

Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, D.                      Taylor, T.

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

### HOUSE FILE 199 WITHDRAWN

Wise of Lee asked and received unanimous consent to withdraw House File 199 from further consideration by the House.

### 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 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 298, a bill for an act expanding the criminal offense of possessing contraband in correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail.

Also: That the Senate has on March 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 342, a bill for an act relating to the sale of wine produced by native wineries in this state.

Also: That the Senate has on March 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 351, a bill for an act relating to child care requirements involving prohibitions against involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

### IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Joint Resolution 5** and **House File 391**.

**House File 506**, a bill for an act renaming the department of economic development and the Iowa economic development board, was taken up for consideration.

Granzow of Hardin 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. 506)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus

Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Smith	Stevens
Struyk	Swaim	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Shoultz                      Taylor, D.                      Taylor, T.

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

**House File 529**, a bill for an act directing the mental health and developmental disabilities commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults and children and providing an effective date, was taken up for consideration.

Heaton of Henry 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. 529)

The ayes were, 88:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Bogges	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevort	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lukan	Lykam	Maddox
Manternach	McCarthy	Mertz	Miller
Myers	Oldson	Olson, D.	Olson, S.

Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Smith	Stevens
Struyk	Swaim	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Wise	Mr. Speaker
			Rants

The nays were, 11:

Berry	Connors	Hunter	Jochum
Lensing	Mascher	Murphy	Osterhaus
Shultz	Taylor, D.	Winckler	

Absent or not voting, 1:

Taylor, T.

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

### HOUSE FILE 221 WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw House File 221 from further consideration by the House.

House File 548, a bill for an act relating to tribal law enforcement officer training at the Iowa law enforcement academy, was taken up for consideration.

Horbach of Tama offered amendment H-1071 filed by him as follows:

H-1071

- 1 Amend House File 548 as follows:
- 2 1. Page 1, by inserting after line 11 the
- 3 following:
- 4 "Sec. \_\_\_\_ NEW SECTION. 80B.18 LAW ENFORCEMENT
- 5 OFFICER - TRIBAL GOVERNMENT.
- 6 A law enforcement officer who is a member of a
- 7 police force of a tribal government and who becomes
- 8 certified through the Iowa law enforcement academy
- 9 shall be subject to the certification and revocation
- 10 of certification rules and procedures as provided in
- 11 this chapter. The certified law enforcement officer
- 12 shall be subject to the jurisdiction of the courts of

13 this state if an agreement exists between the tribal  
14 government and the state or between the tribal  
15 government and a county, which grants authority to the  
16 law enforcement officer to act in a law enforcement  
17 capacity off a settlement or reservation."  
18 2. By renumbering as necessary.

Petersen of Polk offered the following amendment H-1079, to amendment H-1071, filed by her from the floor and moved its adoption:

#### H-1079

1 Amend the amendment, H-1071, to House File 548 as  
2 follows:  
3 1. Page 1, by inserting after line 3 the  
4 following:  
5 ""Sec. \_\_. Section 80B.11, subsections 1 and 2,  
6 Code 2003, are amended to read as follows:  
7 1. Minimum entrance requirements, course of study,  
8 attendance requirements, and equipment and facilities  
9 required at approved law enforcement training schools.  
10 Minimum age requirements for entrance to approved law  
11 enforcement training schools shall be eighteen years  
12 of age. Minimum course of study requirements shall  
13 include a separate domestic abuse curriculum, which  
14 may include, but is not limited to, outside speakers  
15 from domestic abuse shelters and crime victim  
16 assistance organizations. Minimum course of study  
17 requirements shall also include a sexual assault  
18 curriculum.  
19 2. Minimum basic training requirements law  
20 enforcement officers employed after July 1, 1968, must  
21 complete in order to remain eligible for continued  
22 employment and the time within which such basic  
23 training must be completed. Minimum requirements  
24 shall mandate training devoted to the topic of  
25 domestic abuse and sexual assault. The council shall  
26 submit an annual report to the general assembly by  
27 January 15 of each year relating to the continuing  
28 education requirements devoted to the topic of  
29 domestic abuse, including the number of hours  
30 required, the substance of the classes offered, and  
31 other related matters."  
32 2. Page 1, by inserting after line 17 the  
33 following:  
34 " \_\_. Title page, line 1, by striking the word  
35 "tribal"."

Amendment H-1079 was adopted.

On motion by Horbach of Tama, amendment H-1071, as amended, was adopted.

Horbach of Tama 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. 548)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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

## HOUSE FILE 356 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House File 356 from further consideration by the House.

**House File 446**, a bill for an act relating to dealership agreements, and providing for the Act's applicability, was taken up for consideration.

Manternach of Jones 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. 446)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Carroll

Foege

Taylor, T.



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 446, 506, 529 and 548.**

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 18, 2003. Had I been present, I would have voted "aye" on House Files 395 and 396.

BOAL of Polk

I was necessarily absent from the House chamber on March 18, 2003. Had I been present, I would have voted "aye" on House File 395.

J.K. VAN FOSSEN of Scott

I was necessarily absent from the House chamber on March 18, 2003. Had I been present, I would have voted "aye" on House File 395.

WATTS of Dallas

### PROOF OF PUBLICATION

(House File 615)

Published copy of House File 615 and verified proof of publication of said bill in the Polk County Press Citizen, a weekly newspaper of general circulation, printed and published in Polk County, Iowa on February 14, 2003, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

### 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

- |          |   |
|----------|---|
| 2003\790 | Keith and Peg Parcell, Lockridge – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2003\791 | Bob and Arlene Kramer, Clear Lake – For celebrating their 50 <sup>th</sup> wedding anniversary.   |
| 2003\792 | Leona Jorgensen, Coulter – For celebrating her 90 <sup>th</sup> birthday.   |
| 2003\793 | Leona Buss, Sheffield – For celebrating her 80 <sup>th</sup> birthday.  |
| 2003\794 | Allen and Arlene Peterson, Ventura – For celebrating their 60 <sup>th</sup> wedding anniversary.  |
| 2003\795 | Wayne and Alvina Muhlenbruch, Clear Lake – For celebrating their 50 <sup>th</sup> wedding anniversary.                                      |
| 2003\796 | Ronald and Nancy Schroeder, Clear Lake – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2003\797 | Zelda Hedeman, Guttentberg – For celebrating her 91 <sup>st</sup> birthday.   |
| 2003\798 | Don Naber, Edgewood – For celebrating his 80 <sup>th</sup> birthday.  |
| 2003\799 | Neil and Ginny Meyer, Monoma – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2003\800 | Robert Dietz, Wadena – For celebrating his 90 <sup>th</sup> birthday.   |
| 2003\801 | Ashley Derr, Cardinal Stritch High School – For being named to the SEI Superconference South Division first team in girls basketball.       |
| 2003\802 | Krissy High, Cardinal Stritch High School – For being named to the SEI Superconference South Division second team in girls basketball.      |
| 2003\803 | Jennifer Goetz, Cardinal Stritch High School – For being named to the Iowa Girls' All-State Basketball team for her third consecutive year. |
| 2003\804 | Sarah Weirather, Central Lee High School – For being named to the SEI Superconference West Division first team in girls basketball.         |
| 2003\805 | Megan Fedler, Central Lee High School – For being named to the SEI Superconference West Division first team in girls basketball.            |

- 2003\806 Jenna Muerhoff, Central Lee High School – For being named to the SEI Superconference West Division second team in girls basketball.
- 2003\807 Ben Vogel, Central Lee High School – For being named to the SEI Superconference West Division first team in boys basketball.
- 2003\808 Travis Colvin, Central Lee High School – For being named to the SEI Superconference West Division first team in boys basketball.
- 2003\809 Jason Gabel, Central Lee High School – For being named to the SEI Superconference West Division second team in boys basketball.
- 2003\810 Matt Hulsebus, Central Lee High School – For being named to the SEI Superconference West Division second team in boys basketball.
- 2003\811 Mike Rector, Cardinal Stritch High School – For being named to the SEI Superconference South Division second team in boys basketball.
- 2003\812 Ruth Nicholson, Oelwein – For celebrating her 95<sup>th</sup> birthday.
- 2003\813 Agnes Hennings, Readlyn – For celebrating her 85<sup>th</sup> birthday.
- 2003\814 Cyrus Oscars, Perry – For celebrating his 89<sup>th</sup> birthday.
- 2003\815 James Ferren Stebbins, Perry – For celebrating his 86<sup>th</sup> birthday.
- 2003\816 Dewie Lucille Zaruba, Perry – For celebrating her 85<sup>th</sup> birthday.
- 2003\817 Arthur Jenkins, Perry – For celebrating his 82<sup>nd</sup> birthday.
- 2003\818 Mae Anna Borgert, Boone – For celebrating her 88<sup>th</sup> birthday.
- 2003\819 Katherine Irene Crouse, Boone – For celebrating her 91<sup>st</sup> birthday.
- 2003\820 Carol Dorothea Reeves, Boone – For celebrating her 91<sup>st</sup> birthday.
- 2003\821 Dorothy Ellen Rose, Boone – For celebrating her 89<sup>th</sup> birthday.
- 2003\822 Lillian Wetterling, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2003\823 Verle "Bud" Keegan, Mason City – For celebrating his 91<sup>st</sup> birthday.
- 2003\824 Dorothy Birch, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2003\825 Mildred Chambers, Fontanelle – For celebrating her 80<sup>th</sup> birthday.
- 2003\826 Earl and Esther Rinderknecht, Urbana – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\827 Richard Bridge, Vinton – For his 50 years as an American Legion member.

- 2003\828      Lauretta Peterson, Newhall – For celebrating her 80<sup>th</sup> birthday.
- 2003\829      Betty McIntyre, Vinton – For celebrating her 85<sup>th</sup> birthday.
- 2003\830      Katherine Vermedahl, Vinton – For celebrating her 80<sup>th</sup> birthday.
- 2003\831      Laura Henze, State Center – For celebrating her 98<sup>th</sup> birthday.
- 2003\832      Alfred and Iona Hofer, State Center – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\833      Myrtle Lepper, Hubbard – For celebrating her 90<sup>th</sup> birthday.
- 2003\834      Mr. and Mrs. James Campbell, Iowa Falls – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\835      Rick and Gert Hansen, Brayton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\836      Wanda Albright, Guthrie Center – For celebrating her 80<sup>th</sup> birthday.
- 2003\837      Claude Messinger, Menlo – For celebrating his 85<sup>th</sup> birthday.
- 2003\838      Helen Stakey, Massena – For celebrating her 80<sup>th</sup> birthday.
- 2003\839      Raymond Beckman, Des Moines – For celebrating his 100<sup>th</sup> birthday.
- 2003\840      Dr. R.O. Masters, Sr., Mason City – For celebrating his 90<sup>th</sup> birthday.
- 2003\841      Martha Meyer, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2003\842      Lucille Nessett, Mason City – For celebrating her 90<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENT

#### Senate File 73

Economic Growth: Lukan, Chair; Lalk and Struyk.

#### RESOLUTION FILED

**HR 33**, by Ford, a resolution supporting public policy changes so that substance abuse treatment services have parity with other services provided under public and private health coverage.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-1073	H.F.	516	Klemme of Plymouth Ford of Polk
H-1074	H.F.	549	Chambers of O'Brien
H-1075	H.F.	488	Fallon of Polk
H-1076	H.F.	593	Jacobs of Polk
H-1077	H.F.	549	Tjepkes of Webster Wise of Lee Chambers of O'Brien
H-1078	H.F.	542	Baudler of Adair
H-1080	H.F.	525	Hogg of Linn Greiner of Washington
H-1081	H.F.	585	Eichhorn of Hamilton
H-1082	H.F.	549	Gipp of Winneshiek
H-1083	H.F.	421	Baudler of Adair
H-1084	H.F.	400	Hogg of Linn
H-1085	H.F.	400	Hogg of Linn
H-1086	H.F.	400	Hogg of Linn
H-1087	H.F.	479	Upmeyer of Hancock
H-1088	H.F.	549	Raecker of Polk

On motion by Gipp of Winneshiek the House adjourned at 2:25 p.m., until 8:45 a.m., Wednesday, March 19, 2003.

# JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 19, 2003

The House met pursuant to adjournment at 8:46 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Lloyd Johnston, pastor of the First Baptist Church, Centerville. He was the guest of Representative Kurt Swaim of Davis County.

The Journal of Tuesday, March 18, 2003 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto from five hundred eighty-four constituents favoring the preservation of the senior living trust fund, essential to providing services to the elderly in Iowa.

## INTRODUCTION OF BILLS

**House File 631**, by committee on judiciary, a bill for an act relating to the apportionment of judgeships and the voluntary transfer of a district judge among the judicial election districts.

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

**House File 632**, by Shoultz, a bill for an act relating to the enactment of a state living wage and providing effective and applicability dates.

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

**House File 633**, by committee on commerce, regulation, and labor, a bill for an act relating to cemeteries and cemetery regulation; establishing requirements for interment rights agreements, reporting, and permits; establishing and appropriating fees; and providing administration and enforcement procedures and penalties.

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

**House File 634**, by committee on agriculture, a bill for an act relating to the conversion of cooperative associations originally organized as business corporations.

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

**House File 635**, by committee on judiciary, a bill for an act relating to the clerk of the district court by changing the method of appointment, by permitting a clerk to serve in more than one county, and by eliminating certain residency requirements.

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

**House File 636**, by committee on administration and rules, a bill for an act relating to legislative branch consolidation of functions by combining the legislative service bureau, legislative fiscal bureau, and legislative computer support bureau into a single central legislative staff agency, providing for legislative publications procedures, modifying the sales tax exemption for items sold or services provided by the new agency, including related matters, and providing an effective date.

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

**House File 637**, by committee on public safety, a bill for an act relating to tobacco retailers and providing penalties and providing applicability provisions and an effective date.

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

**House File 638**, by committee on public safety, a bill for an act relating to ephedrine and pseudoephedrine, and making penalties applicable.

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

**House File 639**, by Ford, a bill for an act relating to stipends for athlete students competing in a state board of regents university football program and including a conditional effectiveness provision.

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

**House File 640**, by Alons, a bill for an act relating to the deduction of corporate dividends received in computing state individual income taxes and including effective and retroactive applicability date provisions.

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

**House File 641**, by committee on human resources, a bill for an act providing for changes relating to programs under the purview of the Iowa department of public health.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 152**, by Kibbie, a bill for an act relating to compensation for members of county commissions of veteran affairs.

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

**Senate File 155**, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

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

**Senate File 196**, by McCoy, a bill for an act relating to rotation of judges' names on the ballots in certain counties.

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

**Senate File 298**, by committee on judiciary, a bill for an act expanding the criminal offense of possessing contraband in



correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail.

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

**Senate File 303**, by Kreiman, a bill for an act relating to the contents of certain child abuse assessment reports.

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

**Senate File 340**, by committee on commerce, a bill for an act relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations.

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

**Senate File 342**, by committee on natural resources and environment, a bill for an act relating to the sale of wine produced by native wineries in this state.

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

**Senate File 343**, by committee on natural resources and environment, a bill for an act relating to operation permits for public disposal systems and providing an effective date.

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

**Senate File 351**, by committee on human resources, a bill for an act relating to child care requirements involving prohibitions against involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable.

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

**Senate File 353**, by committee on human resources, a bill for an act requiring establishment of county child protection assistance teams.

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

## 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 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 390, a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, allowing formation of local government organization review committees, and including effective and applicability date provisions.

Also: That the Senate has on March 18, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 401, a bill for an act relating to tobacco retailers and providing penalties and providing applicability provisions and an effective date.

MICHAEL E. MARSHALL, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 489**, a bill for an act relating to programs and services under the purview of the department of human services, and providing for retroactive applicability and effective dates, was taken up for consideration.

Boddicker of Cedar 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. 489)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Hoffman                      Taylor, T.

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

### Ways and Means Calendar

**House File 344**, a bill for an act allowing a refund of motor fuel taxes paid by a benefited fire district, was taken up for consideration.

Huser of Polk 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. 344)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Hoffman                      Taylor, T.

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

### Regular Calendar

**House File 503**, a bill for an act relating to the authorization of podiatrists to administer anesthesia, was taken up for consideration.

Boddicker of Cedar 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. 503)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Hoffman	Taylor, T.	Wilderdyke
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 132 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 132 from further consideration by the House.

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 344, 489 and 503.**

The House stood at ease at 9:12 a.m., until the fall of the gavel.

The House resumed session at 11:31 a.m., Speaker Rants in the chair.

### 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 19, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 316, a bill for an act relating to the conduct and licensure of school employees by creating a criminal offense of sexual exploitation by a school employee, providing a penalty, authorizing the board of educational examiners to perform record checks at the applicant's expense, and requiring school districts and schools to report practitioner misconduct under certain circumstances.

Also: That the Senate has on March 19, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 376, a bill for an act relating to the surcharge for certain dishonored negotiable instruments.

Also: That the Senate has on March 19, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 378, a bill for an act relating to the deposit and use of moneys received by cities and counties for assumption of jurisdiction of primary roads and providing effective and retroactive applicability dates.

Also: That the Senate has on March 19, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 379, a bill for an act relating to certain agricultural liens.

Also: That the Senate has on March 19, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 417, a bill for an act relating to the purchase of a police service dog by the department of corrections.

MICHAEL E. MARSHALL, Secretary

### ADOPTION OF HOUSE RESOLUTION 31

Alons of Sioux called up for consideration **House Resolution 31**, a resolution honoring the Iowa State University of Science and

Technology Extension for 100 years of service to Iowa; and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Jacobs of Polk, the House was recessed at 11:38 a.m., until 5:00 p.m.

### EVENING SESSION

The House reconvened at 5:46 p.m., Speaker Rants in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty members present, twenty members absent.

### INTRODUCTION OF BILLS

**House File 642**, by committee on agriculture, a bill for an act relating to the regulation of motor vehicle fuel, providing for penalties, providing for a compliance fund, and providing for an appropriation.

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

**House File 643**, by committee on judiciary, a bill for an act concerning procedures, duties, and fees related to the judicial branch.

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

**House File 644**, by committee on agriculture, a bill for an act providing for manure application requirements, providing for fees, making penalties applicable, and providing an effective date.

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

**House File 645**, by Jenkins, a bill for an act providing a sales and use tax exemption for soy-based railroad rail lubricants.

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

**House File 646**, by committee on state government, a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, allowing formation of local government organization review committees, and including effective and applicability date provisions.

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

**House File 647**, by committee on commerce, regulation and labor, a bill for an act relating to insurance, including various filing and information privacy requirements throughout the insurance code, calculation of assessments by the Iowa individual health benefit reinsurance association, payment of certain insurance fees, certain self-funded insurance plans by school corporations or political subdivisions, designation of the commissioner of insurance as process agent for various entities conducting insurance business in this state, notification provisions relating to the effective date of cancellation of insurance, beneficial stock ownership filings, funding agreements, creating an insurable interest in active or retired employee lives for the benefit of an employer, providing for an interstate insurance product regulation compact, and providing for retroactive applicability and an effective date.

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

**House File 648**, by committee on state government, a bill for an act relating to the consolidation of the management of state archives and records and making conforming changes.

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

**House File 649**, by committee on public safety, a bill for an act relating to the statutory responsibilities of the department of public defense, emergency management division, by modifying the responsibilities of the emergency management division regarding



urban search and rescue, incident command system training, and enhanced 911 service administration, modifying enhanced 911 surcharges, and providing an effective date.

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

**House File 650**, by committee on judiciary, a bill for an act relating to the assessment of a correctional fee by a county or municipality, and to the prosecution of certain criminal offenses committed in a municipality located in two or more counties.

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

**House File 651**, by committee on agriculture, a bill for an act providing wine gallonage tax revenue to support grape and wine development, and providing an effective date and retroactive applicability.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 316**, by committee on education, a bill for an act relating to the conduct and licensure of school employees by creating a criminal offense of sexual exploitation by a school employee, providing a penalty, authorizing the board of educational examiners to perform record checks at the applicant's expense, and requiring school districts and schools to report practitioner misconduct under certain circumstances.

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

**Senate File 376**, by committee on commerce, a bill for an act relating to the surcharge for certain dishonored negotiable instruments.

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

**Senate File 378**, by committee on transportation, a bill for an act relating to the deposit and use of moneys received by cities and

counties for assumption of jurisdiction of primary roads and providing effective and retroactive applicability dates.

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

**Senate File 379**, by committee on judiciary, a bill for an act relating to certain agricultural liens.

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

**Senate File 390**, by committee on state government, a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, allowing formation of local government organization review committees, and including effective and applicability date provisions.

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

**Senate File 417**, by committee on judiciary, a bill for an act relating to the purchase of a police service dog by the department of corrections.

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

Boal of Polk in the chair at 5:56 p.m.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 412**, a bill for an act relating to the amount of mussels and shells which may be taken pursuant to a sport fishing license, was taken up for consideration.

Baudler of Adair 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. 412)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Bogges	Bukta	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevort	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Boal,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Boddicker

Taylor, D.

Taylor, T.

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

### HOUSE FILE 238 WITHDRAWN

Baudler of Adair asked and received unanimous consent to withdraw House File 238 from further consideration by the House.

**House File 492**, a bill for an act relating to soil conservation by providing for the acquisition of land by soil and water conservation districts, and eliminating certain reporting requirements, was taken up for consideration.

S. Olson of Clinton 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. 492)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Bogges	Bukta	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Boal,	
		Presiding	

The nays were, 2:

Greiner                      Van Engelenhoven

Absent or not voting, 3:

Boddicker                      Taylor, D.                      Taylor, T.

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

Speaker Rants in the chair at 6:13 p.m.

**House File 564**, a bill for an act providing for an annual allocation of four million dollars for accelerated career education programs, was taken up for consideration.

Jenkins of Black Hawk asked and received unanimous consent that House File 564 be deferred and that the bill retain its place on the calendar.

### RULE 32 INVOKED

The Speaker announced that pursuant to Rule 32, House File 564 was referred to the committee on Appropriations.

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 412 and 492**.

**House File 577**, a bill for an act providing for a waiver of deadline requirements relating to whole-grade sharing agreements in specified school districts, and providing an effective date, was taken up for consideration.

Roberts of Carroll 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. 577)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Boal	Boggess	Bukta	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman

Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Berry	Boddicker	Taylor, D.	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 525**, a bill for an act creating an environmental oversight committee, was taken up for consideration.

Hogg of Linn offered the following amendment H-1080 filed by Hogg and Greiner of Washington and moved its adoption:

H-1080

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 21, by inserting after the word
- 3 "appointed." the following: "When the majority and
- 4 minority parties in a house change, the house's
- 5 members serving on the committee shall cease to be
- 6 members of the committee and the appointing
- 7 authorities for the new majority and minority parties
- 8 shall appoint successors."

Amendment H-1080 was adopted.

Greiner of Washington 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. 525)

The ayes were, 61:

Alons	Arnold	Baudler	Boal
Boggess	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Ford	Freeman
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Hoffman
Hogg	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kurtenbach	Lalk	Lukan
Maddox	Manternach	Mertz	Olson, S.
Osterhaus	Paulsen	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Stevens	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wildurdyke
Mr. Speaker			
Rants			

The nays were, 36:

Bell	Berry	Bukta	Cphoon
Connors	Dandekar	Davitt	Fallon
Foege	Frevert	Gaskill	Greimann
Heddens	Hunter	Huser	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller	Murphy	Myers
Oldson	Olson, D.	Petersen	Quirk
Shoultz	Smith	Swaim	Wendt
Whitaker	Whitead	Winckler	Wise

Absent or not voting, 3:

Boddicker	Taylor, D.	Taylor, T.
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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 525 and 577.**

**House File 549**, a bill for an act relating to the duties and operations of the department of education and school boards, was taken up for consideration.

Winckler of Scott offered the following amendment H-1054 filed by her and moved its adoption:

H-1054

1 Amend House File 549 as follows:

2 1. Page 1, by inserting before line 1, the  
3 following:

4 "Section 1. Section 256.7, subsection 24, Code  
5 2003, is amended to read as follows:

6 24. Adopt rules on or before January 1, 2001, to  
7 require school districts and accredited nonpublic  
8 schools to adopt local policies relating to health  
9 services, media services programs, and guidance  
10 programs, as part of the general accreditation  
11 standards applicable to school districts pursuant to  
12 section 256.11. This subsection shall be applicable  
13 strictly for reporting purposes and shall not be  
14 interpreted to require school districts and accredited  
15 nonpublic schools to provide or offer health services,  
16 ~~media services programs, or guidance programs.~~"

17 2. Page 1, by inserting after line 31, the  
18 following:

19 "Sec. \_\_\_\_ Section 256.11, Code 2003, is amended  
20 by adding the following new subsection:

21 **NEW SUBSECTION. 9.** Unless a waiver has been  
22 obtained under section 256.11A, each accredited  
23 nonpublic school or school district shall have the  
24 following:

25 a. A media center in each attendance center  
26 accessible to students throughout the school day and a  
27 qualified school media services specialist who meets  
28 the licensing standards prescribed by the board of  
29 educational examiners and who is responsible for media  
30 center supervision.

31 b. An articulated sequential elementary-secondary  
32 guidance program for grades kindergarten through  
33 twelve and a guidance counselor who meets the  
34 licensing standards prescribed by the board of



35 educational examiners.

36 In determining the requirements of this subsection  
37 for an accredited nonpublic school, the department  
38 shall evaluate the accredited nonpublic school on an  
39 accredited nonpublic school system basis rather than  
40 on an individual accredited nonpublic school basis.

41 Sec. \_\_\_\_ Section 256.11A, subsection 1, Code

42 2003, is amended to read as follows:

43 1. ~~Schools Accredited nonpublic schools~~ and school  
44 districts ~~unable to meet the standard adopted by the~~  
45 ~~state board requiring each school or school district~~  
46 ~~operating a kindergarten through grade twelve program~~  
47 ~~to provide an articulated sequential elementary-~~  
48 ~~secondary guidance program~~ may, not later than August  
49 1, ~~1995~~ 2003, for the school year beginning July 1,  
50 ~~1995~~ 2003, file a written request to the department of

Page 2

1 education that the department waive one or more of the  
2 requirement for requirements established in section  
3 256.11, subsection 9, that an accredited nonpublic  
4 school or school district have a media center and a  
5 qualified school media services specialist and that an  
6 accredited nonpublic school or school district  
7 operating a kindergarten through grade twelve program  
8 provide an articulated sequential elementary-secondary  
9 guidance program. The procedures specified in

10 subsection 3 apply to the request. Not later than  
11 August 1, ~~1996~~ 2004, for the school year beginning  
12 July 1, ~~1996~~ 2004, the board of directors of a school  
13 district or the authorities in charge of a nonpublic  
14 school may request a one-year extension of the waiver.

15 Sec. \_\_\_\_ Section 256.11A, subsection 2, Code  
16 2003, is amended by striking the subsection."

17 3. Page 20, by inserting after 19, the following:

18 "Sec. \_\_\_\_ STATE MANDATE FUNDING SPECIFIED. In

19 accordance with section 25B.2, subsection 3, the state  
20 cost of requiring compliance with any state mandate  
21 included in this Act shall be paid by a school  
22 district from state school foundation aid received by  
23 the school district under section 257.16. This

24 specification of the payment of the state cost shall  
25 be deemed to meet all the state funding-related  
26 requirements of section 25B.2, subsection 3, and no  
27 additional state funding shall be necessary for the  
28 full implementation of this Act by and enforcement of  
29 this Act against all affected school districts."

30 4. By renumbering as necessary.

Amendment H-1054 lost.

Mascher of Johnson offered amendment H-1066 filed by her as follows:

H-1066

- 1 Amend House File 549 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 232.2, subsection 12, Code
- 5 2003, is amended by adding the following new
- 6 paragraph:
- 7 NEW PARAGRAPH. d. The violation of section 299.6
- 8 by a child twelve years of age or older.
- 9 Sec. \_\_\_\_ Section 232.22, subsection 8, Code 2003,
- 10 is amended to read as follows:
- 11 8. Notwithstanding any other provision of the Code
- 12 to the contrary, a child shall not be placed in
- 13 detention for a violation of section 123.47 or 299.6,
- 14 or for failure to comply with a dispositional order
- 15 which provides for performance of community service
- 16 for a violation of section 123.47 or 299.6."
- 17 2. Page 18, by inserting after line 24 the
- 18 following:
- 19 "Sec. \_\_\_\_ Section 299.5A, unnumbered paragraph 4,
- 20 Code 2003, is amended to read as follows:
- 21 The school district shall be responsible for
- 22 monitoring any agreements arrived at through
- 23 mediation. If a parent, guardian, ~~or~~ legal or actual
- 24 custodian, or the child if the child is twelve years
- 25 of age or older, refuses to engage in mediation or
- 26 violates a term of the agreement, the matter shall be
- 27 rereferred to the county attorney for prosecution
- 28 under section 299.6. The county attorney's office or
- 29 the mediation service shall require the parent,
- 30 guardian, or legal or actual custodian and the school
- 31 to pay a fee to help defray the administrative cost of
- 32 mediation services. The county attorney's office or
- 33 the mediation service shall establish a sliding scale
- 34 of fees to be charged parents, guardians, and legal or
- 35 actual custodians based upon ability to pay. A
- 36 parent, guardian, or legal or actual custodian shall
- 37 not be denied the services of a mediator solely
- 38 because of inability to pay the fee.
- 39 Sec. \_\_\_\_ Section 299.6, unnumbered paragraph 1,
- 40 Code 2003, is amended to read as follows:
- 41 Any person who violates a mediation agreement under
- 42 section 299.5A, who is referred for prosecution under
- 43 section 299.5A and is convicted of a violation of any
- 44 of the provisions of sections 299.1 through 299.5, who
- 45 violates any of the provisions of sections 299.1
- 46 through 299.5, or who refuses to participate in

47 mediation under section 299.5A, for a first offense,  
48 is guilty of a simple misdemeanor. If a child twelve  
49 years of age or older violates a mediation agreement  
50 under section 299.5A, or refuses to participate in

Page 2

1 mediation under section 299.5A, the child commits a  
2 delinquent act."  
3 3. Title page, line 2, by inserting after the  
4 word "boards" the following: "and the responsibility  
5 of certain children to attend school".

Mascher of Johnson offered the following amendment H-1106, to amendment H-1066, filed by her from the floor and moved its adoption:

H-1106

1 Amend the amendment, H-1066, to House File 549 as  
2 follows:  
3 1. Page 1, line 4, by striking the figure "12"  
4 and inserting the following: "6".  
5 2. Page 1, by striking lines 7 and 8 and  
6 inserting the following:  
7 "NEW PARAGRAPH. r. Who is twelve years of age or  
8 older and violates a mediation agreement or refuses to  
9 participate in mediation pursuant to section 299.5A."  
10 3. Page 1, by striking lines 9 through 16.  
11 4. Page 1, by striking lines 19 through 38.  
12 5. Page 2, by striking lines 1 and 2, and  
13 inserting the following: "mediation under section  
14 299.5A, probable cause exists to believe that the  
15 child is a child in need of assistance pursuant to  
16 section 232.2, subsection 6, paragraph "r".  
17 Sec. \_\_. Section 299.8, Code 2003, is amended to  
18 read as follows:  
19 299.8 "TRUANT" DEFINED.  
20 Any child of compulsory attendance age who fails to  
21 attend school as provided in this chapter, or as  
22 required by the school board's or school governing  
23 body's attendance policy, or who fails to attend  
24 competent private instruction under chapter 299A,  
25 without reasonable excuse for the absence, shall be  
26 deemed to be a truant. ~~a finding that a child is~~  
27 ~~truant, however, shall not by itself mean that the~~  
28 ~~child is a child in need of assistance within the~~  
29 ~~meaning of chapter 232 and shall not be the sole basis~~  
30 ~~for a child in need of assistance petition."~~  
31 6. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 34, nays 54.

Amendment H-1106 lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1066 filed by her on March 17, 2003.

Gipp of Winneshiek asked and received unanimous consent to withdraw amendment H-1082 filed by him on March 18, 2003, placing out of order amendment H-1096 filed by Wise of Lee from the floor.

Chambers of O'Brien offered amendment H-1074 filed by him as follows:

H-1074

- 1 Amend House File 549 as follows:
- 2 1. Page 6, line 8, by inserting after the word
- 3 "reorganization" the following: "including any
- 4 school district whose petition to join the newly
- 5 reorganized area education agency has been approved".
- 6 2. Page 6, line 11, by inserting before the word
- 7 "filing" the following: "deadline, as set forth in
- 8 this subsection, for the".
- 9 3. Page 6, line 26, by inserting after the word
- 10 "reorganization" the following: "excluding any
- 11 school district whose petition to join an area
- 12 education agency contiguous to the newly reorganized
- 13 area education agency has been approved".
- 14 4. Page 6, line 30, by inserting before the word
- 15 "filing" the following: "deadline, as set forth in
- 16 this subsection, for the".

Carroll of Poweshiek offered the following amendment H-1100, to amendment H-1074, filed by him and Mascher of Johnson from the floor and moved its adoption:

H-1100

- 1 Amend the amendment, H-1074, to House File 549, as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "\_\_\_\_. Page 1, by inserting after line 31 the

- 6 following:
- 7 "Sec. \_\_\_\_ Section 272.25, subsection 4, Code
- 8 2003, is amended to read as follows:
- 9 4. A requirement that prescribes minimum
- 10 experiences and responsibilities to be accomplished
- 11 during the student teaching experience by the student
- 12 teacher and by the cooperating teacher based upon
- 13 recommendations of the department of education after
- 14 consultation with teacher education faculty members in
- 15 colleges and universities. The student teaching
- 16 experience shall include opportunities for the student
- 17 teacher to become knowledgeable about the Iowa
- 18 teaching standards, including a mock evaluation
- 19 performed by the cooperating teacher. The mock
- 20 evaluation shall not be used as an assessment tool by
- 21 the practitioner preparation program. The student
- 22 teaching experience shall consist of interactive
- 23 experiences involving the college or university
- 24 personnel, the student teacher, the cooperating
- 25 teacher, and administrative personnel from the
- 26 cooperating teacher's school district."
- 27 2. By renumbering as necessary.

Amendment H-1100 was adopted.

Jacobs of Polk asked and received unanimous consent to withdraw amendment H-1101, to amendment H-1074, filed by her from the floor.

On motion by Chambers of O'Brien, amendment H-1074, as amended, was adopted.

Raecker of Polk offered the following amendment H-1088 filed by him and moved its adoption:

H-1088

- 1 Amend House File 549 as follows:
- 2 1. By striking page 9, line 21, through page 10,
- 3 line 12.
- 4 2. By striking page 17, line 35 through page 18,
- 5 line 24.
- 6 3. Page 20, by striking line 18 and inserting the
- 7 following:
- 8 "Sec. \_\_\_\_ Section 284.11, Code 2003, is".
- 9 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 22, nays 51.

Amendment H-1088 lost.

Tjepkes of Webster offered the following amendment H-1077 filed by Tjepkes, et al., and moved its adoption:

H-1077

1 Amend House File 549 as follows:

2 1. Page 11, by inserting after line 12, the  
3 following:

4 "Sec. \_\_\_\_ Section 280.14, Code 2003, is amended  
5 to read as follows:

6 280.14 SCHOOL REQUIREMENTS - ADMINISTRATION.

7 1. The board or governing authority of each school  
8 or school district subject to the provisions of this  
9 chapter shall establish and maintain adequate  
10 administration, school staffing, personnel assignment  
11 policies, teacher qualifications, certification  
12 requirements, facilities, equipment, grounds,  
13 graduation requirements, instructional requirements,  
14 instructional materials, maintenance procedures and  
15 policies on extracurricular activities. In addition  
16 the board or governing authority of each school or  
17 school district shall provide such principals as it  
18 finds necessary to provide effective supervision and  
19 administration for each school and its faculty and  
20 student body.

21 2. An individual who is employed or contracted as  
22 a superintendent by a school or school district may  
23 also serve as an elementary or secondary principal in  
24 the same school or school district."

25 2. By renumbering as necessary.

Amendment H-1077 was adopted.

Mascher of Johnson offered amendment H-1067 filed by her <sup>as</sup>  
follows:

H-1067

1 Amend House File 549 as follows:

2 1. Page 11, lines 27 and 28, by striking the  
3 words "for recommendation for licensure" and inserting  
4 the following: "for recommendation for licensure".

5 2. Page 13, line 28, by striking the words and  
6 figures "subsection 6, Code 2003, is" and inserting  
7 the following: "subsections 6 and 8, Code 2003, are".

8 3. Page 14, by inserting after line 15 the  
 9 following:  
 10 "8. If the general assembly appropriates moneys  
 11 for purposes of this section, a school district or  
 12 area education agency is eligible to receive state  
 13 assistance for up to two years under this section for  
 14 each teacher the school district or area education  
 15 agency employs who was formerly employed in an  
 16 accredited nonpublic school or in another state as a  
 17 first-year teacher. The school district or area  
 18 education agency employing the teacher shall determine  
 19 the conditions and requirements of a teacher  
 20 participating in a program in accordance with this  
 21 subsection. ~~The school district or area education~~  
 22 ~~agency that employs the teacher shall recommend the~~  
 23 ~~teacher for an educational license if the teacher,~~  
 24 ~~through a comprehensive evaluation, is determined to~~  
 25 ~~demonstrate competence in the Iowa teaching~~  
 26 ~~standards."~~

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1107, to amendment H-1067, filed by her from the floor.

Mascher of Johnson moved the adoption of amendment H-1067.

A non-record roll call was requested.

The ayes were 43, nays 50.

Amendment H-1067 lost.

Chambers of O'Brien 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. 549)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Bogges	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter

Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdike	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Boddicker	Taylor, D.	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 574**, a bill for an act applying Iowa's open meetings law to newly elected members of a governmental body not yet sworn in, was taken up for consideration.

Raecker of Polk 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. 574)

The ayes were, 71:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boggess	Carroll
Chambers	Cohoon	Dandekar	Davitt
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gaskill
Gipp	Greiner	Hahn	Hansen
Hanson	Heaton	Hoffman	Hogg
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kurtenbach	Lalk



Lukan	Lykam	Manternach	McCarthy
Miller	Oldson	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Shoultz	Smith	Stevens	Struyk
Swaim	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Watts	Wendt
Whitaker	Wilderdike	Mr. Speaker	
		Rants	

The nays were, 26:

Bukta	Connors	De Boef	Fallon
Foege	Ford	Frevert	Granzow
Greimann	Heddens	Hunter	Kuhn
Lensing	Maddox	Mascher	Mertz
Murphy	Myers	Olson, D.	Osterhaus
Schickel	Thomas	Van Fossen, J.R.	Whitead
Winckler	Wise		

Absent or not voting, 3:

Boddicker	Taylor, D.	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 547**, a bill for an act providing for evidence of financial responsibility filed by commercial pesticide applicators, was taken up for consideration.

S. Olson of Clinton 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. 547)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Bogges	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter

Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Boddicker	Taylor, D.	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 346 WITHDRAWN

Raecker of Polk asked and received unanimous consent to withdraw House File 346 from further consideration by the House.

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 547, 549 and 574.**

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 18, 2003. Had I been present, I would have voted "aye" on House Joint Resolution 5.

LYKAM of Scott

I was necessarily absent from the House chamber on March 18, 2003. Had I been present I would have voted "aye" on House Joint Resolution 5.

STEVENS of Dickinson

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF EDUCATION

2001-2002 School Year Phase III Summary Report, pursuant to Chapter 294A, 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

- |          |  |
|----------|--|
| 2003\843 | Caroline Ellen Caldwell, Pilot Mound – For celebrating her 93 <sup>rd</sup> birthday.  |
| 2003\844 | Ruth Fessler, Boone – For celebrating her 83 <sup>rd</sup> birthday.   |
| 2003\845 | Caroline Gliem, Ogden – For celebrating her 80 <sup>th</sup> birthday.   |
| 2003\846 | John Edward Sawyer, Boone – For celebrating his 80 <sup>th</sup> birthday.   |
| 2003\847 | Emily Boyd, Keokuk High School – For receiving all-academic recognition for the 2002-2003 basketball season.                           |
| 2003\848 | Jessica Miller, Keokuk High School – For receiving all-academic recognition for the 2002-2003 basketball season.                       |
| 2003\849 | Courtney Boyd, Keokuk High School – For being selected for the girls basketball all conference first team in the Southeast Conference. |
| 2003\850 | Rockwell City-Lytton Girls Basketball Team, with Coach David Birk, Rockwell City – For finishing in second place in Class 1-A.         |

- 2003\851 Kenneth and Juanita McFarlan, What Cheer – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\852 Mel and Marie Snakenberg, Sigourney – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\853 Marie Kruse, Vinton – For receiving the National Oceanic and Atmosphere Administration award for twenty years of cooperation with the National Weather Service.
- 2003\854 Marie Aurand, Sanborn – For celebrating her 100<sup>th</sup> birthday.
- 2003\855 Wayne and Ruth Loerts, Sibley – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\856 Delbert and Frances Wills, Sibley – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\857 Lloyd and Ruth Newkirk, Hartley – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\858 Ann Roskam, Sibley – For celebrating her 90<sup>th</sup> birthday.
- 2003\859 Beulah Santage, Royal – For celebrating her 93<sup>rd</sup> birthday.
- 2003\860 Helen Griffiths, Glenwood – For celebrating her 85<sup>th</sup> birthday.
- 2003\861 Dorthea Smith and the Silver City Farmers Market Vendors, Silver City – For winning second place in the annual Iowa Farmers Market Improvement Competition.
- 2003\862 Milton and Velma McMahon, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\863 Duane Frick, Dubuque – For being elected the School Administrators of Iowa 2003 Principal of the Year.
- 2003\864 Margaret Haleen, Boone – For celebrating her 88<sup>th</sup> birthday.
- 2003\865 Edward Schmoldt, Ogden – For celebrating his 92<sup>nd</sup> birthday.
- 2003\866 Fern Smalley, Boone – For celebrating her 91<sup>st</sup> birthday.
- 2003\867 Jaquetta Kathleen Lawler, Boone – For celebrating her 80<sup>th</sup> birthday.
- 2003\868 Louis Loica, Perry – For celebrating his 90<sup>th</sup> birthday.
- 2003\869 Beulah Wetteland, Boone – For celebrating her 81<sup>st</sup> birthday.
- 2003\870 Irma Winslow, Ames – For celebrating her 90<sup>th</sup> birthday.

- 2003\871 Eric Hjelle and the Underwood Eagles Girls Basketball Team, Underwood – For winning 1<sup>st</sup> place in the Class 2-A Division of the Girls' State Basketball Tournament.
- 2003\872 Coach Scott De Jong and the Ankeny Hawkettes, Ankeny – For winning 1<sup>st</sup> place in the Class 4-A Girls' State Basketball Tournament.
- 2003\873 Kristina Voss, Ankeny – For being named to the 2003 All Tournament Team in 4-A Girls' Basketball.
- 2003\874 Nicky Wieben, Ankeny – For being named the 2003 All Tournament Team Captain in 4-A Girls' Basketball.
- 2003\875 Florence Meyer, DeWitt – For celebrating her 90<sup>th</sup> birthday.
- 2003\876 Virgil and Norma Grave, Lake Park – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\877 Bill and Sharon Wintz, Milford – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\878 Bethany Grothe, Crawfordsville – For being chosen to attend the annual session of the Iowa American Legion Girls State.
- 2003\879 Irene Maxson, Cedar Falls – For celebrating her 80<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 157

Ways and Means: Lukan, Chair; Lalk and Oldson.

##### House File 337

Appropriations: Dix, Chair; Jenkins and Murphy.

##### House File 338

Appropriations: Dix, Chair; Jenkins and Murphy.

##### House File 348

Appropriations: Roberts, Chair; Jacobs and Reasoner.

##### House File 365

Appropriations: Dix, Chair; Jenkins and Murphy.

##### House File 436

Appropriations: Heaton, Chair; Jacobs and Smith.

**House File 491**

Ways and Means: J. Drake, Chair; Davitt and Sands.

**House File 496**

Appropriations: Dix, Chair; Jenkins and Murphy.

**House File 497**

Appropriations: Alons, Chair; Chambers and Thomas.

**House File 499**

Education: Dolecheck, Chair; Berry and Paulsen.

**House File 544**

Ways and Means: Lalk, Chair; Lukan and Wendt.

**House File 546**

Ways and Means: Lukan, Chair; Jochum and Lalk.

**House File 554**

Ways and Means: Boal, Chair; Jochum and K. Kramer.

**House File 555**

Ways and Means: Lukan, Chair; Lalk and Winckler.

**House File 571**

Ways and Means: Tymeson, Chair; Boal and Huser.

**House File 578**

Ways and Means: J. Drake, Chair; Frevert, Hahn, Kuhn and Lukan.

**House File 582**

Appropriations: Upmeyer, Chair; Murphy and Roberts.

**House File 594**

Appropriations: Roberts, Chair; Bell and Upmeyer.

**House File 596**

Appropriations: Upmeyer, Chair; Murphy and Roberts.

**House File 613**

Appropriations: Dix, Chair; Murphy and Upmeyer.

**Senate File 155**

Judiciary: Paulsen, Chair; K. Kramer and Struyk.

**Senate File 202**

Appropriations: Dix, Chair; Jenkins and Murphy.

**Senate File 203**

Environmental Protection: Greiner, Chair; Greimann, D. Olson, S. Olson and Wilderdyke.

**Senate File 221**

Judiciary: Boal, Chair; Hutter and Reasoner.

**Senate File 298**

Judiciary: Heaton, Chair; Berry and Boddicker.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 296 Government Oversight**

Relating to government efficiency by providing for the establishment of common state services regional boundaries, and providing an effective date.

**H.S.B. 297 Appropriations**

Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for the nonreversion of certain moneys.

**H.S.B. 298 Government Oversight**

Relating to the establishment of the office of grants enterprise management in the department of management to assist the state in

receiving more nonstate funds and providing a standing limited appropriation.

### 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 APPROPRIATIONS

**Committee Bill** (Formerly House File 497), relating to fees charged for special fire fighter motor vehicle registration plates and making an appropriation.

Fiscal Note in not required.

Recommended **Amend and Do Pass** March 19, 2003.

**Committee Bill** (Formerly LSB 1119HV), relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 19, 2003.

**Committee Bill** (Formerly LSB 3367HV), relating to urban renewal indebtedness reporting and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** March 19, 2003.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 26), relating to the exemption of mold making equipment and materials used in the mold making process from sales and use taxes, providing refunds, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 2003.



## RESOLUTIONS FILED

**HR 34**, by Hoffman, a resolution honoring Mr. Roger Rusch and Mrs. Connie Rusch for their acts of heroism in saving the lives of Aleshea Cogdill and Ashley Neddermeyer.

Laid over under **Rule 25**.

**HR 35**, by Wilderdyke, Drake, and Baudler, a resolution honoring Bob and Sheila Everhart for their efforts to preserve and promote folk, country, and bluegrass music in the Midwest.

Laid over under **Rule 25**.

**HR 36**, by Hansen, a resolution urging the federal government to implement equal tax treatment for individual and group health insurance coverage.

Laid over under **Rule 25**.

**HR 37**, by Lensing, Foege, Mascher, and Myers, a resolution honoring the University of Iowa Football Team and Coach Kirk Ferentz.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-1089	H.F.	553	Maddox of Polk
H-1090	H.F.	330	Shoultz of Black Hawk
H-1091	S.F.	230	Maddox of Polk
H-1092	H.F.	400	Eichhorn of Hamilton
H-1093	H.F.	601	Jochum of Dubuque
			Raecker of Polk
H-1094	H.F.	532	Baudler of Adair
H-1095	H.F.	448	Osterhaus of Jackson
H-1097	H.F.	400	Hogg of Linn
H-1098	H.F.	22	Jochum of Dubuque
H-1099	H.F.	22	Jochum of Dubuque
H-1102	H.F.	448	Swaim of Davis
			Eichhorn of Hamilton

H—1103	H.F.	545	Ford of Polk
H—1104	H.F.	493	Lalk of Fayette
H—1105	H.F.	573	Swaim of Davis
H—1108	H.F.	534	Elgin of Linn
H—1109	H.F.	545	Sands of Louisa Davitt of Warren
H—1110	H.F.	541	Murphy of Dubuque
H—1111	H.F.	454	Upmeyer of Hancock Boddicker of Cedar Foege of Linn
H—1112	H.F.	504	Eichhorn of Hamilton

On motion by Gipp of Winneshiek the House adjourned at 8:50 p.m., until 8:45 a.m., Thursday, March 20, 2003.

# JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 20, 2003

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

Prayer was offered by the Honorable Libby Jacobs, state representative from Polk County.

The Journal of Wednesday, March 19, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## INTRODUCTION OF BILLS

**House File 652**, by committee on appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, and the primary road fund, and providing for the nonreversion of certain moneys.

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

**House File 653**, by committee on appropriations, a bill for an act relating to urban renewal indebtedness reporting and providing an effective date.

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

**House File 654**, by committee on ways and means, a bill for an act relating to the exemption of sand handling and core and mold making equipment and materials used in the mold making process

from sales and use taxes, providing refunds, and including effective and retroactive applicability date provisions.

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

**House File 655**, by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

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

### SENATE MESSAGE CONSIDERED

**Senate File 401**, by committee on state government, a bill for an act relating to tobacco retailers and providing penalties and providing applicability provisions and an effective date.

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

The House stood at ease at 8:47 a.m., until the fall of the gavel.

The House resumed session at 10:21 a.m., Speaker Rants in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth and D. Taylor of Linn on request of Myers of Johnson.

### CONSIDERATION OF BILLS Regular Calendar

**House File 479**, a bill for an act designating advanced registered nurse practitioners as providers of health care services pursuant to managed care or prepaid services contracts under the medical assistance program, was taken up for consideration.

Upmeyer of Hancock offered the following amendment H-1087 filed by her and moved its adoption:

H-1087

- 1 Amend House File 479 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "program." the following: "This paragraph shall not
- 4 be construed to expand the scope of practice of an
- 5 advanced registered nurse practitioner pursuant to
- 6 chapter 152."

Amendment H-1087 was adopted.

Upmeyer of Hancock 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. 479)

The ayes were, 88:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jenkins	Jochum
Jones	Klemme	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Maddox
Manternach	Mascher	McCarthy	Murphy
Myers	Oldson	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 9:

Ford  
Lykam  
Roberts

Hansen  
Miller

Jacobs  
Olson, D.

Kramer  
Raecker

Absent or not voting, 3:

Mertz

Taylor, D.

Taylor, T.

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

### 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 20, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 348, a bill for an act relating to fishing by establishing fees, allocating fishing license revenue to fish habitat development, modifying trout fishing fee requirements, and providing effective and applicability dates.

Also: That the Senate has on March 20, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 357, a bill for an act relating to election or appointment of trustees of a city hospital or health care facility.

MICHAEL E. MARSHALL, Secretary

Jacobs of Polk in the chair at 10:38 a.m.

**House File 551**, a bill for an act providing for a fee for transporting an inmate for medical or dental care, was taken up for consideration.

Alons of Sioux 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. 551)

The ayes were, 89:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Miller	Murphy
Myers	Oldson	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Smith
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymesqn	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Wilderdyke	Winckler	Wise
Jacobs,			
Presiding			

The nays were, 7:

Berry	Fallon	Ford	Greimann
Olson, D.	Shoultz	Whitead	

Absent or not voting, 4:

Hansen	Mertz	Taylor, D.	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 60 WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw House File 60 from further consideration by the House.

### HOUSE FILE 385 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House File 385 from further consideration by the House.

## IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 479 and 551.**

**House File 457**, a bill for an act expanding requirements for the transition of an individual from the child welfare services system to adulthood, with report of committee recommending passage, was taken up for consideration.

Granzow of Hardin 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. 457)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Jacobs,
			Presiding

The nays were, none.



Absent or not voting, 4:

Mertz

Myers

Taylor, D.

Taylor, T.

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

## 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 20, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 275, a bill for an act relating to the taxation of utilities, including establishment of a natural gas delivery tax rate for new electric power generating plants, establishment of a replacement transmission tax for certain municipal utilities, methods of allocation of replacement generation tax incurred by certain new stand-alone electric power generating plants, a formula for determining taxable value for property generating replacement tax annually, extending the task force, and providing for applicability.

Also: That the Senate has on March 20, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 361, a bill for an act relating to emergency procedures for the temporary detention and treatment of persons who are incapacitated or impaired due to substance abuse or mental health problems.

Also: That the Senate has on March 20, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 363, a bill for an act allowing elimination of local assessor examining boards.

Also: That the Senate has on March 20, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 424, a bill for an act relating to urban renewal indebtedness reporting and providing an effective date.

MICHAEL E. MARSHALL, Secretary

House File 455, a bill for an act requiring licensed health-related professionals to report certain burn injuries to a law enforcement agency, was taken up for consideration.

Baudler of Adair 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. 455)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffmar
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Stevens	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Jacobs,
			Presiding

The nays were, none.

Absent or not voting, 8:

Carroll	Gipp	Mertz	Myers
Rants, Spkr.	Smith	Taylor, D.	Taylor, T.

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carroll of Poweshiek, until his return, on request of Gipp of Winneshiek.

**House File 490**, a bill for an act relating to the right of condemnation of owners of certain land and including effective and applicability date provisions, was taken up for consideration.

Huser of Polk 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. 490)

The ayes were, 83:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	Dennis	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Petersen	Quirk
Raecker	Rayhons	Reasoner	Roberts
Sands	Schickel	Smith	Stevens
Struyk	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitead	Wilderdyeke
Winckler	Wise	Jacobs,	
		Presiding	

The nays were, 9:

Boggess	De Boef	Granzow	Greimann
Paulsen	Rasmussen	Shoultz	Swaim
Whitaker			

Absent or not voting, 8:

Carroll	Dix	Gipp	Mertz
Myers	Rants, Spkr.	Taylor, D.	Taylor, T.

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

## HOUSE FILE 305 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 305 from further consideration by the House.

**House File 558**, a bill for an act authorizing the department of human services to disclose information regarding the listing of a individual in the child or dependent abuse registry or the sex offender registry when it is necessary for the protection of a child or a dependent adult, was taken up for consideration.

Roberts of Carroll 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. 558)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Jacobs,			
Presiding			

The nays were, none.

Absent or not voting, 7:

Carroll  
Rants, Spkr.

Gipp  
Taylor, D.

Mertz  
Taylor, T.

Myers

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

### HOUSE FILE 345 WITHDRAWN

Roberts of Carroll asked and received unanimous consent to withdraw House File 345 from further consideration by the House.

### IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 455, 457 and 558.**

**House File 534**, a bill for an act providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, making appropriations, and providing an effective date, was taken up for consideration.

Elgin of Linn offered the following amendment H-1108 filed by him and moved its adoption:

H-1108

- 1 Amend House File 534 as follows:
- 2 1. Page 9, line 10, by inserting after the figure
- 3 "1." the following: "a."
- 4 2. Page 9, line 10, by inserting after the word
- 5 "funds" the following: "as specifically authorized by
- 6 this section".
- 7 3. Page 9, line 11, by striking the words "the
- 8 services" and inserting the following: "specified
- 9 services".
- 10 4. Page 9, line 22, by striking the figure "2."
- 11 and inserting the following: "b."
- 12 5. Page 9, line 33, by striking the figure "3."
- 13 and inserting the following: "c."
- 14 6. Page 10, line 2, by striking the letter and
- 15 figure "4. a.", and inserting the following: "d.
- 16 (1)".

- 17 7. Page 10, line 8, by striking the letter "b."  
18 and inserting the following: "(2)".  
19 8. Page 10, by inserting after line 12 the  
20 following:  
21 "2. The director may establish the following  
22 revolving funds to be used for the purposes specified:  
23 a. An operating fund to provide for and fund  
24 information technology services as permitted under  
25 article 2.  
26 b. One revolving fund established by the director  
27 by rule to be used for a particular purpose authorized  
28 by this chapter and as specified by the director in  
29 the rule."  
30 9. Page 13, by inserting after line 6 the  
31 following:  
32 "f. The Iowa lottery."  
33 10. Page 21, line 15, by striking the figure  
34 "III" and inserting the following: "3".  
35 11. Page 31, line 29, by inserting after the word  
36 "bid." the following: "Contracts not based on  
37 competitive bidding shall be awarded on the basis of  
38 bidder competence and reasonable price."  
39 12. Page 131, by inserting after line 10 the  
40 following:  
41 "Sec. \_\_\_\_ Section 97.51, subsection 1, Code 2003,  
42 is amended to read as follows:  
43 1. The treasurer of state is the custodian and  
44 trustee of this fund and shall administer the fund in  
45 accordance with the directions of the department of  
46 personnel Iowa public employees' retirement system  
47 created in section 97B.1. It is the duty of the  
48 trustee:  
49 a. To hold said trust funds.  
50 b. Under the direction of the department and as

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- 1 designated by the department, invest such portion of  
2 said trust funds as are not needed for current payment  
3 of benefits, in interest-bearing securities issued by  
4 the United States, or interest-bearing bonds issued by  
5 the state of Iowa, or bonds issued by counties, school  
6 districts or general obligations or limited levy bonds  
7 issued by municipal corporations in this state as  
8 authorized by law; also to sell and dispose of same  
9 when needed for the payment of benefits.  
10 c. To disburse the trust funds upon warrants drawn  
11 by the director of revenue and finance pursuant to the  
12 order of the department of personnel Iowa public  
13 employees' retirement system created in section 97B.1.  
14 Sec. \_\_\_\_ Section 97.51, subsection 3, Code 2003,  
15 is amended to read as follows:

16 3. The ~~department of personnel Iowa public~~  
17 employees' retirement system created in section 97B.1  
18 shall administer the Iowa old-age and survivors'  
19 insurance liquidation fund and shall also administer  
20 all other provisions of this chapter.  
21 Sec. \_\_\_\_ Section 97.52, Code 2003, is amended to  
22 read as follows:  
23 97.52 ADMINISTRATION AGREEMENTS.  
24 The ~~department of personnel Iowa public employees'~~  
25 retirement system created in section 97B.1 may enter  
26 into agreements whereby services performed by the  
27 ~~department system~~ and its employees under chapters 97,  
28 97B, and 97C shall be equitably apportioned among the  
29 funds provided for the administration of those  
30 chapters. The money spent for personnel, rentals,  
31 supplies, and equipment used by the ~~department system~~  
32 in administering the chapters shall be equitably  
33 apportioned and charged against the funds."  
34 13. Page 137, by inserting after line 20 the  
35 following:  
36 "Sec. \_\_\_\_ Section 97C.2, subsection 8, Code 2003,  
37 is amended to read as follows:  
38 8. The term "state agency" means the ~~department of~~  
39 personnel Iowa public employees' retirement system  
40 created in section 97B.1."  
41 14. Page 177, by inserting after line 28 the  
42 following:  
43 "Sec. \_\_\_\_ STATE ADMINISTRATIVE SERVICES -  
44 MISCELLANEOUS PROVISIONS.  
45 1. As used in this section, unless the context  
46 otherwise requires:  
47 a. "Designated state service" means one of the  
48 following services provided to state agencies:  
49 printing, information technology, mail, human resource  
50 benefits and payroll, financial accounting, property

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1 management, fleet management, and purchasing services.  
2 b. "Managed competition" means a process that  
3 allows both state government entities and nonstate  
4 government entities to submit competitive bids to  
5 provide designated state services, which process takes  
6 into account the true cost-accounting costs for state  
7 government entities and may result in multiple  
8 providers of the same designated state service. The  
9 use of managed competition shall not preclude the use  
10 of other entrepreneurial steps in any area.  
11 2. a. The department of administrative services  
12 may, pursuant to the requirements of this section,  
13 determine how the designated state services of all  
14 executive branch agencies, community-based corrections

- 15 districts, and other state governmental entities shall  
16 be delivered. In addition, the state board of regents  
17 shall participate in any determination of the  
18 department of administrative services on the delivery  
19 of designated state services as provided by this  
20 section but only if both the department and state  
21 board of regents approve such participation.
- 22 b. This section shall not apply to the judicial  
23 branch, legislative branch, statewide elected  
24 officials, area education agencies, and community  
25 colleges.
- 26 3. The following duties relating to state  
27 administrative services shall be performed as provided  
28 by this subsection.
- 29 a. By July 1, 2004, the department of  
30 administrative services shall submit a request for  
31 proposals for a managed competition for printing  
32 services. The request for proposals shall allow for  
33 the awarding of all or parts of printing services to  
34 the department or another governmental agency or  
35 nongovernmental entity.
- 36 b. Subject to the requirements provided in chapter  
37 8A, the department of administrative services shall  
38 determine the means of delivery for all information  
39 technology services, including determining which  
40 services shall remain the responsibility of individual  
41 state agencies. The department shall determine which  
42 application development activities shall remain as  
43 responsibilities of the individual state agencies. As  
44 of July 1, 2003, all employees delivering information  
45 technology services shall be transferred to the  
46 department of administrative services or applicable  
47 delivering agency and any funding appropriated for  
48 such services shall also be transferred, as determined  
49 by the department of management.
- 50 c. The three major data centers of state

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- 1 government shall be physically merged into one data  
2 center as expeditiously as possible, no later than  
3 July 1, 2004.
- 4 d. The department of administrative services may  
5 limit unified fleet management responsibilities to  
6 cars and small trucks. By July 1, 2005, the fleet  
7 management operations shall be subject to a managed  
8 competition process conducted by the department of  
9 administrative services. Any one-time savings shall  
10 be amortized based on state government's average  
11 borrowing cost for funds over the preceding five  
12 years.
- 13 4. The auditor of state shall be consulted



14 regarding the decision to conduct a managed  
 15 competition process under this section for each  
 16 designated state service and shall also be consulted  
 17 regarding the issuance of a request for proposals and  
 18 shall also be consulted in the award process. The  
 19 auditor of state's role is to provide advice as to  
 20 whether an approach offers the best opportunity for  
 21 reducing state government costs.  
 22 5. The department of administrative services shall  
 23 submit a written report to the legislative government  
 24 oversight committee by December 31, 2003, concerning  
 25 the progress made by the department in complying with  
 26 the requirements of this section as well as any other  
 27 suggestions or recommendations of the department  
 28 concerning the requirements of this section."  
 29 15. Title page, lines 3 and 4, by striking the  
 30 words "making appropriations,".  
 31 16. By renumbering as necessary.

Amendment H-1108 was adopted.

The House stood at ease at 11:37 a.m., until the fall of the gavel.

The House resumed session at 11:57 a.m., Speaker Rants in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cphoon of Des Moines on request of Myers of Johnson; Maddox of Polk on request of Speaker Rants.

Elgin of Linn 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. 534)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevett	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen

Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Manternach	Mascher
McCarthy	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 6:

Carroll	Cohoon	Maddox	Mertz
Taylor, D.	Taylor, T.		

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

**House File 545**, a bill for an act relating to the requirements for newspapers designated for official publication purposes, was taken up for consideration.

Ford of Polk asked and received unanimous consent to withdraw amendment H-1103 filed by him on March 19, 2003.

Sands of Louisa offered the following amendment H-1109 filed by Sands and Davitt of Warren and moved its adoption:

H-1109

1 Amend House File 545 as follows:

2 1. Page 1, line 4, by striking the word "weekly"

3 and inserting the following: "at least once a week".

Amendment H-1109 was adopted.

Sands of Louisa 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. 545)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Manternach	Mascher	McCarthy
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 7:

Carroll	Cohoon	Fallon	Maddox
Mertz	Taylor, D.	Taylor, T.	

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

#### HOUSE FILE 230 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House File 230 from further consideration by the House.

## INTRODUCTION OF BILL

**House File 656**, by committee on appropriations, a bill for an act relating to fees charged for special fire fighter motor vehicle registration plates.

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

## SENATE MESSAGE CONSIDERED

**Senate File 424**, by committee on appropriations, a bill for an act relating to urban renewal indebtedness reporting and providing an effective date.

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

## IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 534 and 545**.

**House File 504**, a bill for an act relating to fraudulent use of a credit card, scanning device, or reencoder, and providing a penalty, was taken up for consideration.

Klemme of Plymouth in the chair at 12:18 p.m.

Eichhorn of Hamilton offered the following amendment H-1112 filed by him and moved its adoption:

H-1112

- 1 Amend House File 504 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 715A.6, subsection 2, Code
- 5 2003, is amended to read as follows:
- 6 2. An offense under this section is a class "D"
- 7 "C" felony if the value of the property or services
- 8 secured or sought to be secured by means of the credit
- 9 card is greater than ~~one ten~~ thousand dollars. If the
- 10 value of the property or services secured or sought to
- 11 be secured by means of the credit card is greater than

12 one thousand dollars but not more than ten thousand

13 dollars, an offense under this section is a class "D"

14 felony, otherwise the offense is an aggravated

15 misdemeanor."

16 2. By renumbering as necessary.

Amendment H-1112 was adopted.

Eichhorn of Hamilton 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. 504)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevort	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Manternach	Mascher	McCarthy
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Klemme,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Carroll	Cohoon	Maddox	Mertz
Taylor, D.	Taylor, T.		

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

**House File 601**, a bill for an act relating to campaign finance, including political party committees, campaign disclosure reports, independent expenditures, and income tax checkoff provisions, was taken up for consideration.

Jochum of Dubuque offered the following amendment H-1093 filed by Jochum and Raecker of Polk and moved its adoption:

H-1093

- 1 Amend House File 601 as follows:
- 2 1. Page 2, by inserting after line 25 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 56.13, Code 2003, is amended by
- 5 striking the section and inserting in lieu thereof the
- 6 following:
- 7 56.13 INDEPENDENT EXPENDITURES.
- 8 1. As used in this section, "independent
- 9 expenditure" means an expenditure for a communication
- 10 that expressly advocates the election or defeat of a
- 11 clearly identified candidate or the passage or defeat
- 12 of a ballot issue that is made without the prior
- 13 approval or coordination with a candidate, candidate's
- 14 committee, or a ballot issue committee.
- 15 2. An individual who meets all of the following
- 16 criteria shall file an independent expenditure
- 17 statement:
- 18 a. The individual is not a candidate.
- 19 b. The individual is acting independently and not
- 20 in coordination with another individual, organization,
- 21 or committee.
- 22 c. The individual makes one or more independent
- 23 expenditures in excess of seven hundred fifty dollars
- 24 in the aggregate to advocate the election or defeat of
- 25 one or more candidates or the passage or defeat of one
- 26 or more ballot issues.
- 27 3. a. Any combination of two or more individuals,
- 28 or a person other than an individual, that makes one
- 29 or more independent expenditures in excess of seven
- 30 hundred fifty dollars in the aggregate to advocate the
- 31 election or defeat of one or more candidates or the
- 32 passage or defeat of one or more ballot issues shall
- 33 file an independent expenditure statement.
- 34 b. Sections 56.5, 56.5A, 56.6, and 56.7 shall not
- 35 apply to persons meeting the requirements of paragraph
- 36 "a".

37 c. This subsection shall not apply to a candidate,  
38 candidate's committee, state statutory political  
39 committee, county statutory political committee, or a  
40 political committee.  
41 4. a. An independent expenditure statement shall  
42 be filed within forty-eight hours of the making of an  
43 independent expenditure in excess of seven hundred  
44 fifty dollars in the aggregate.  
45 b. An independent expenditure statement shall be  
46 filed with the board and the board shall immediately  
47 make the independent expenditure statement available  
48 for public viewing.  
49 c. For purposes of this section, an independent  
50 expenditure is made at the time that the cost is

Page 2

1 incurred.  
2 5. The independent expenditure statement shall  
3 contain all of the following information:  
4 a. Identification of the individuals or persons  
5 filing the statement.  
6 b. Description of the position advocated by the  
7 individuals or persons with regard to the clearly  
8 identified candidate or ballot issue.  
9 c. Identification of the candidate or ballot issue  
10 benefited by the independent expenditure.  
11 d. The dates on which the expenditure or  
12 expenditures took place or will take place.  
13 e. Description of the nature of the action taken  
14 that resulted in the expenditure or expenditures.  
15 f. The fair market value of the expenditure or  
16 expenditures.  
17 6. Any person making an independent expenditure  
18 shall comply with the attribution requirements of  
19 section 56.14.  
20 7. a. The board shall develop, prescribe,  
21 furnish, and distribute forms for the independent  
22 expenditure statements required by this section.  
23 b. The board shall adopt rules pursuant to chapter  
24 17a for the implementation of this section."  
25 2. By renumbering as necessary.

Amendment H-1093 was adopted.

Raecker of Polk 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. 601)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Manternach	Mascher	McCarthy
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Klemme, Presiding		

The nays were, none.

Absent or not voting, 6:

Carroll	Cohoon	Maddox	Mertz
Taylor, D.	Taylor, T.		

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Upmeyer of Hancock on request of Roberts of Carroll.

**House File 604**, a bill for an act requiring state government annual reports made to the general assembly to include certain financial information, was taken up for consideration.



Elgin of Linn 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. 604)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevort	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Manternach	Mascher	McCarthy
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Klemme,			
Presiding			

The nays were, none.

Absent or not voting, 7:

Carroll	Cohoon	Maddox	Mertz
Taylor, D.	Taylor, T.	Upmeyer	

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

## IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 504, 601 and 604.**

**House File 565**, a bill for an act relating to the healthy and well kids in Iowa program, was taken up for consideration.

Boddicker of Cedar 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. 565)

The ayes were, 89:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Fallon
Foege	Ford	Freeman	Frevrt
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Manternach
McCarthy	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 11:

Carroll	Cohoon	Elgin	Hansen
Hunter	Maddox	Mascher	Mertz
Taylor, D.	Taylor, T.	Upmeyer	

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

### HOUSE FILE 49 WITHDRAWN

Boddicker of Cedar asked and received unanimous consent to withdraw House File 49 from further consideration by the House.

House File 585, a bill for an act relating to maintaining a magistrate court in a city other than the county seat, was taken up for consideration.

Eichhorn of Hamilton offered the following amendment H-1081 filed by him and moved its adoption:

H-1081

- 1 Amend House File 585 as follows:
- 2 1. Page 1, line 5, by striking the figure "2001."
- 3 and inserting the following: "2001, and if the city
- 4 requests a magistrate. Any additional costs to the
- 5 judicial branch for maintaining a magistrate in the
- 6 city other than the county seat shall be paid by the
- 7 city requesting the magistrate."

Amendment H-1081 was adopted.

Eichhorn of Hamilton 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. 585)

The ayes were, 89:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Fallon

Foege	Ford	Freeman	Frevort
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Manternach
Mascher	McCarthy	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Swaim	Thomas
Tjepkes	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 11:

Carroll	Cohoon	Elgin	Hansen
Horbach	Maddox	Mertz	Struyk
Taylor, D.	Taylor, T.	Upmeyer	

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

### HOUSE FILES 131 AND 140 WITHDRAWN

Eichhorn of Hamilton asked and received unanimous consent to withdraw House Files 131 and 140 from further consideration by the House.

**House File 592**, a bill for an act relating to economic development-related issues of the universities under the control of the state board of regents by amending the composition of the Iowa economic development board and the Iowa workforce development board, changing the university-based research and economic development Act to address commercialization of research, and creating an Iowa commercialization advisory council, was taken up for consideration.

Jenkins of Black Hawk 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. 592)

The ayes were, 91:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevort	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Manternach	Mascher	McCarthy
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 9:

Carroll	Cohon	Hansen	Maddox
Mertz	Paulsen	Taylor, D.	Taylor, T.
Upmeyer			

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

### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 565, 585 and 592.**

**House File 603**, a bill for an act providing an exception to licensing requirements for certain bingo occasions conducted by nonprofit organizations, was taken up for consideration.

Raecker of Polk 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. 603)

The ayes were, 91:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boguess
Bukta	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Manternach	Mascher	McCarthy	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 9:

Carroll	Cohoon	Eichhorn	Hansen
Maddox	Mertz	Taylor, D.	Taylor, T.
Upmeyer			

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

## IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 603** be immediately messaged to the Senate.

**House File 450**, a bill for an act creating an exception to the statutory rule against perpetuities and making related changes, was taken up for consideration.

Eichhorn of Hamilton 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. 450)

The ayes were, 72:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Bogges	Chambers
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Frevert
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Manternach	McCarthy	Miller
Myers	Oldson	Olson, D.	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Smith	Stevens
Struyk	Thomas	Tjepkes	Tymeson
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Whitaker	Wildurdyke	Wise	Mr. Speaker
			Rants

The nays were, 20:

Berry	Bukta	Fallon	Foege
Ford	Gaskill	Greimann	Heddens
Hogg	Hunter	Jochum	Lensing
Mascher	Murphy	Osterhaus	Shoultz
Swaim	Wendt	Whitead	Winckler

Absent or not voting, 8:

Carroll	Cohoon	Hansen	Maddox
Mertz	Taylor, D.	Taylor, T.	Upmeyer

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

### HOUSE FILE 151 WITHDRAWN

Eichhorn of Hamilton asked and received unanimous consent to withdraw House File 151 from further consideration by the House.

**House File 557**, a bill for an act relating to liability of certain health care facilities and health care providers participating in the volunteer health care provider program, was taken up for consideration.

Smith of Marshall offered the following amendment H-1069 filed by him and moved its adoption:

H-1069

- 1 Amend House File 557 as follows:
- 2 1. Page 1, by striking lines 22 and 23 and
- 3 inserting the following: "examiners, the board of
- 4 nursing, ~~and the board of chiropractic examiners, the~~
- 5 board of psychology examiners, the board of social
- 6 work examiners, the board of behavioral science
- 7 examiners, and the board of pharmacy examiners."

Amendment H-1069 was adopted.

### RULE 31.8 SUSPENDED

Watts of Dallas asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments.

Watts of Dallas offered the following amendment H-1115 filed by him from the floor and moved its adoption:

H-1115

- 1 Amend House File 557 as follows:
- 2 1. Page 3, line 5, by striking the word "primary"
- 3 and inserting the following: "sole".

Amendment H-1115 was adopted.



Watts of Dallas 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. 557)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Manternach	Mascher	McCarthy
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Thomas	Tjepkes
Tymeson	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 8:

Carroll	Cohoon	Hansen	Maddox
Mertz	Taylor, D.	Taylor, T.	Upmeyer

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 450 and 557.**

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House File 653.

### Appropriations Calendar

**House File 653**, a bill for an act relating to urban renewal indebtedness reporting and providing an effective date, was taken up for consideration.

### SENATE FILE 424 SUBSTITUTED FOR HOUSE FILE 653

Dix of Butler asked and received unanimous consent to substitute Senate File 424 for House File 653.

**Senate File 424**, a bill for an act relating to urban renewal indebtedness reporting and providing an effective date, was taken up for consideration.

Dix of Butler 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. 424)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Manternach	Mascher
McCarthy	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoulitz	Smith
Stevens	Struyk	Swaim	Thomas

Tjepkes	Tymeson	Van Engelenhoven	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 1:

Van Fossen, J.K.

Absent or not voting, 7:

Cohon	Hansen	Maddox	Mertz
Taylor D.	Taylor T.	Upmeyer	

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

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 424** be immediately messaged to the Senate.

### HOUSE FILE 653 WITHDRAWN

Dix of Butler asked and received unanimous consent to withdraw House File 653 from further consideration by the House.

### HOUSE FILE 359 WITHDRAWN

Watts of Dallas asked and received unanimous consent to withdraw House File 359 from further consideration by the House.

### THE FOLLOWING HOUSE FILES AND SENATE CONCURRENT RESOLUTION WERE PLACED ON THE UNFINISHED BUSINESS CALENDAR

Gipp of Winneshiek asked and received unanimous consent that the following House Files and Senate Concurrent Resolution be placed on the unfinished business calendar:

House File 235	House File 483
House File 366	House File 517
House File 482	House File 528

House File 542  
House File 553  
House File 572  
House File 600  
House File 607  
House File 612

House File 614  
House File 619  
House File 636  
House File 637  
House File 646  
Senate Concurrent  
Resolution 2

### MOTIONS TO RECONSIDER

(House File 490)

I move to reconsider the vote by which House File 490 passed the House on March 20, 2003.

GREINER of Washington

We move to reconsider the vote by which House File 490 passed the House on March 20, 2003.

HUSER of Polk  
ARNOLD of Lucas

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 20, 2003. Had I been present, I would have voted "aye" on House Files 450, 455, 490, 504, 534, 545, 557, 558, 565, 585, 592, 601, 603 and 604.

CARROLL of Poweshiek

I was necessarily absent from the House chamber on March 20, 2003. Had I been present, I would have voted "aye" on House File 592.

PAULSEN of Linn

### BILLS 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 bills have 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 20<sup>th</sup> day of March, 2003: House Files 311 and 343.

MARGARET A. THOMSON  
Chief Clerk of the House

Report Adopted.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-nine fifth grade students from Aurora Heights Elementary, Newton, Iowa, accompanied by Teri Shelber and Jack Crandell. By Bell of Jasper.

### 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

- |          |   |
|----------|---|
| 2003\880 | Troy P. Bockenstedt, Dyersville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2003\881 | Ramon and Kay Gruhn, Grinnell – For celebrating their 50 <sup>th</sup> wedding anniversary.                             |
| 2003\882 | Glen Vergil Yarger, Boone – For celebrating his 92 <sup>nd</sup> birthday.  |
| 2003\883 | Bertha Ellen Elliott, Boone – For celebrating her 87 <sup>th</sup> birthday.  |
| 2003\884 | Grant Andrew Sinn, Boone – For celebrating his 85 <sup>th</sup> birthday.   |
| 2003\885 | Beulah Ada Skinner, Perry – For celebrating her 80 <sup>th</sup> birthday.  |
| 2003\886 | Sarah Lorraine Lass, Pilot Mound – For celebrating her 80 <sup>th</sup> birthday.                                       |
| 2003\887 | James Thomas Prine, Boone – For celebrating his 80 <sup>th</sup> birthday.  |
| 2003\888 | Luella Mae Elaine Clauson, Boone – For celebrating her 85 <sup>th</sup> birthday.                                       |

2003\889	Lois Peters, Perry – For celebrating her 80 <sup>th</sup> birthday.
2003\890	Josephine Agnes Roeder, Boone – For celebrating her 92 <sup>nd</sup> birthday.
2003\891	Alice Marrion Tonsfeldt, Boone – For celebrating her 88 <sup>th</sup> birthday.
2003\892	Marvel Enslow, Boone – For celebrating his 92 <sup>nd</sup> birthday.
2003\893	Mary Mathilda Smith, Boone – For celebrating her 84 <sup>th</sup> birthday.
2003\894	Joann and Charles Hogue, Toledo – For celebrating their 50 <sup>th</sup> wedding anniversary.
2003\895	Sophia Bottema, Dysart – For celebrating her 90 <sup>th</sup> birthday.
2003\896	Marie and Louis Hosek, Toledo – For celebrating their 67 <sup>th</sup> wedding anniversary.
2003\897	Ernie and Dee Kastner, Newton – For celebrating their 60 <sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 291

Ways and Means: Boal, Chair; B. Hansen and Huser.

##### Senate File 3

Human Resources: Carroll, Chair; Greimann and Tymeson.

##### Senate File 173

Education: Boal, Chair; Dandekar and B. Hansen.

##### Senate File 185

Public Safety: Tjepkes, Chair; Heddens and Sands.

##### Senate File 303

Human Resources: Boddicker, Chair; Foege and Roberts.

##### Senate File 316

Education: Roberts, Chair; Bukta and Schickel.

##### Senate File 351

Human Resources: Granzow, Chair; Lukan and Wendt.

**Senate File 353**

Human Resources: Roberts, Chair; Boddicker and Smith.

**Senate File 379**

Agriculture: Rayhons, Chair; De Boef and Swaim.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT****House Study Bill 296**

Government Oversight: Raecker, Chair; K. Kramer and Wendt.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 299 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 and including an effective date.

**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 APPROPRIATIONS**

**Committee Bill** (Formerly House Study Bill 297), relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for the nonreversion of certain moneys.

Fiscal Note is required.

Recommended **Do Pass** March 19, 2003.

**COMMITTEE ON GOVERNMENT OVERSIGHT**

**Committee Bill** (Formerly House Study Bill 298), relating to the establishment of the office of grants enterprise management in the department of management to assist

the state in receiving more nonstate funds and providing a standing limited appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 2003.

### AMENDMENTS FILED

H—1113	H.F.	607	Maddox of Polk
H—1114	H.F.	532	Baudler of Adair
H—1116	H.C.R.	16	Bukta of Clinton
S. Olson of Clinton			Hogg of Linn
Foege of Linn			Kurtenbach of Story
Paulsen of Linn			Horbach of Tama
Boddicker of Cedar			Elgin of Linn
Smith of Marshall			Greimann of Story
Heddens of Story			D. Olson of Boone
Osterhaus of Jackson			
H—1117	H.F.	330	Lensing of Johnson
H—1118	H.F.	330	Smith of Marshall
H—1119	H.F.	330	Mascher of Johnson
H—1120	H.F.	584	Swaim of Davis
H—1121	H.F.	614	Jacobs of Polk
H—1122	H.F.	330	Hogg of Linn
H—1123	H.F.	614	Mascher of Johnson
Jochum of Dubuque			Myers of Johnson
Osterhaus of Jackson			Connors of Polk
Bell of Jasper			Bukta of Clinton
Wise of Lee			Foege of Linn
Hogg of Linn			Thomas of Clayton
Cohoon of Des Moines			Whitead of Woodbury
Berry of Black Hawk			Wendt of Woodbury
Smith of Marshall			Frevert of Palo Alto
Lykam of Scott			Heddens of Story
Gaskill of Wapello			Whitaker of Van Buren
Struyk of Pottawattamie			Mertz of Kossuth
Stevens of Dickinson			Davitt of Warren
Murphy of Dubuque			Huser of Polk
Oldson of Polk			Reasoner of Union
Fallon of Polk			Quirk of Chickasaw



Winckler of Scott			Lensing of Johnson
D. Olson of Boone			Kuhn of Floyd
Greimann of Story			Hunter of Polk
Ford of Polk			Miller of Webster
Shoultz of Black Hawk			Dandekar of Linn
Petersen of Polk			Swaim of Davis
H-1124	H.F.	516	Klemme of Plymouth
			Greiner of Washington
H-1125	H.F.	560	Heaton of Henry
H-1126	H.F.	652	Murphy of Dubuque
H-1127	H.F.	330	Greimann of Story
H-1128	H.F.	330	Greimann of Story
H-1129	H.F.	575	Heaton of Henry
H-1130	H.F.	330	Jochum of Dubuque
H-1131	H.F.	652	Murphy of Dubuque

On motion by Gipp of Winneshiek the House adjourned at 2:18 p.m., until 8:45 a.m., Friday, March 21, 2003.

# JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 21, 2003

The House met pursuant to adjournment at 8:45 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Chuck Gipp, Majority Leader of the House.

The Journal of Thursday, March 20, 2003 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Schickel of Cerro Gordo from thirty-eight credit union members opposing House File 388 or any legislation to increase taxation of that would be detrimental to Iowa's credit unions.

## INTRODUCTION OF BILL

**House File 657**, by committee on government oversight, a bill for an act relating to the establishment of the office of grants enterprise management in the department of management to assist the state in receiving more nonstate funds and providing a standing limited appropriation.

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

## SENATE MESSAGES CONSIDERED

**Senate File 275**, by committee on commerce, a bill for an act relating to the taxation of utilities, including establishment of a natural gas delivery tax rate for new electric power generating plants, establishment of a replacement transmission tax for certain municipal utilities, methods of allocation of replacement generation tax incurred by certain new stand-alone electric power generating plants, a formula for determining taxable value for property

generating replacement tax annually, extending the task force, and providing for applicability.

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

**Senate File 348**, by committee on natural resources and environment, a bill for an act relating to fishing by establishing fees, allocating fishing license revenue to fish habitat development, modifying trout fishing fee requirements, and providing effective and applicability dates.

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

**Senate File 357**, by committee on local government, a bill for an act relating to election or appointment of trustees of a city hospital or health care facility.

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

**Senate File 361**, by committee on judiciary, a bill for an act relating to emergency procedures for the temporary detention and treatment of persons who are incapacitated or impaired due to substance abuse or mental-health problems.

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

**Senate File 363**, by committee on local government, a bill for an act allowing elimination of local assessor examining boards.

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

#### RESOLUTION FILED

**HR 38**, by Schickel, a resolution honoring the City of Mason City on its sesquicentennial year.

Laid over under **Rule 25**.

On motion by Hansen of Pottawattamie the House adjourned at 8:48 a.m., until 1:00 p.m., Monday, March 24, 2003.

# JOURNAL OF THE HOUSE

Seventy-first Calendar Day - Fiftieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 24, 2003

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

Prayer was offered by Reverend Daniel Phillip, pastor of Christian Fellowship Baptist Church, Waterloo. He was the guest of Representative Deborah Berry of Black Hawk County.

The Journal of Friday, March 21, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by fifth grade students from Anson, accompanied by their teacher, Meg Sponseller. They were the guests of Representative Mark Smith of Marshall County. The National Anthem was sung by Joni Carroll, the daughter of Speaker pro tempore Carroll of Poweshiek County.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Freeman of Buena Vista on request of Gipp of Winneshiek.

## ADOPTION OF HOUSE RESOLUTION 39

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of **House Resolution 39**, a resolution in support of the men and women serving in the United States Armed Forces in Operation Iraqi Freedom. Lukan of Dubuque moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 1:09 p.m., until the fall of the gavel.

The House resumed session at 2:25 p.m., Speaker Rants in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Foegel of Linn and Wise of Lee, until their arrival, on request of Bukta of Clinton; Huser of Polk on request of T. Taylor of Linn.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 623**, a bill for an act relating to registration with the United States selective service system by application for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card, was taken up for consideration.

Alons of Sioux 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. 623)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Ford	Frevrt
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith

Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Mr. Speaker		
	Rants		

The nays were, 1.

Fallon

Absent or not voting, 5:

Foege	Freeman	Huser	Wilderdyke
Wise			

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

Speaker pro tempore Carroll in the chair at 2:40 p.m.

**House File 505**, a bill for an act to prohibit unauthorized computer access to operational or support data of a rural water district and a municipal utility and providing a penalty, was taken up for consideration.

Dennis of Black Hawk 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. 505)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker

Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Winckler	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Foege	Freeman	Huser	Wilderdyke
Wise			

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

### HOUSE FILE 23 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House File 23 from further consideration by the House.

### Unfinished Business Calendar

**House File 636**, a bill for an act relating to legislative branch consolidation of functions by combining the legislative service bureau, legislative fiscal bureau, and legislative computer support bureau into a single central legislative staff agency, providing for legislative publications procedures, modifying the sales tax exemption for items sold or services provided by the new agency, including related matters, and providing an effective date, was taken up for consideration.

Boal of Polk 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. 636)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges

Bukta	Chambers	Cohon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Frevort
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Carroll, Presiding

The nays were, none.

Absent or not voting, 4:

Foege	Freeman	Wilderdyke	Wise
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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 505, 623 and 636.**

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shoultz of Black Hawk, until his return, on request of T. Taylor of Linn.

**House File 483**, a bill for an act relating to the surcharge for certain dishonored negotiable instruments, was taken up for consideration.



## SENATE FILE 376 SUBSTITUTED FOR HOUSE FILE 483

Watts of Dallas asked and received unanimous consent to substitute Senate File 376 for House File 483.

**Senate File 376**, a bill for an act relating to the surcharge for certain dishonored negotiable instruments, was taken up for consideration.

Watts of Dallas 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. 376)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Winckler	Carroll,	
		Presiding	

The nays were, 1:

Murphy

Absent or not voting, 4:

Foege

Freeman

Wilderdyke

Wise

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

### Regular Calendar

**House File 584**, a bill for an act providing for exceptions to municipal tort liability for certain activities, was taken up for consideration.

Swaim of Davis offered the following amendment H-1120 filed by him and moved its adoption:

H-1120

- 1 Amend House File 584 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "reconstructed" the following: ", reasonably and in
- 4 good faith,".
- 5 2. Page 1, line 15, by inserting after the word
- 6 "body" the following: ", acting reasonably and in
- 7 good faith,".

A non-record roll call was requested.

The ayes were 41, nays 48.

Amendment H-1120 lost.

Schickel of Cerro Gordo moved that the bill be read a last time <sup>now</sup> and placed upon its passage which motion prevailed and the bill <sup>was</sup> read a last time.

On the question "Shall the bill pass?" (H.F. 584)

The ayes were, 57:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Chambers	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Frevert	Gipp	Granzow	Greiner
Hahn	Hansen	Hanson	Heaton

Hoffman	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kurtenbach	Lalk	Lukan
Maddox	Manternach	Mertz	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Stevens	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Carroll,			
Presiding			

The nays were, 39:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Ford	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Schoultz	Smith	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	

Absent or not voting, 4:

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

**House File 528**, a bill for an act relating to election or appointment of trustees of a city hospital or health care facility, was taken up for consideration.

#### SENATE FILE 357 SUBSTITUTED FOR HOUSE FILE 528

Maddox of Polk asked and received unanimous consent to substitute Senate File 357 for House File 528.

**Senate File 357**, a bill for an act relating to election or appointment of trustees of a city hospital or health care facility, was taken up for consideration.

Maddox of Polk 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. 357)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Carroll, Presiding

The nays were, none.

Absent or not voting, 4:

Foege	Freeman	Wilderdyke	Wise
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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 File 584 and Senate Files 357 and 376.**

## Regular Calendar

**House File 561**, a bill for an act creating the crime of invasion of privacy, and providing a penalty, was taken up for consideration.

Schickel of Cerro Gordo 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. 561)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Carroll, Presiding

The nays were, none.

Absent or not voting, 4:

Foege

Freeman

Wilderdyke

Wise

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

## HOUSE FILES 232 and 416 WITHDRAWN

Schickel of Cerro Gordo asked and received unanimous consent to withdraw House Files 232 and 416 from further consideration by the House.

## HOUSE FILE 483 WITHDRAWN

Watts of Dallas asked and received unanimous consent to withdraw House File 483 from further consideration by the House.

**House File 575**, a bill for an act providing for offset of certain billings to counties for mental health, mental retardation, and developmental disabilities services and including an applicability provision, was taken up for consideration.

Heaton of Henry offered the following amendment H-1129 filed by him and moved its adoption:

H-1129

- 1 Amend House File 575 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "services," the following: "the department has
- 4 followed the procedures in the department's
- 5 administrative rules for offset of county debts owed
- 6 to the department,".
- 7 2. Page 1, line 12, by inserting after the word
- 8 "billings" the following: "that is attributable to
- 9 mental health, mental retardation, and developmental
- 10 disabilities services".

Amendment H-1129 was adopted.

Heaton of Henry 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. 575)

The ayes were, 60:

Alons  
Boddicker  
Davitt  
Dolecheck

Arnold  
Bogges  
De Boef  
Drake

Baudler  
Chambers  
Dennis  
Eichhorn

Boal  
Dandekar  
Dix  
Elgin

Fallon	Ford	Gipp	Greiner
Hahn	Hansen	Hanson	Heaton
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Oldson	Olson, S.	Paulsen	Petersen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Carroll, Presiding

The nays were, 36:

Bell	Berry	Bukta	Cohoon
Connors	Frevert	Gaskill	Granzow
Greimann	Heddens	Hunter	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Olson, D.	Osterhaus	Quirk
Reasoner	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler

Absent or not voting, 4:

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

House File 624, a bill for an act regulating farm deer, providing for penalties, and providing an effective date, was taken up for consideration.

Mertz of Kossuth 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. 624)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn

Elgin	Fallon	Ford	Frevort
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fosssen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Carroll, Presiding

The nays were, none.

Absent or not voting, 4:

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

**House File 615**, a bill for an act to legalize the proceedings of the City Council of the City of Urbandale relating to the approval of a partial exemption from property taxation of actual value added to industrial real estate, and providing for effective and applicability dates, was taken up for consideration.

Maddox of Polk 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. 615)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis



Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Carroll, Presiding		

The nays were, 2:

Manternach      Van Fossen, J.K.

Absent or not voting, 4:

Foegel      Freeman      Wilderdyke      Wise

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

### HOUSE FILE 376 WITHDRAWN

Mertz of Kossuth asked and received unanimous consent to withdraw House File 376 from further consideration by the House.

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 561, 575, 615 and 624.**

**House File 516**, a bill for an act relating to composition and responsibilities of the Iowa comprehensive petroleum underground storage tank fund board, was taken up for consideration.

Klemme of Plymouth offered the following amendment H-1124 filed by him and Greiner of Washington and moved its adoption:

H-1124

1 Amend House File 516 as follows:

2 1. Page 1, by striking line 7 and inserting the  
3 following: "the governor. One of the owners or  
4 operators appointed pursuant to this paragraph shall  
5 have been a petroleum systems insured through".

6 2. Page 1, line 9, by striking the words "were  
7 insureds" and inserting the following: "shall have  
8 been an insured".

9 3. Page 1, line 11, by inserting after the figure  
10 "1990." the following: "One of the owners or  
11 operators appointed pursuant to this paragraph shall  
12 be self-insured."

13 4. Page 1, by inserting after line 22 the  
14 following:

15 "Sec. \_\_\_\_ Section 455G.4, Code 2003, is amended  
16 by adding the following new subsection:

17 NEW SUBSECTION. 6. REPORTING. Beginning July  
18 2003, the board shall submit a written report  
19 quarterly to the legislative council, the chairperson  
20 and ranking member of the committee on natural  
21 resources and environment in the senate, and the  
22 chairperson and ranking member of the committee on  
23 environmental protection in the house of  
24 representatives regarding changes in the status of the  
25 program including, but not limited to, the number of  
26 open claims by claim type; the number of new claims  
27 submitted and the eligibility status of each claim; a  
28 summary of the risk classification of open claims; the  
29 status of all claims at high-risk sites including the  
30 number of corrective action design reports submitted,  
31 approved, and implemented during the reporting period;  
32 total moneys reserved on open claims and total moneys  
33 paid on open claims; and a summary of budgets approved  
34 and invoices paid for high risk site activities  
35 including a breakdown by corrective action design  
36 report, construction and equipment, implementation,  
37 operation and maintenance, monitoring, over  
38 excavation, free product recovery, site  
39 reclassification, reporting and other expenses, or a  
40 similar breakdown. In each report submitted by the  
41 board, the board shall include an estimated timeline  
42 to complete corrective action at all currently  
43 eligible high-risk sites where a corrective action  
44 design report has been submitted by a claimant and  
45 approved during the reporting period. The timeline  
46 shall include the projected year when a no further

47 action designation will be obtained based upon the  
 48 corrective action activities approved or anticipated  
 49 at each claimant site. The timeline shall be broken  
 50 down in annual increments with the number or

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1 percentage of sites projected to be completed for each  
 2 time period. The report shall identify and report  
 3 steps taken to expedite corrective action and  
 4 eliminate the state's liability for open claims."  
 5 5. By striking page 1, line 23, through page 2,  
 6 line 11.  
 7 6. By renumbering as necessary.

Amendment H-1124 was adopted.

Klemme of Plymouth asked and received unanimous consent to withdraw amendment H-1073 filed by him and Ford of Polk on March 18, 2003.

Klemme 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?" (H.F. 516)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Frevort
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk

Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Carroll, Presiding

The nays were, none.

Absent or not voting, 4:

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

### Unfinished Business Calendar

**House File 482**, a bill for an act relating to appeals filed in child in need of assistance and termination of parental rights proceedings, was taken up for consideration.

### SENATE FILE 224 SUBSTITUTED FOR HOUSE FILE 482

Heaton of Henry asked and received unanimous consent to substitute Senate File 224 for House File 482.

**Senate File 224**, a bill for an act relating to appeals filed in child in need of assistance and termination of parental rights proceedings, was taken up for consideration.

Heaton of Henry 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. 224)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson

Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Carroll, Presiding

The nays were, none.

Absent or not voting, 4:

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

## HOUSE FILES 382 AND 482 WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw House Files 382 and 482 from further consideration by the House.

## Regular Calendar

**House File 509**, a bill for an act relating to deer and elk chronic wasting disease by establishing a task force and requiring departmental cooperation in the implementation of a chronic wasting disease administrative strategy, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Mertz of Kossuth 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. 509)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Carroll, Presiding

The nays were, none.

Absent or not voting, 4:

Foege	Freeman	Wilderdyke	Wise
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## ADOPTION OF SENATE CONCURRENT RESOLUTION 2

Roberts of Carroll called up for consideration **Senate Concurrent Resolution 2**, as follows:

- 1 SENATE CONCURRENT RESOLUTION 2
- 2 BY COMMITTEE ON RULES AND ADMINISTRATION
- 3 A concurrent resolution relating to the compensation
- 4 of chaplains, officers and employees of the
- 5 eightieth general assembly.

6 WHEREAS, section 2.11 of the Code provides that  
 7 "The compensation of the chaplains, officers, and  
 8 employees of the general assembly shall be fixed by  
 9 joint action of the house and senate by resolution at  
 10 the opening of each session, or as soon thereafter as  
 11 conveniently can be done.", NOW THEREFORE,  
 12 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
 13 That the compensation for the following officers for  
 14 the period commencing ~~January 8, 2001~~ January 13, 2003  
 15 and ending ~~January 13, 2003~~ January 10, 2005, shall be  
 16 within the following ranges:  
 17 Secretary of the Senate and Chief  
 18 Clerk of the House \$59,404 to \$94,994  
 19 \$63,024 to \$100,581  
 20 Within the indicated ranges the exact compensation  
 21 shall be set or adjusted for the senate officers by  
 22 the senate rules and administration committee and for  
 23 the house officers by the house administration and  
 24 rules committee. The committees shall report the  
 25 exact compensation assigned to each position on the  
 26 next legislative day, or, if such action is during the  
 27 interim, on the first day the senate or house shall  
 28 convene. Any action by the senate or house to  
 29 disapprove or amend the report shall be effective the  
 30 day after the action.

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1 BE IT FURTHER RESOLVED, That the compensation of  
 2 the employees of the ~~seventy-ninth~~ eightieth general  
 3 assembly is set, effective from ~~January 8, 2001~~  
 4 January 13, 2003, until ~~January 13, 2003~~ January 10,  
 5 2005, in accordance with the following salary  
 6 schedule:

7 #9					
8 \$14,913.60					
9 7.17					
10					
11 #10	#11	#12	#13	#14	
12 \$15,745.60	\$16,556.80	\$17,388.80	\$18,241.60	\$19,198.40	
13 7.57	7.96	8.36	8.77	9.23	
14					
15 #15	#16	#17	#18	#19	
16 \$20,238.40	\$21,236.80	\$22,172.80	\$23,275.20	\$24,336.00	
17 9.73	10.21	10.66	11.19	11.70	
18					
19 #20	#21	#22	#23	#24	
20 \$25,604.80	\$26,728.00	\$28,059.20	\$29,452.80	\$30,784.00	
21 12.31	12.85	13.49	14.16	14.80	
22					
23 #25	#26	#27	#28	#29	
24 \$32,323.20	\$33,820.80	\$35,464.00	\$37,211.20	\$38,979.20	

25	<del>15.54</del>	<del>16.26</del>	<del>17.05</del>	<del>17.89</del>	<del>18.74</del>
26					
27	<del>#30</del>	<del>#31</del>	<del>#32</del>	<del>#33</del>	<del>#34</del>
28	<del>\$40,851.20</del>	<del>\$42,848.00</del>	<del>\$44,824.00</del>	<del>\$47,049.60</del>	<del>\$49,254.40</del>
29	<del>19.64</del>	<del>20.60</del>	<del>21.55</del>	<del>22.62</del>	<del>23.68</del>
30					

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1	<del>#35</del>	<del>#36</del>	<del>#37</del>	<del>#38</del>	<del>#39</del>
2	<del>\$51,604.80</del>	<del>\$54,100.80</del>	<del>\$56,721.60</del>	<del>\$59,404.80</del>	<del>\$62,296.00</del>
3	<del>24.81</del>	<del>26.01</del>	<del>27.27</del>	<del>28.56</del>	<del>29.95</del>
4					
5	<del>#40</del>	<del>#41</del>	<del>#42</del>	<del>#43</del>	<del>#44</del>
6	<del>\$65,312.00</del>	<del>\$68,432.00</del>	<del>\$71,780.80</del>	<del>\$75,108.80</del>	<del>\$78,790.40</del>
7	<del>31.40</del>	<del>32.90</del>	<del>34.51</del>	<del>36.11</del>	<del>37.88</del>
8					
9	<del>#45</del>	<del>#46</del>	<del>#47</del>	<del>#48</del>	<del>#49</del>
10	<del>\$82,576.00</del>	<del>\$86,507.20</del>	<del>\$90,646.40</del>	<del>\$94,993.60</del>	<del>\$99,507.20</del>
11	<del>39.70</del>	<del>41.59</del>	<del>43.58</del>	<del>45.67</del>	<del>47.84</del>
12	<del>#9</del>				
13	<del>\$15,828.80</del>				
14	<del>7.61</del>				
15					
16	<del>#10</del>	<del>#11</del>	<del>#12</del>	<del>#13</del>	<del>#14</del>
17	<del>\$16,702.40</del>	<del>\$17,576.00</del>	<del>\$18,449.60</del>	<del>\$19,344.00</del>	<del>\$20,384.00</del>
18	<del>8.03</del>	<del>8.45</del>	<del>8.87</del>	<del>9.30</del>	<del>9.80</del>
19					
20	<del>#15</del>	<del>#16</del>	<del>#17</del>	<del>#18</del>	<del>#19</del>
21	<del>\$21,465.60</del>	<del>\$22,547.20</del>	<del>\$23,524.80</del>	<del>\$24,710.40</del>	<del>\$25,812.80</del>
22	<del>10.32</del>	<del>10.84</del>	<del>11.31</del>	<del>11.88</del>	<del>12.41</del>
23					
24	<del>#20</del>	<del>#21</del>	<del>#22</del>	<del>#23</del>	<del>#24</del>
25	<del>\$27,164.80</del>	<del>\$28,371.20</del>	<del>\$29,764.80</del>	<del>\$31,241.60</del>	<del>\$32,656.00</del>
26	<del>13.06</del>	<del>13.64</del>	<del>14.31</del>	<del>15.02</del>	<del>15.70</del>
27					
28	<del>#25</del>	<del>#26</del>	<del>#27</del>	<del>#28</del>	<del>#29</del>
29	<del>\$34,299.20</del>	<del>\$35,880.00</del>	<del>\$37,627.20</del>	<del>\$39,478.40</del>	<del>\$41,350.40</del>
30	<del>16.49</del>	<del>17.25</del>	<del>18.09</del>	<del>18.98</del>	<del>19.88</del>

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1					
2	<del>#30</del>	<del>#31</del>	<del>#32</del>	<del>#33</del>	<del>#34</del>
3	<del>\$43,347.20</del>	<del>\$45,468.80</del>	<del>\$47,569.60</del>	<del>\$49,920.00</del>	<del>\$52,249.60</del>
4	<del>20.84</del>	<del>21.86</del>	<del>22.87</del>	<del>24.00</del>	<del>25.12</del>
5					
6	<del>#35</del>	<del>#36</del>	<del>#37</del>	<del>#38</del>	<del>#39</del>
7	<del>\$54,745.60</del>	<del>\$57,387.20</del>	<del>\$60,174.40</del>	<del>\$63,024.00</del>	<del>\$66,102.40</del>
8	<del>26.32</del>	<del>27.59</del>	<del>28.93</del>	<del>30.30</del>	<del>31.78</del>
9					
10	<del>#40</del>	<del>#41</del>	<del>#42</del>	<del>#43</del>	<del>#44</del>



11	\$69,284.80	\$72,612.80	\$76,169.60	\$79,684.80	\$83,595.200
12	33.31	34.91	36.62	38.31	40.19
13					
14	#45	#46	#47	#48	#49
15	\$87,609.60	\$91,790.40	\$96,179.20	\$100,580.80	\$110,739.20
16	42.12	44.13	46.24	50.76	53.24

17 In this schedule, each numbered block shall be the  
 18 yearly and hourly compensation for the pay grade of  
 19 the number heading the block. Within each grade there  
 20 shall be six steps numbered "1" through "6". In the  
 21 above schedule the steps for all grades are determined  
 22 in the following manner. Each numbered block is  
 23 counted as the "1" step for that grade. The next  
 24 higher block is counted as the "2" step; the next  
 25 higher block is the "3" step; the next higher block is  
 26 the "4" step; the next higher block is the "5" step;  
 27 the next higher block is the "6" step.  
 28 Alternatively, the senate rules and administration  
 29 committee for senate employees, and the house  
 30 administration and rules committee for house employees

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1 may allow their employees' compensation to be flexibly  
 2 set anywhere between steps "1" through "6" for an  
 3 employee's prescribed pay grade.

4 All employees shall be available to work daily  
 5 until completion of the senate's and house of  
 6 representatives' business. The employee's division  
 7 supervisor shall schedule all employees' working hours  
 8 to, as far as possible, maintain regular working  
 9 hours.

10 All employees, other than those designated "part-  
 11 time", shall be compensated for 40 hours of work in a  
 12 one-week pay period. Secretaries to senators and  
 13 representatives are presumed to have 40 36 hours of  
 14 work each week the legislature is in session and shall  
 15 be paid only on that basis. ~~Except for the personnel~~  
 16 ~~designated to the contrary in this resolution, Full-~~  
 17 time employees who are required to work in excess of  
 18 40 hours in a one-week pay period shall either be  
 19 ~~compensated at a rate of pay equal to one and one-half~~  
 20 ~~times the hourly pay provided in this resolution or~~  
 21 ~~allowed compensatory time off at a rate of one and~~  
 22 ~~one-half hours hour~~ for each hour of overtime up to a  
 23 maximum of 120 hours of compensatory time.

24 The following personnel shall not be paid an  
 25 overtime premium:

26 Secretary of the Senate  
 27 Chief Clerk of the House  
 28 Assistant Secretary of the Senate  
 29 Assistant Chief Clerk of the House

## 30 Senate Legal Counsel

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- 1 House Legal Counsel
- 2 Senior Finance Officer I
- 3 Senior Finance Officer II
- 4 Senior Journal Editor
- 5 Senior Indexer
- 6 All Administrative Assistants
- 7 All Research Analysts
- 8 All Research Assistants
- 9 All Secretaries to Senators and Representatives
- 10 All Caucus Staff Directors
- 11 All Caucus Secretaries
- 12 Administrative, Executive, and Confidential
- 13 Secretaries to President, Speaker, Leader or
- 14 Secretary of Senate or Chief Clerk of House
- 15 This list may be modified pursuant to the annual
- 16 review authorized in this resolution.
- 17 BE IT FURTHER RESOLVED, That part-time employees
- 18 shall be compensated at the scheduled hourly rate for
- 19 their pay grade and step.
- 20 BE IT FURTHER RESOLVED, That compensatory time off
- 21 shall be granted to employees not eligible for the
- 22 overtime premium in a uniform manner for all
- 23 legislative employees as determined by the legislative
- 24 council.
- 25 BE IT FURTHER RESOLVED, That in the event the
- 26 salary schedule for employees of the State of Iowa as
- 27 promulgated by the personnel commission pursuant to
- 28 section 19A.9, subsection 2 is revised upward at any
- 29 time during the ~~seventy-ninth~~ eightieth general
- 30 assembly, such revised schedule shall simultaneously

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- 1 be adopted for the compensation of the employees of
- 2 the ~~seventy-ninth~~ eightieth general assembly assigned
- 3 a grade by this resolution. The pay ranges of those
- 4 positions specifically listed on page one of this
- 5 resolution shall be automatically adjusted to reflect
- 6 any cost of living increases granted to those
- 7 employees not included in the collective bargaining
- 8 agreements made final under chapter 20 of the Code and
- 9 increases provided by the legislative council for
- 10 agency directors.
- 11 BE IT FURTHER RESOLVED, That adjustments in the
- 12 positions and compensation listed in this resolution
- 13 may be made through an annual interim review of all
- 14 legislative employees for internal equity and to
- 15 assure compliance with appropriate legal standards for

- 16 granting of overtime and compensatory time off. Such  
 17 review shall be conducted by a legislative committee  
 18 made up of members of the service committee of  
 19 legislative council and the appropriate salary  
 20 subcommittees of the senate and house. Only one such  
 21 review may be done in any fiscal year and adjustments  
 22 suggested must be approved by the appropriate hiring  
 23 body.  
 24 BE IT FURTHER RESOLVED, That the employees of the  
 25 ~~seventy-ninth~~ eightieth general assembly be placed in  
 26 the following pay grades:  
 27 EMPLOYEES OF THE HOUSE  
 28 Sr. Assistant Chief Clerk of the House.....Grade 41  
 29 Assistant Chief Clerk of the House III.....Grade 38  
 30 Assistant Chief Clerk of the House II.....Grade 35

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- 1 Assistant Chief Clerk of the House I.....Grade 32  
 2 Legal Counsel II.....Grade 35  
 3 Legal Counsel I.....Grade 32  
 4 Legal Counsel.....Grade 30  
 5 Sr. Caucus Staff Director.....Grade 41  
 6 Caucus Staff Director.....Grade 38  
 7 Administrative Assistant to Leader  
 8 or Speaker.....Grade 27  
 9 Administrative Assistant I to Leader  
 10 or Speaker.....Grade 29  
 11 Administrative Assistant II to Leader  
 12 or Speaker.....Grade 32  
 13 Administrative Assistant III to Leader  
 14 or Speaker.....Grade 35  
 15 Sr. Administrative Assistant to  
 16 Leader or Speaker.....Grade 38  
 17 Research Assistant.....Grade 24  
 18 Legislative Research Analyst.....Grade 27  
 19 Legislative Research Analyst I.....Grade 29  
 20 Legislative Research Analyst II.....Grade 32  
 21 Legislative Research Analyst III.....Grade 35  
 22 Sr. Legislative Research Analyst.....Grade 38  
 23 Secretary to Leader or Speaker.....Grade 19  
 24 Caucus Secretary.....Grade 21  
 25 Senior Caucus Secretary.....Grade 24  
 26 Administrative Secretary to Leader,  
 27 Speaker, or Chief Clerk.....Grade 21  
 28 Executive Secretary to Leader,  
 29 Speaker or Chief Clerk.....Grade 24  
 30 Confidential Secretary to Leader,

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- 1 Speaker, or Chief Clerk.....Grade 27

2	Confidential Secretary II to Leader, Speaker	
3	or Chief Clerk.....	Grade 32
4	Clerk to Chief Clerk.....	Grade 16
5	Supervisor of Secretaries.....	Grade 21
6	Supervisor of Secretaries I.....	Grade 24
7	Supervisor of Secretaries II.....	Grade 27
8	Senior Editor.....	Grade 30
9	Editor II.....	Grade 25
10	Editor I.....	Grade 22
11	Assistant Editor.....	Grade 19
12	Compositor/Desk Top Specialist .....	Grade 17
13	Sr. Text Processor.....	Grade 25
14	Text Processor II.....	Grade 22
15	Text Processor I.....	Grade 19
16	Senior Finance Officer II.....	Grade 35
17	Senior Finance Officer I.....	Grade 31
18	Finance Officer II.....	Grade 27
19	Finance Officer I.....	Grade 24
20	Assistant Finance Officer.....	Grade 21
21	Recording Clerk II .....	Grade 24
22	Recording Clerk I.....	Grade 21
23	Assistant Legal Counsel.....	Grade 27
24	Engrossing & Enrolling Processor.....	Grade 27
25	Assistant to the Legal Counsel .....	Grade 19
26	Senior Indexer.....	Grade 28
27	Indexer II .....	Grade 25
28	Indexer I.....	Grade 22
29	Indexing Assistant.....	Grade 19
30	Supply Clerk .....	Grade 16

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1	Switchboard Operator .....	Grade 14
2	Legislative Secretary .....	Grade 15
3	Legislative Committee Secretary.....	Grade 17
4	Bill Clerk .....	Grade 14
5	Assistant Bill Clerk .....	Grade 12
6	Postmaster .....	Grade 12
7	Sergeant-at-Arms II .....	Grade 20
8	Sergeant-at-Arms I.....	Grade 17
9	Assistant Sergeant-at-Arms.....	Grade 14
10	Chief Doorkeeper .....	Grade 12
11	Doorkeepers .....	Grade 11
12	Pages .....	Grade 9
13	EMPLOYEES OF THE SENATE	
14	Sr. Assistant Secretary of the Senate.....	Grade 41
15	Assistant Secretary of the Senate III .....	Grade 38
16	Assistant Secretary of the Senate II.....	Grade 35
17	Assistant Secretary of the Senate I.....	Grade 32
18	Legal Counsel II.....	Grade 35
19	Legal Counsel I.....	Grade 32
20	Legal Counsel.....	Grade 30

21 Sr. Caucus Staff Director .....	Grade 41
22 Caucus Staff Director .....	Grade 38
23 Administrative Assistant to Leader	
24 or President.....	Grade 27
25 Administrative Assistant I to Leader	
26 or President.....	Grade 29
27 Administrative Assistant II to Leader	
28 or President.....	Grade 32
29 Administrative Assistant III to Leader	
30 or President.....	Grade 35

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1 Sr. Administrative Assistant to	
2 Leader or President .....	Grade 38
3 Research Assistant .....	Grade 24
4 Legislative Research Analyst.....	Grade 27
5 Legislative Research Analyst I .....	Grade 29
6 Legislative Research Analyst II.....	Grade 32
7 Legislative Research Analyst III .....	Grade 35
8 Sr. Legislative Research Analyst.....	Grade 38
9 Caucus Secretary .....	Grade 21
10 Senior Caucus Secretary .....	Grade 24
11 Secretary to Leader or President.....	Grade 19
12 Administrative Secretary to Leader, President,	
13 or Secretary of the Senate .....	Grade 21
14 Executive Secretary to Leader, President,	
15 or Secretary of the Senate .....	Grade 24
16 Confidential Secretary to Leader, President,	
17 or Secretary of the Senate .....	Grade 27
18 Confidential Secretary II to Leader, President,	
19 or Secretary of the Senate .....	Grade 32
20 Supervisor of Secretaries.....	Grade 21
21 Supervisor of Secretaries I.....	Grade 24
22 Supervisor of Secretaries II.....	Grade 27
23 Senior Editor.....	Grade 30
24 Editor II.....	Grade 25
25 Editor I.....	Grade 22
26 Assistant Editor.....	Grade 19
27 Compositor/Desktop Top Specialist .....	Grade 17
28 Assistant Legal Counsel.....	Grade 27
29 Assistant to the Legal Counsel .....	Grade 19
30 Proofreader.....	Grade 16

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1 Senior Finance Officer II.....	Grade 35
2 Senior Finance Officer I .....	Grade 31
3 Finance Officer II.....	Grade 27
4 Finance Officer I .....	Grade 24
5 Assistant Finance Officer.....	Grade 21
6 Recording Clerk II .....	Grade 24

7	Recording Clerk I.....	Grade 21
8	Senior Indexer.....	Grade 28
9	Indexer II .....	Grade 25
10	Indexer I.....	Grade 22
11	Indexing Assistant.....	Grade 19
12	Records and Supply Clerk.....	Grade 18
13	Switchboard Operator .....	Grade 14
14	Legislative Secretary.....	Grade 15
15	Legislative Committee Secretary.....	Grade 17
16	Bill Clerk.....	Grade 14
17	Assistant Bill Clerk .....	Grade 12
18	Postmaster .....	Grade 12
19	Sergeant-at-Arms II .....	Grade 20
20	Sergeant-at-Arms I.....	Grade 17
21	Assistant Sergeant-at-Arms.....	Grade 14
22	Chief Doorkeeper .....	Grade 12
23	Doorkeepers .....	Grade 11
24	Pages .....	Grade 9
25	JOINT SENATE/HOUSE EMPLOYEES	
26	Facilities Manager I .....	Grade 35
27	Facilities Manager II .....	Grade 38
28	Sr. Facilities Manager .....	Grade 41
29	Legislative Security Secretary .....	Grade 19
30	Legislative Security Officer I .....	Grade 20

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- 1 Legislative Security Officer II..... Grade 23
- 2 Conservation/Restoration Specialist II..... Grade 31
- 3 BE IT FURTHER RESOLVED, That there shall be four
- 4 classes of appointments as employees of the general
- 5 assembly:
- 6 A "permanent full-time" or "permanent part-time"
- 7 employee is one who is employed the year around and
- 8 eligible to receive state benefits.
- 9 An "exempt full-time" employee is one who is
- 10 employed for the period of the sessions with
- 11 extensions post-session and pre-session as scheduled.
- 12 This class is eligible to receive state benefits with
- 13 the cost of benefits to the state to be paid by the
- 14 employee when not on the payroll.
- 15 A "session-only" employee is one who is employed
- 16 for only a portion of the year, usually the
- 17 legislative session. This class is not eligible for
- 18 state benefits, except IPERS, and insurance as
- 19 provided in section 2.40.
- 20 A "part-time" employee is one who is employed to
- 21 work less than 40 hours per week. This class is not
- 22 eligible for state benefits, except IPERS if eligible.
- 23 BE IT FURTHER RESOLVED, That the exact
- 24 classification for individuals in a job series created
- 25 by this resolution shall be set or changed for senate

26 employees by the senate rules and administration  
27 committee and for the house employees by the house  
28 administration and rules committee. The committees  
29 shall base the classification upon the following  
30 factors:

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1 1. The extent of formal education required of the  
2 position; and,

3 2. The extent of the responsibilities to be  
4 assigned to the position; and,

5 3. The amount of supervision placed over the  
6 position; and,

7 4. The number of persons the position is assigned  
8 to supervise and skill skills and responsibilities of  
9 those positions supervised.

10 The committees shall report the exact  
11 classifications assigned to each individual on the  
12 next legislative day, or, if such action is during the  
13 interim, on the first day the senate or house shall  
14 convene. Any action by the senate or house to  
15 disapprove a report or a portion of a report shall be  
16 effective the day after the action.

17 Recommendations for a pay grade for a new position  
18 shall be developed in accordance with the factor  
19 scores in the comparable worth report. Beginning in  
20 1999, every four years the senate rules and  
21 administration committee, the house administration and  
22 rules committee, and the legislative council ~~shall~~ may  
23 review all positions in the legislative branch to  
24 assure conformity to comparable worth.

25 BE IT FURTHER RESOLVED, That a senator or  
26 representative may employ a secretary who in the  
27 judgment of the senator or representative employing  
28 such person, possesses the necessary skills to perform  
29 the duties such senator or representative shall  
30 designate, under the administrative direction, as

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1 appropriate, of the secretary of the senate or the  
2 chief clerk of the house.

3 Each standing committee chairperson, ethics  
4 committee chairperson, and each appropriations  
5 subcommittee chairperson shall designate a secretary  
6 who is competent to perform the following duties:  
7 prepare committee minutes, committee reports, type  
8 committee correspondence, maintain committee records,  
9 and otherwise assist the committee. Such duties shall  
10 be performed in accordance with standards which shall  
11 be provided by the secretary of the senate and chief

12 clerk of the house. In making the designation,  
13 chairpersons shall consider persons for possible  
14 designation as the secretary to the committee in the  
15 following order:

16 First: The secretary to the chairperson.

17 Second: The secretary to the committee's vice-  
18 chairperson.

19 Third: The secretary to any other member of the  
20 committee.

21 Fourth: The secretary to any other member in the  
22 same house as the committee.

23 BE IT FURTHER RESOLVED, That a Legal Counsel II  
24 shall be a person who has graduated from an accredited  
25 school of law and is admitted to practice in Iowa as  
26 an Attorney and Counselor at Law and possesses either  
27 a Masters of Law degree or has at least two years of  
28 legal experience after admission to practice.

29 A Legal Counsel I shall be a person who has  
30 graduated from an accredited school of law and is

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1 admitted to practice in Iowa as an Attorney and  
2 Counselor at Law.

3 BE IT FURTHER RESOLVED, That employees of the  
4 general assembly may be eligible for either:

5 a) increases in salary grade or step based on  
6 evaluation of their job performance and

7 recommendations of their administrative officers,  
8 subject to approval of the senate committee on rules  
9 and administration or the house committee on

10 administration and rules, as appropriate, provided,  
11 however, that for promotions between classes with a  
12 three or more pay grade difference, the employee shall  
13 be given a two-step increase in pay or the employee's  
14 salary shall be adjusted to the entry level in the  
15 grade of the new position, whichever is greater; or

16 b) mobility within a pay grade at the discretion  
17 of the chief clerk of the house upon recommendation by  
18 the employee's division supervisor on the part of the  
19 house, and the discretion of the employee's division  
20 supervisor on the part of the senate, subject to the  
21 approval of the house committee on administration and  
22 rules or the senate committee on rules and  
23 administration, as appropriate – either in accord  
24 with a flexible pay plan approved by the senate rules  
25 and administration committee or the house  
26 administration and rules committee, or in accord with  
27 the following schedule:

28 (1) Progression from step "1" to "2" for a newly  
29 hired employee – six months of actual employment.

30 (2) Progression from step "1" to "2" following



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1 promotion within a job series – twelve months of  
2 actual employment in that position.  
3 (3) Progression from step "2" to "3", and step "3"  
4 to "4", and step "4" to "5", and step "5" to "6" –  
5 twelve months of actual employment at the lower step.  
6 BE IT FURTHER RESOLVED, that in addition to the  
7 steps provided in the preceding paragraph, that  
8 secretaries to senators and representatives who were  
9 employees of the senate or house of representatives  
10 during any general assembly prior to January 9, 1989,  
11 and who have received certification for passing a  
12 typing and shorthand performance examination shall be  
13 eligible for two additional steps.  
14 BE IT FURTHER RESOLVED, That in addition to the  
15 steps provided in the preceding paragraph, that  
16 secretaries to senators and representatives shall be  
17 eligible for a maximum of three additional grades  
18 beyond grade 15, in any combination, as provided in  
19 this paragraph:  
20 1. One additional grade for a secretary to a  
21 standing committee chair, ethics committee chair or  
22 appropriations subcommittee chair who is not the  
23 designated committee secretary.  
24 2. One additional grade for a secretary to a vice-  
25 chairperson or ranking member of a standing committee,  
26 ethics committee or appropriations subcommittee.  
27 3. One additional grade for a secretary to the  
28 chairperson of the chaplain's committee.  
29 4. Two additional grades for a secretary to an  
30 assistant floor leader or speaker pro tempore or

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1 president pro tempore.  
2 5. One additional grade for a designated committee  
3 secretary who is also the designated committee  
4 secretary for an additional standing committee, ethics  
5 committee, or appropriations subcommittee.  
6 BE IT FURTHER RESOLVED, That in the event the  
7 secretary to the chairperson of the chaplain's  
8 committee is the secretary to the president, president  
9 pro tempore, speaker, speaker pro tempore, or the  
10 majority or minority leader, such secretary shall  
11 receive one additional step.  
12 BE IT FURTHER RESOLVED, That the entrance salary  
13 for employees of the general assembly shall be at step  
14 1 in the grade of the position held. Such employee  
15 may be hired above the entrance step if possessing  
16 outstanding and unusual experience for the position,  
17 provided that the entrance is not beyond step 3. Such

18 employee who is hired above the entrance step shall be  
19 mobile above that step in the same period of time as  
20 other employees in that same step. An officer or  
21 employee who is moved to another position may be  
22 considered for partial or full credit for their  
23 experience in the former position in determining the  
24 step in the new grade.  
25 The entry level for the position of research  
26 analyst shall be Legislative Research Analyst, unless  
27 extraordinary conditions justify increasing that entry  
28 level; however, that entry level may not be increased  
29 beyond Legislative Research Analyst I. A research  
30 analyst must have shown knowledge of legislative rules

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1 and procedures as well as the Code of Iowa to be  
2 considered at any level above a Legislative Research  
3 Analyst.  
4 BE IT FURTHER RESOLVED, That a pay increase for  
5 employees of one step within the pay grade for the  
6 position may be made for exceptionally meritorious  
7 service in addition to step increases provided for in  
8 this resolution, at the discretion of the chief clerk  
9 upon recommendation by the employee's division  
10 supervisor on the part of the house, and upon  
11 recommendation by the employee's division supervisor  
12 on the part of the senate, and the approval of the  
13 senate committee on rules and administration or the  
14 house committee on administration and rules.  
15 Exceptionally meritorious service pay increases shall  
16 be governed by the following:  
17 a. The employee must have served in the position  
18 for at least twelve months;  
19 b. Written justification, setting forth in detail  
20 the nature of the exceptionally meritorious service  
21 rendered, must be submitted to the senate rules and  
22 administration committee or house administration and  
23 rules committee and approved in advance of granting  
24 the pay increase;  
25 c. No more than one exceptionally meritorious  
26 service pay increase may be granted in any twelve-  
27 month period.  
28 d. Such meritorious service pay increase shall not  
29 be granted beyond the six-step maximum for that  
30 position.

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1 BE IT FURTHER RESOLVED, That the senate rules and  
2 administration committee and the house administration  
3 and rules committee shall both hire officers and

4 employees for their respective bodies and fill any  
5 vacancies which may occur, to be effective at such  
6 time as they shall set. The committee shall report  
7 the names of those it has hired for the positions  
8 specified in this resolution or the filling of any  
9 vacancies on the next legislative day or, if such  
10 action is during the interim, on the first day the  
11 senate or house shall convene. Any action by the  
12 senate or house to amend or disapprove a report or a  
13 portion of a report shall be effective the day after  
14 the action.

15 The chief clerk of the house shall submit to the  
16 house committee on administration and rules and the  
17 secretary of the senate shall submit to the senate  
18 committee on rules and administration the list of  
19 names, or amendments thereto, of employee  
20 classifications and recommended pay step for each  
21 officer and employee. Such list shall include  
22 recommendations for the pay step for all employees.  
23 Each respective committee shall approve or amend the  
24 list of recommended classifications and pay steps and  
25 publish said list in the journal.

26 BE IT FURTHER RESOLVED, That permanent employees of  
27 the general assembly shall receive vacation  
28 allowances, sick leave, health and accident insurance,  
29 life insurance, and disability income insurance as are  
30 provided for full-time permanent state employees. The

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1 computations shall be maintained by the finance  
2 officers in each house and coordinated with the  
3 department of revenue and finance.

4 BE IT FURTHER RESOLVED, That should any employee  
5 have a grievance, the grievance shall be resolved as  
6 provided by procedures determined by the senate rules  
7 and administration committee for senate employees or  
8 the house administration and rules committee for house  
9 employees.

10 BE IT FURTHER RESOLVED, That the legislative  
11 council adopt a resolution similar to this resolution  
12 which provides for the compensation and benefits of  
13 all legislative central staff agency employees for the  
14 ~~seventy-ninth~~ eightieth general assembly. The  
15 resolution shall be adopted as soon as practicable  
16 after the convening of the ~~seventy-ninth~~ eightieth  
17 general assembly, and published in the journals of the  
18 senate and house.

19 BE IT FURTHER RESOLVED, That the compensation of  
20 chaplains officiating at the opening of the daily  
21 sessions of the house of representatives and the  
22 senate of the ~~seventy-ninth~~ eightieth general assembly

23 be fixed at ten dollars for each house of the general  
24 assembly, and that mileage for chaplains be fixed at  
25 the rate of twenty-nine cents per mile to and from the  
26 State Capitol.

Roberts of Carroll offered the following amendment H-1051 filed by the committee on administration and rules and moved its adoption:

H-1051

- 1 Amend Senate Concurrent Resolution 2, as passed by
- 2 the Senate, as follows:
- 3 1. Page 5, line 18, by striking the figure and
- 4 words "40 hours in a one-week" and inserting the
- 5 following: "40 ~~80~~ hours in a ~~one-week~~ two-week".
- 6 2. Page 5, line 23, by inserting after the word
- 7 "time." the following: "Joint security employees of
- 8 the senate and house of representatives may be
- 9 compensated for each hour of overtime at a rate of pay
- 10 equal to one-and-one-half times the hourly pay
- 11 provided."

The committee amendment H-1051 was adopted.

On motion by Roberts of Carroll the resolution, as amended, was adopted.

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 509 and 516, Senate File 224 and Senate Concurrent Resolution 2.**

### SENATE FILE 275 REREFERRED

The Speaker announced that Senate File 275, previously referred to committee on **commerce, regulation and labor**, was rereferred to committee on **ways and means**.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 20, 2003. Had I been present I would have voted "aye" on House Files

455, 457, 479, 490, 504, 534, 545, 551, 557, 558, 565, 585, 592, 601, 603, 604 and Senate File 424. I would have voted "nay" on House File 450.

D. TAYLOR of Linn

I was necessarily absent from the House chamber on March 24, 2003. Had I been present, I would have voted "aye" on House Files 505 and 623.

HUSER of Polk

### 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 24<sup>th</sup> day of March, 2003: House File 290.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### SUPREME COURT OF IOWA

Final report on the clerk of court study, pursuant to 2002 Iowa Acts, Chapter 1003, Section 176, Seventy-ninth General Assembly.

### 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

2003\898      Carl and Adeline Kintner, DeWitt – For celebrating their 60<sup>th</sup> wedding anniversary.

- 2003\899 Viola Dammerman, DeWitt – For celebrating her 80<sup>th</sup> birthday.
- 2003\900 Helen Tymeson, Storm Lake – For celebrating her 90<sup>th</sup> birthday.
- 2003\901 Andrew Hoogeveen, Sioux Center – For being named to the All-Tournament All-State Team in Class 2-A Boys' Basketball.
- 2003\902 Keith Sietstra, Boyden – For being named to the All-Tournament All-State Team in Class 1-A Boys' Basketball.
- 2003\903 Chad Schuiteman, Sioux Center – For being named to the All-Tournament All-State Team in Class 2-A Boys' Basketball.
- 2003\904 Blake Reinke, Hull – For being selected as the captain of the All-Tournament All-State Team in Class 1-A Boys' Basketball.
- 2003\905 Coach Bill Francis and the Boyden-Hull Comets, Hull – For winning 1<sup>st</sup> place in the Class 1-A Boys' Basketball State Tournament Championship with a score of 49-35.
- 2003\906 Coach Todd Arends and the Sioux Center Warriors, Sioux Center – For winning first place in the Class 2-A Boys' Basketball State Tournament Championship with a score of 74-60.
- 2003\907 Violet Bredensteiner, Shenandoah – For celebrating her 90<sup>th</sup> birthday.
- 2003\908 Bill and Martha Veerman, Oskaloosa – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\909 Walter Gravitt, Oskaloosa – For celebrating his 88<sup>th</sup> birthday.
- 2003\910 Nellie Meinders, Oskaloosa – For celebrating her 90<sup>th</sup> birthday.
- 2003\911 Claire and Rosemary Hutchinson, Grinnell – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\912 Beverley and Laverne Tibben, Stuart – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\913 Dean and Diane Clipperton, Bayard – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\914 Esther (Fritz) Varley, Stuart – For celebrating her 100<sup>th</sup> birthday.
- 2003\915 Adam J. Kruse, Indianola – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\916 Janet and Ron Skogerboe, Iowa Falls – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\917 Paul Ficken, Melbourne – For celebrating his 80<sup>th</sup> birthday.

- 2003\918 Albia "Al" Tracy, Mason City – For celebrating her 100<sup>th</sup> birthday.
- 2003\919 Amy Webner, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2003\920 Floyd Bochmann, Mason City – For celebrating his 90<sup>th</sup> birthday.
- 2003\921 Troy P. Bockenstedt, Dyersville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\922 Iva Fratzke, Independence – For celebrating her 80<sup>th</sup> birthday.
- 2003\923 Norma Rouse, Independence – For celebrating her 80<sup>th</sup> birthday.
- 2003\924 Ray Davis, Dunkerton – For celebrating his 93<sup>rd</sup> birthday.
- 2003\925 Kenneth Risse, Dunkerton – For celebrating his 85<sup>th</sup> birthday.
- 2003\926 Camilla Weber, Jesup – For celebrating her 80<sup>th</sup> birthday.
- 2003\927 Keith and Madeline Bell, Atkins – For celebrating their 66<sup>th</sup> wedding anniversary.
- 2003\928 Olive Fetherkile, Keystone – For celebrating her 90<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 502

Commerce, Regulation and Labor: Hoffman, Chair; Connors and Horbach.

##### House File 550

Commerce, Regulation and Labor: Hoffman, Chair; B. Hansen and Wise.

##### Senate File 119

Commerce, Regulation and Labor: Sands, Chair; Jacobs and Quirk.

##### Senate File 236

Commerce, Regulation and Labor: Jacobs, Chair; Jenkins and Oldson.

##### Senate File 340

Commerce, Regulation and Labor: Raecker, Chair; Manternach and Murphy.

##### Senate File 343

Environmental Protection: Greiner, Chair; M. Gaskill and Kurtenbach.

##### Senate File 417

Public Safety: Klemme, Chair; Alons and McCarthy.

## RESOLUTION FILED

**HR 40**, by Heaton, a resolution honoring the Iowa Hawkeyes Football Team and Coach Kirk Ferentz.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1132	H.F.	631	Paulsen of Linn
H—1133	H.F.	595	Huser of Polk
H—1134	H.F.	595	Huser of Polk
H—1135	H.F.	573	Eichhorn of Hamilton
H—1136	H.F.	573	Eichhorn of Hamilton
H—1137	H.F.	652	Murphy of Dubuque
H—1138	H.F.	655	Lykam of Scott
Murphy of Dubuque			Connors of Polk
Hunter of Polk			D. Olson of Boone
H—1139	H.F.	655	Murphy of Dubuque
Connors of Polk			Hunter of Polk
Lykam of Scott			D. Olson of Boone.
H—1140	H.F.	580	Hogg of Linn
H—1141	H.F.	656	Osterhaus of Jackson
Jochum of Dubuque			Lukan of Dubuque
Manternach of Jones			Murphy of Dubuque
H—1142	H.F.	655	D. Olson of Boone
Murphy of Dubuque			Connors of Polk
Hunter of Polk			Lykam of Scott
H—1143	H.F.	580	Paulsen of Linn
H—1144	H.F.	647	Petersen of Polk
H—1145	H.F.	556	Paulsen of Linn
			Struyk of Pottawattamie
H—1146	H.F.	614	Jacobs of Polk
H—1147	H.F.	652	Struyk of Pottawattamie
Cohoon of Des Moines			Wise of Lee
Bell of Jasper			Kuhn of Floyd
Lykam of Scott			D. Olson of Boone
Heddens of Story			Connors of Polk
Swaim of Davis			Murphy of Dubuque
Hunter of Polk			Whitaker of Van Buren
Shoultz of Black Hawk			Osterhaus of Jackson



Reasoner of Union			Jochum of Dubuque
Greimann of Story			Dandekar of Linn
Petersen of Polk			Oldson of Polk
Quirk of Chickasaw			Myers of Johnson
Bukta of Clinton			Mascher of Johnson
Smith of Marshall			Foege of Linn
Gaskill of Wapello			Frevert of Palo Alto
Miller of Webster			Berry of Black Hawk
Wendt of Woodbury			Whitead of Woodbury
Stevens of Dickinson			Winckler of Scott
T. Taylor of Linn			
H—1148	H.F.	652	D. Olson of Boone
Cohoon of Des Moines			Bell of Jasper
Kuhn of Floyd			Lykam of Scott
Heddens of Story			Connors of Polk
Swaim of Davis			Murphy of Dubuque
Hunter of Polk			Shoultz of Black Hawk
Osterhaus of Jackson			Reasoner of Union
Lensing of Johnson			Jochum of Dubuque
Stevens of Dickinson			Struyk of Pottawattamie
Whitead of Woodbury			Wendt of Woodbury
Berry of Black Hawk			Frevert of Palo Alto
Gaskill of Wapello			Foege of Linn
Smith of Marshall			Bukta of Clinton
Myers of Johnson			Winckler of Scott
T. Taylor of Linn			
H—1149	H.F.	593	Gaskill of Wapello
			Mascher of Johnson
			Petersen of Polk
			Jochum of Dubuque
H—1150	H.F.	633	Raecker of Polk

On motion by Gipp of Winneshiek the House adjourned at 4:44 p.m., until 8:45 a.m., Tuesday, March 25, 2003.

# JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Fifty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 25, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

The Lord's Prayer was sung by Godz Guys from Gloria Dei Lutheran Church, Urbandale. They were the guests of Representative Scott Raecker of Polk County.

The Journal of Monday, March 24, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## INTRODUCTION OF BILL

**House File 658**, by Alons, Huseman, Hahn, Roberts, Lalk, De Boef, Tymeson, Horbach, S. Olson, Manternach, Kurtenbach, Kramer, Paulsen, Dennis, and Baudler, a bill for an act relating to the deduction of the capital gain from the sale of capital investments made in or by certain businesses and including an applicability date provision.

Read first time and referred to committee on **ways and means**.

## 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 24, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 297, a bill for an act relating to the regulation of snowmobiles and all-terrain vehicles, establishing fees, providing penalties, and providing applicability dates.

Also: That the Senate has on March 24, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 341, a bill for an act regulating the balance of competitive forces in swine and beef production by enhancing the welfare of the farming community and by preventing processors from gaining control of beef or swine production, providing for the transfer of provisions, making a penalty applicable, and providing for an effective date.

Also: That the Senate has on March 24, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 366, a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision.

Also: That the Senate has on March 24, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 394, a bill for an act relating to the regulation of the grain industry, and making penalties applicable.

Also: That the Senate has on March 24, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 395, a bill for an act relating to assistance services provided to the department of agriculture and land stewardship, including for the filing of documents and the payment of fees and civil penalties, and the authorization to assess additional charges.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 8:50 a.m., until the fall of the gavel.

The House resumed session at 10:13 a.m., Klemme of Plymouth in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Foege of Linn on request of Bukta of Clinton.

### SENATE MESSAGES CONSIDERED

**Senate File 297**, by committee on transportation, a bill for an act relating to the regulation of snowmobiles and all-terrain vehicles,

establishing fees, providing penalties, and providing applicability dates.

Read first time and referred to committee on **natural resources**.

**Senate File 341**, by committee on agriculture, a bill for an act regulating the balance of competitive forces in swine and beef production by enhancing the welfare of the farming community and by preventing processors from gaining control of beef or swine production, providing for the transfer of provisions, making a penalty applicable, and providing for an effective date.

Read first time and referred to committee on **agriculture**.

**Senate File 366**, by committee on judiciary, a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision.

Read first time and **passed on file**.

**Senate File 394**, by committee on agriculture, a bill for an act relating to the regulation of the grain industry, and making penalties applicable.

Read first time and referred to committee on **agriculture**.

**Senate File 395**, by committee on agriculture, a bill for an act relating to assistance services provided to the department of agriculture and land stewardship, including for the filing of documents and the payment of fees and civil penalties, and the authorization to assess additional charges.

Read first time and referred to committee on **agriculture**

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hansen of Pottawattamie on request of Gipp of Winneshiek.

## CONSIDERATION OF BILLS Unfinished Business Calendar

**House File 614**, a bill for an act relating to elections and voter registration by implementing requirements of federal law, modifying closing hours of the polls and voter identification requirements, transferring duties relating to conduct of elections and voter registration from the office of secretary of state to the Iowa ethics and campaign disclosure board, and making changes relating to absentee voting procedures, including request and delivery of absentee ballot applications, delivery of absentee ballots to the voter, and delivery of completed absentee ballots to the county commissioner of elections, and including effective date provisions, was taken up for consideration.

Mascher of Johnson offered the following amendment H-1123 filed by Mascher, et al., and moved its adoption:

H-1123

- 1 Amend House File 614 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 47.1, Code 2003, is amended by
- 5 adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. The state commissioner
- 7 shall adopt rules pursuant to chapter 17A, for the
- 8 implementation of uniform and nondiscriminatory
- 9 administrative complaint procedures for resolution of
- 10 grievances relating to violations of Title III of Pub.
- 11 L. No. 107-252.
- 12 Sec. 2. Section 47.7, subsections 2, 3, and 4,
- 13 Code 2003, are amended by striking the subsections and
- 14 inserting in lieu thereof the following:
- 15 2. a. On or before January 1, 2004, or on or
- 16 before January 1, 2006, if a waiver is granted
- 17 pursuant to section 303(d) of Pub. L. No. 107-252, the
- 18 state registrar of voters shall implement in a uniform
- 19 and nondiscriminatory manner, a single, uniform,
- 20 official, centralized, interactive computerized

21 statewide voter registration file defined, maintained,  
22 and administered at the state level that contains the  
23 name and registration information of every legally  
24 registered voter in the state and assigns a unique  
25 identifier to each legally registered voter in the  
26 state. The state voter registration system shall be  
27 coordinated with other agency databases within the  
28 state, including, but not limited to, the department  
29 of transportation driver's license records, judicial  
30 records of convicted felons and persons declared  
31 incompetent to vote, and department of public health  
32 records of deceased persons.

33 b. On or after the deadline established in  
34 paragraph "a", a county shall not establish or  
35 maintain a voter registration system separate from the  
36 state voter registration system. Each county shall  
37 provide to the state registrar the names, voter  
38 registration information, and voting history of each  
39 registered voter in the county in the form required by  
40 the state registrar.

41 c. A state or local election official may obtain  
42 immediate electronic access to the information  
43 contained in the computerized voter registration file.  
44 All voter registration information obtained by a local  
45 election official shall be electronically entered into  
46 the computerized voter registration file on an  
47 expedited basis at the time the information is  
48 provided to the local election official. The state  
49 registrar shall provide such support as may be  
50 required to enable local election officials to

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1 electronically enter the information into the  
2 computerized voter registration file on an expedited  
3 basis. The list generated from the computerized file  
4 shall serve as the official voter registration list  
5 for the conduct of all elections for federal office in  
6 the state.

7 d. The state registrar shall prescribe by rule the  
8 procedures for access to the state voter registration  
9 file, security requirements, and access protocols for  
10 adding, changing, or deleting information from the  
11 state voter registration file.

12 Sec. 3. Section 48A.8, Code 2003, is amended to  
13 read as follows:

14 **48A.8 REGISTRATION BY MAIL.**

15 1. An eligible elector may register to vote by  
16 completing a mail registration form. The form may be  
17 mailed or delivered by the registrant or the  
18 registrant's designee to the commissioner in the  
19 county where the person resides. A separate

20 registration form shall be signed by each individual  
21 registrant.  
22 2. An eligible elector who registers by mail and  
23 who has not previously voted in an election for  
24 federal office in the county of registration shall be  
25 required to provide identification documents when  
26 voting for the first time in the county, unless the  
27 registrant provided on the registration form the  
28 registrant's Iowa driver's license number or the last  
29 four numerals of the registrant's social security  
30 number and the driver's license or partial social  
31 security number matches an existing state or federal  
32 identification record with the same social security  
33 number or Iowa driver's license number and name,  
34 including first name and any family forename or  
35 surname, and date of birth, including month, date, and  
36 year. If the registrant under this subsection votes  
37 in person at the polls, or by absentee ballot at the  
38 commissioner's office or at a satellite voting  
39 station, the registrant shall provide a current and  
40 valid photo identification card, or shall present to  
41 the appropriate election official one of the following  
42 current documents that show the name and address of  
43 the registrant:  
44 a. Utility bill.  
45 b. Bank statement.  
46 c. Government check.  
47 d. Other government document.  
48 3. If the registrant under subsection 2 votes an  
49 absentee ballot by mail, the registrant shall provide  
50 a photocopy of one of the documents listed in

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1 subsection 2 when returning the absentee ballot.  
2 4. A registrant under subsection 2 who is required  
3 to present identification when casting a ballot in  
4 person shall be permitted to vote a provisional ballot  
5 if the voter does not provide the required  
6 identification documents. If a voter who is required  
7 to present identification when casting a ballot votes  
8 an absentee ballot by mail, the ballot returned by the  
9 voter shall be considered a provisional ballot  
10 pursuant to sections 49.81 and 53.31.  
11 Sec. 4. Section 48A.11, subsection 1, paragraph b,  
12 Code 2003, is amended to read as follows:  
13 b. The registrant's name, including first name and  
14 any family forename or surname.  
15 Sec. 5. Section 48A.11, subsection 1, paragraph e,  
16 Code 2003, is amended by striking the paragraph and  
17 inserting in lieu thereof, the following:  
18 e. Iowa driver's license number, if the registrant

19 has a current and valid Iowa driver's license, or the  
20 last four numerals of the registrant's social security  
21 number. If the registrant does not have either an  
22 Iowa driver's license number or a social security  
23 number, the form shall provide space for a number to  
24 be assigned as provided in subsection 7.

25 Sec. 6. Section 48A.11, subsection 1, paragraph f,  
26 Code 2003, is amended to read as follows:

27 f. Date of birth, including month, date, and year.

28 Sec. 7. Section 48A.11, subsection 1, paragraph i,  
29 Code 2003, is amended to read as follows:

30 i. Political party registration, if any.

31 Sec. 8. Section 48A.11, subsection 2, is amended  
32 by adding the following new paragraph:

33 NEW PARAGRAPH. c. The following questions and  
34 statement regarding eligibility:

35 (1) Are you a citizen of the United States of  
36 America?

37 (2) Will you be eighteen years of age on or before  
38 election day?

39 (3) If you checked "no" in response to either of  
40 these questions, do not complete this form.

41 Sec. 9. Section 48A.11, subsection 5, Code 2003,  
42 is amended to read as follows:

43 5. All forms for voter registration shall be  
44 prescribed ~~by rule adopted~~ by the state voter  
45 registration commission.

46 Sec. 10. Section 48A.11, Code 2003, is amended by  
47 adding the following new subsection:

48 NEW SUBSECTION. 7. A voter registration  
49 application lacking the registrant's name, sex, date  
50 of birth, or residence address or description shall

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1 not be processed. If the registrant answered "no" or  
2 did not answer either "yes" or "no" to the question in  
3 subsection 2, paragraph "c", subparagraph (1), the  
4 application shall not be processed. A registrant  
5 whose registration is not processed pursuant to this  
6 subsection shall be notified pursuant to section  
7 48A.26, subsection 3. A registrant who does not have  
8 either an Iowa driver's license number or a social  
9 security number and who notifies the registrar of such  
10 shall be assigned a unique identifying number that  
11 shall serve to identify the registrant for voter  
12 registration purposes.

13 Sec. 11. NEW SECTION. 48A.25A VERIFICATION OF  
14 VOTER REGISTRATION INFORMATION.

15 Upon receipt of an application for voter  
16 registration, the state registrar of voters shall  
17 compare the driver's license number or the last four



18 numerals of the social security number provided by the  
19 registrant with the records of the state department of  
20 transportation. If the information cannot be  
21 verified, the application shall be rejected and the  
22 registrant shall be notified of the reason for the  
23 rejection. If the information can be verified, a  
24 record shall be made of the source used for  
25 verification and the application shall be accepted.  
26 This section does not apply to persons entitled to  
27 register to vote and to vote pursuant to section  
28 48A.5, subsection 4.

29 Sec. 12. Section 48A.26, subsection 3, Code 2003,  
30 is amended to read as follows:

31 3. If the registration form is missing required  
32 information pursuant to section 48A.11, subsection 7,  
33 the acknowledgment shall advise the applicant what  
34 additional information is required. The commissioner  
35 shall enclose a new registration by mail form for the  
36 applicant to use. If the registration form has no  
37 address, the commissioner shall make a reasonable  
38 effort to determine where the acknowledgment should be  
39 sent. If the incomplete application is received  
40 during the twelve days before the close of  
41 registration for an election, the commissioner shall  
42 provide the registrant with an opportunity to complete  
43 the form before the close of registration.

44 Sec. 13. Section 48A.28, subsection 2, unnumbered  
45 paragraph 2, Code 2003, is amended to read as follows:

46 A commissioner participating in the national change  
47 of address program, in the first quarter of each  
48 calendar year, shall send a notice and preaddressed,  
49 postage paid return card by forwardable mail to each  
50 registered voter whose name was not reported by the

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1 national change of address program and who has not  
2 voted, in two or more consecutive general elections  
3 and has not registered again, or who has not reported  
4 a change to an existing registration, or who has not  
5 responded to a notice from the commissioner or  
6 registrar during the preceeding four calendar years  
7 period between and following the previous two general  
8 elections. The form and language of the notice and  
9 return card shall be specified by the state voter  
10 registration commission by rule. A registered voter  
11 shall not be sent a notice and return card under this  
12 subsection more frequently than once in a four-year  
13 period.

14 Sec. 14. Section 48A.36, subsection 2, Code 2003,  
15 is amended to read as follows:

16 2. Upon receipt of electronic registration data

17 under subsection 1, the state registrar of voters ~~may~~  
18 shall cause the updating of registration records for  
19 ~~registrants in counties which have arranged for data~~  
20 ~~processing services under section 47.7, subsection 2.~~

21 The registrar shall notify the appropriate  
22 commissioner of the actions taken.

23 Sec. 15. Section 48A.38, subsection 1, paragraph  
24 f, Code 2003, is amended to read as follows:

25 f. The county commissioner of registration and the  
26 state registrar of voters shall remove a voter's  
27 social security number and driver's license number  
28 from a voter registration list prepared pursuant to  
29 this section.

30 Sec. 16. Section 49.44, unnumbered paragraph 2,  
31 Code 2003, is amended by striking the paragraph.

32 Sec. 17. Section 49.68, Code 2003, is amended to  
33 read as follows:

34 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

35 The state commissioner with the approval of the  
36 attorney general shall prepare, and from time to time  
37 revise, written instructions to the voters relative to  
38 voting, and shall furnish each commissioner with  
39 copies of the instructions. ~~Such One set of~~  
40 ~~instructions, which shall be known as instructions for~~  
41 marking ballots, shall cover the manner of marking  
42 ballots. Another set of instructions, which shall be  
43 known as the Iowa voter bill of rights, shall cover  
44 the following matters:

45 1. The manner of obtaining ballots.

46 ~~2. The manner of marking ballots.~~

47 ~~3. 2.~~ That unmarked or improperly marked ballots  
48 will not be counted.

49 ~~4. 3.~~ The method of gaining assistance in marking  
50 ballots.

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1 ~~5. 4.~~ That any erasures or identification marks,  
2 or otherwise spoiling or defacing a ballot, will  
3 render it invalid.

4 ~~6. 5.~~ Not to vote a spoiled or defaced ballot.

5 ~~7. 6.~~ How to obtain a new ballot in place of a  
6 spoiled or defaced one.

7 7. How to cast a provisional ballot.

8 8. Instructions for first-time voters who  
9 registered by mail pursuant to section 48A.8.

10 9. The appropriate official to contact if the  
11 voter believes the voter's rights have been violated.

12 10. Polling place hours and the date of the  
13 election.

14 11. Information about federal and state laws  
15 prohibiting fraud and misrepresentation.

16 8. 12. Any other matters ~~thought~~ determined  
17 necessary.

18 Sec. 18. Section 49.70, Code 2003, is amended to  
19 read as follows:

20 49.70 PRECINCT ELECTION OFFICIALS FURNISHED  
21 INSTRUCTIONS.

22 The commissioner shall cause copies of ~~the~~  
23 ~~foregoing each set of~~ instructions to be printed in  
24 large, clear type, under the ~~heading~~ headings of Iowa  
25 voter bill of rights and "Instructions instructions  
26 for Voters marking ballots", and shall furnish the  
27 precinct election officials with a sufficient number  
28 of ~~such each set of~~ instructions as will enable them  
29 to comply with section 49.71.

30 Sec. 19. Section 49.71, Code 2003, is amended to  
31 read as follows:

32 49.71 POSTING INSTRUCTION CARDS AND SAMPLE  
33 BALLOTS.

34 The precinct election officials, before the opening  
35 of the polls, shall ~~cause said cards~~ securely post  
36 each set of instructions ~~to be securely posted~~ as  
37 follows:

38 1. One copy of instructions for marking ballots in  
39 each voting booth.

40 2. Not less than four copies of each set, with an  
41 equal number of sample ballots, in and about the  
42 polling place.

43 Sec. 20. Section 49.81, Code 2003, is amended to  
44 read as follows:

45 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST  
46 PROVISIONAL BALLOT.

47 1. A prospective voter who is prohibited under  
48 section 48A.8, subsection 4, section 49.77, subsection  
49 4, or section 49.80 from voting except under this  
50 section shall be ~~permitted to~~ notified by the

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1 appropriate precinct election official that the voter  
2 may cast a paper provisional ballot. If a booth  
3 meeting the requirement of section 49.25 is not  
4 available at that polling place, the precinct election  
5 officials shall make alternative arrangements to  
6 insure the challenged voter the opportunity to vote in  
7 secret. The marked ballot, folded as required by  
8 section 49.84, shall be delivered to a precinct  
9 election official who shall immediately seal it in an  
10 envelope of the type prescribed by subsection 4. The  
11 sealed envelope shall be deposited in a special an  
12 envelope marked "ballots for special precinct  
13 "provisional ballots" and shall be considered as  
14 having been cast in the special precinct established

15 by section 53.20 for purposes of the postelection  
16 canvass.

17 2. Each person who casts a special provisional  
18 ballot under this section shall receive a printed  
19 statement in substantially the following form:

20 Your qualifications as a registered voter have been  
21 challenged for the following reasons:

22 I. ....

23 II. ....

24 III. ....

25 Your right to vote will be reviewed by the special  
26 precinct counting board on ..... You have the right  
27 and are encouraged to make a written statement and  
28 submit additional written evidence to this board  
29 supporting your qualifications as a registered voter.  
30 This written statement and evidence may be given to an  
31 election official of this precinct on election day or  
32 mailed or delivered to the county commissioner of  
33 elections, but must be received before .... a.m./p.m.  
34 on ..... at ..... If your ballot is not counted you  
35 will receive, by mail, notification of this fact and  
36 the reason that the ballot was not counted.

37 3. Any elector may present written statements or  
38 documents, supporting or opposing the counting of any  
39 special provisional ballot, to the precinct election  
40 officials on election day, until the hour for closing  
41 the polls. Any statements or documents so presented  
42 shall be delivered to the commissioner when the  
43 election supplies are returned.

44 4. The individual envelopes used for each paper  
45 provisional ballot cast pursuant to subsection 1 shall  
46 have printed on them the format of the face of the  
47 registration form under section 48A.8 and the  
48 following:

49 I believe I am a registered voter of this precinct  
50 county and I am eligible to vote in this election. I

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1 registered to vote in ..... county on or about .....  
2 at ..... My name at that time was ..... I have not  
3 moved to a different county since that time. I am a  
4 United States citizen, at least eighteen years of age.

5 .....

6 (signature of voter) (date)

7 The following information is to be provided by the  
8 precinct election official:

9 Reason for challenge:

10 .....

11 .....

12 .....

13 (signature of precinct

14 election official)

15 Sec. 21. Section 50.20, Code 2003, is amended to  
16 read as follows:

17 50.20 NOTICE OF NUMBER OF SPECIAL PROVISIONAL  
18 BALLOTS.

19 The commissioner shall compile a list of the number  
20 of special provisional ballots cast under section  
21 49.81 in each precinct. The list shall be made  
22 available to the public as soon as possible, but in no  
23 case later than nine o'clock a.m. on the second day  
24 following the election. Any elector may examine the  
25 list during normal office hours, and may also examine  
26 the affidavit envelopes bearing the ballots of  
27 challenged electors until the reconvening of the  
28 special precinct board as required by this chapter.  
29 Only those persons so permitted by section 53.23,  
30 subsection 4, shall have access to the affidavits  
31 while that board is in session. Any elector may  
32 present written statements or documents, supporting or  
33 opposing the counting of any special ballot, at the  
34 commissioner's office until the reconvening of the  
35 special precinct board.

36 Sec. 22. Section 50.21, unnumbered paragraph 2,  
37 Code 2003, is amended to read as follows:

38 If no special provisional ballots were cast in the  
39 county pursuant to section 49.81 at any election, the  
40 special precinct election board need not be so  
41 reconvened. If the number of special provisional  
42 ballots so cast at any election is not sufficient to  
43 require reconvening of the entire election board of  
44 the special precinct, the commissioner may reconvene  
45 only the number of members required. If the number of  
46 special provisional ballots cast at any election  
47 exceeds the number of absentee ballots cast, the size  
48 of the special precinct election board may be  
49 increased at the commissioner's discretion. The  
50 commissioner shall observe the requirements of

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1 sections 49.12 and 49.13 in making adjustments to the  
2 size of the special precinct election board.

3 Sec. 23. Section 52.1, subsection 2, paragraph h,  
4 Code 2003, is amended to read as follows:

5 h. "Voting machine" means ~~a mechanical or an~~  
6 electronic device, meeting the requirements of section  
7 52.7, designated for use in casting, registering,  
8 recording, and counting votes at an election.

9 Sec. 24. Section 52.2, Code 2003, is amended to  
10 read as follows:

11 52.2 PURCHASE.

12 The board of supervisors of any county may, by a

13 majority vote, authorize, purchase, and order the use  
14 of either voting machines or an electronic voting  
15 system in any one or more voting precincts within said  
16 the county until otherwise ordered by said the board  
17 of supervisors. Voting machines and an electronic  
18 voting system may be used concurrently at different  
19 precincts within any county, but not at the same  
20 precinct.

21 The state commissioner may provide voting machines  
22 or electronic voting systems to a county to replace  
23 lever voting machines in use in the county in order to  
24 comply with Pub. L. No. 107-252, the Help America  
25 Vote Act of 2002.

26 Sec. 25. Section 52.9, unnumbered paragraph 4,  
27 Code 2003, is amended by striking the paragraph.

28 Sec. 26. Section 52.10, Code 2003, is amended to  
29 read as follows:

30 52.10 BALLOTS – FORM.

31 All ballots shall be ~~printed in black ink on clear,~~  
32 ~~white material, of such size as will fit the ballot~~  
33 ~~frame, and presented~~ in as plain, clear type as the  
34 space will reasonably permit. ~~The party name for each~~  
35 ~~political party represented on the machine shall be~~  
36 ~~prefixed to the list of candidates of such party. The~~  
37 ~~order of the list of candidates of the several parties~~  
38 ~~or organizations shall be arranged as provided in~~  
39 ~~sections 49.30 to 49.42A, except that the lists may be~~  
40 ~~arranged in horizontal rows or vertical columns to~~  
41 ~~meet the physical requirements of the voting machine~~  
42 ~~used. The offices, candidates, judges, and public~~  
43 ~~measures to be voted upon, using the voting machine,~~  
44 ~~shall be arranged as required by chapters 43 and 49.~~

45 Sec. 27. Section 52.12, Code 2003, is amended to  
46 read as follows:

47 52.12 EXCEPTION – STRAIGHT PARTY VOTING.

48 Voting machines shall have a single lever ~~or switch~~  
49 ~~voting target~~ which casts a vote for each candidate of  
50 a political party or nonparty political organization

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1 which has nominated candidates for more than one  
2 partisan office on the ballot. Straight party voting  
3 shall be provided for all general elections.

4 Sec. 28. Section 52.16, Code 2003, is amended to  
5 read as follows:

6 52.16 DUTIES OF ELECTION OFFICERS —INDEPENDENT  
7 BALLOTS.

8 The election board of each precinct in which votes  
9 are to be cast by machine shall meet at the precinct  
10 polling place, at least one hour before the time set  
11 for the opening of the polls at each election, and

12 shall proceed to arrange the furniture, stationery,  
13 and voting machine for the conduct of the election.  
14 The board shall cause at least ~~two instruction cards~~  
15 four sets of instructions to be posted conspicuously  
16 within the polling place. ~~If not previously done,~~  
17 ~~they shall arrange, in their proper place on the~~  
18 ~~voting machine, the ballots containing the names of~~  
19 ~~the offices to be filled at the election, and the~~  
20 ~~names of the candidates nominated. If not previously~~  
21 ~~done, the machine shall be so arranged as to show that~~  
22 ~~no vote has been cast, and shall not be thereafter~~  
23 ~~operated, except by electors in voting.~~

24 Before the polls are open for election, the board  
25 shall carefully examine every machine and see that no  
26 vote has been cast, ~~and the machines are subject to~~  
27 ~~inspection of the election officers. If the voting~~  
28 ~~machine is equipped to produce a printed record~~  
29 ~~showing the status of the counters, this record shall~~  
30 ~~be produced by the precinct election officials~~  
31 ~~immediately. Immediately before the polls are open, the~~  
32 precinct election officials shall print a report from  
33 each machine showing that the counter is set at zero.  
34 The inspection sheets reports from each machine used  
35 in the election shall be available for examination  
36 throughout election day.

37 Ballots voted for any person whose name does not  
38 appear on the machine as a nominated candidate for  
39 office, are referred to in this section as independent  
40 ballots. When two or more persons are to be elected  
41 to the same office, and the machine requires that all  
42 independent ballots voted for that office be deposited  
43 in a single receptacle or device, an elector may vote  
44 in or by the receptacle or device for one or more  
45 persons whose names do not appear upon the machine  
46 with or without the names of one or more persons whose  
47 names do so appear. With that exception, and except  
48 for presidential electors, no independent ballot shall  
49 be voted for any person for any office whose name  
50 appears on the machine as a nominated candidate for

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1 that office; any independent ballot so voted shall not  
2 be counted. An independent ballot must be cast in its  
3 appropriate place on the machine, or it shall be void  
4 and not counted.

5 Sec. 29. Section 52.17, Code 2003, is amended to  
6 read as follows:

7 52.17 VOTING MACHINE IN PLAIN VIEW.

8 The exterior of the voting machine and every part  
9 of the polling place shall be in plain view of the  
10 election officers. The voting machine shall be placed

11 at least ~~three feet from every wall and partition of~~  
12 ~~the polling place, and at least four feet from the~~  
13 precinct election officials' table.

14 Sec. 30. Section 52.20, Code 2003, is amended to  
15 read as follows:

16 52.20 INJURY TO MACHINE.

17 No A voter, or other person, shall not deface or  
18 injure the voting machine or the ballot thereon. It  
19 shall be the duty of the precinct election officials  
20 to enforce the provisions of this section. During the  
21 entire period of an election, at least one of ~~their~~  
22 number the officials, designated by ~~them~~ the officials  
23 from time to time, shall be stationed beside the  
24 entrance to the booth and shall see that it is  
25 properly closed after a voter has entered it to vote.  
26 The official shall also, at such intervals as the  
27 official may deem proper or necessary, examine the  
28 face of the machine to ascertain whether it has been  
29 defaced or injured, to detect the wrongdoer, and to  
30 repair any injury. If the official finds that a  
31 person has left the voting booth without casting the  
32 ballot, the official shall cast the ballot.

33 Sec. 31. Section 52.21, Code 2003, is amended by  
34 striking the section and inserting in lieu thereof the  
35 following:

36 52.21 CANVASS OF VOTE – TALLY.

37 As soon as the polls of the election are closed,  
38 the precinct election officials shall immediately lock  
39 the voting machine against voting and, in the presence  
40 of all persons who may be lawfully within the polling  
41 place, proceed to canvass the vote. The officials  
42 shall print the results from each machine, tally any  
43 write-in votes, and complete any canvass documents  
44 prescribed for the voting machine by the state  
45 commissioner. Write-in votes cast for a person whose  
46 name appears on the ballot as a candidate for that  
47 office shall not be counted.

48 Sec. 32. Section 52.23, unnumbered paragraph 2,  
49 Code 2003, is amended to read as follows:

50 The ~~inspection sheets~~ zero count report from each

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1 machine used in the election and one copy of the  
2 printed results from each machine shall be signed by  
3 all precinct election officials and, with any paper or  
4 papers upon which write-in votes were recorded by  
5 voters, shall be securely sealed in an envelope marked  
6 with the name and date of the election, the precinct,  
7 and the serial numbers of the machines from which the  
8 enclosed results were removed. This envelope shall be  
9 preserved, unopened, for twenty-two months following



10 elections for federal offices and for six months  
11 following elections for all other offices unless a  
12 recount is requested pursuant to section 50.48 or an  
13 election contest is pending. The envelope shall be  
14 destroyed in the same manner as ballots pursuant to  
15 section 50.13. ~~Additional copies~~ At least one  
16 ~~additional copy of the results, if any,~~ shall be  
17 signed by the officials and delivered to the  
18 commissioner with the other supplies from the election  
19 pursuant to section 50.17.

20 Sec. 33. Section 52.25, unnumbered paragraph 2,  
21 Code 2003, is amended to read as follows:

22 The entire convention question, amendment or public  
23 measure shall be printed and displayed prominently in  
24 at least four places within the voting precinct, and  
25 inside each voting booth, ~~or on the left hand side~~  
26 ~~inside the curtain of each voting machine,~~ the  
27 printing to be in conformity with the provisions of  
28 chapter 49. The public measure shall be summarized by  
29 the commissioner and in the largest type possible  
30 printed on the special paper ballots or ~~inserts used~~  
31 in the voting machines, except that:

32 Sec. 34. NEW SECTION. 53.37A STATE COMMISSIONER  
33 DUTIES.

34 The state commissioner of elections shall provide  
35 information regarding voter registration procedures  
36 and absentee ballot procedures to be used by members  
37 of the armed forces of the United States. The state  
38 commissioner shall accept valid voter registration  
39 applications and absentee ballot applications and  
40 shall forward the applications to the appropriate  
41 county commissioner of elections in a timely manner.

42 Sec. 35. Section 53.40, unnumbered paragraph 1,  
43 Code 2003, is amended to read as follows:

44 A request in writing for a ballot may be made by  
45 any member of the armed forces of the United States  
46 who is or will be a qualified voter on the day of the  
47 election at which the ballot is to be cast, at any  
48 time before the election. Any member of the armed  
49 forces of the United States may request ballots for  
50 all elections to be held ~~within a calendar year~~

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1 through the next two general elections. The request  
2 may be made by using the federal postcard application  
3 form and indicating that the applicant wishes to  
4 receive ballots for all elections as permitted by  
5 state law. The county commissioner shall send the  
6 applicant a ballot for each election held ~~during the~~  
7 ~~calendar year in which~~ after the application is  
8 received and through the next two general elections.

9 The commissioner shall forward a copy of the absentee  
10 ballot request to other commissioners who are  
11 responsible under section 47.2, subsection 2, for  
12 conducting elections in which the applicant is  
13 eligible to vote.

14 Sec. 36. Section 53.53, Code 2003, is amended by  
15 adding the following new unnumbered paragraphs:

16 NEW UNNUMBERED PARAGRAPH. A federal write-in  
17 ballot received by the state commissioner of elections  
18 shall be forwarded immediately to the appropriate  
19 county commissioner. However, if the state  
20 commissioner receives a federal write-in ballot after  
21 election day and before noon on the Monday following  
22 an election, the state commissioner shall at once  
23 verify that the voter has complied with the  
24 requirements of this section and that the voter's  
25 federal write-in ballot is eligible to be counted. If  
26 the ballot is eligible to be counted, the state  
27 commissioner shall notify the appropriate county  
28 commissioner and make arrangements for the ballot to  
29 be transmitted to the county for counting. If the  
30 ballot is not eligible to be counted, the state  
31 commissioner shall mail the ballot to the appropriate  
32 commissioner along with notification that the ballot  
33 is ineligible to be counted. The county commissioner  
34 shall keep the ballot with the other records of the  
35 election.

36 NEW UNNUMBERED PARAGRAPH. The county commissioner  
37 shall notify a voter when the voter's federal write-in  
38 ballot was not counted and shall give the voter the  
39 reason the ballot was not counted.

40 Sec. 37. Sections 49.35, 52.11, 52.14, and 52.22,  
41 Code 2003, are repealed.

42 Sec. 38. EFFECTIVE DATES.

43 1. The sections of this Act enacting new Code  
44 section 48A.25A and amending Code sections 48A.26,  
45 48A.36, 49.68, 49.70, 49.71, and that portion of  
46 section 52.16 relating to voter instructions only,  
47 take effect January 1, 2004, or January 1, 2006, if a  
48 waiver is granted pursuant to section 303(d) of Pub.  
49 L. No. 107-252.

50 2. The sections of this Act amending sections

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1 52.1, 52.9, 52.10, 52.12, 52.16, 52.17, 52.20, 52.21,  
2 and 52.25, and the sections of this Act repealing  
3 sections 52.11, 52.14, and 52.22, take effect January  
4 1, 2004, or January 1, 2006, if a waiver is granted  
5 pursuant to section 102(a) of Pub. L. No. 107-252.

6 3. The remainder of this Act, being deemed of  
7 immediate importance, takes effect upon enactment."

- 8 2. Title page, by striking lines 2 through 11,  
 9 and inserting the following: "implementing  
 10 requirements of federal law, making corrective changes  
 11 to state election law, and including effective date  
 12 provisions."  
 13 3. By renumbering as necessary.

Roll call was requested by Mascher of Johnson and Myers of Johnson.

On the question "Shall amendment H-1123 be adopted?" (H.F. 614)

The ayes were, 45:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Ford	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Huser
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wildurdyke
Klemme,			
Presiding			

Absent or not voting, 2:

Foege	Hansen
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Amendment H-1123 lost.

Gipp of Winneshiek asked and received unanimous consent that House File 614 be deferred and that the bill retain its place 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 25, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 386, a bill for an act requiring the insurance division of the department of commerce to establish a school health insurance reform team study and to make recommendations to the general assembly.

Also: That the Senate has on March 25, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 416, a bill for an act relating to an emergency shelter and support services demonstration project relating to dependent adults.

Also: That the Senate has on March 25, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 425, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 11:40 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:02 p.m., Speaker Rants in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

## CONSIDERATION OF BILLS

### Unfinished Business Calendar

The House resumed consideration of **House File 614**, a bill for an act relating to elections and voter registration by implementing requirements of federal law, modifying closing hours of the polls and voter identification requirements, transferring duties relating to conduct of elections and voter registration from the office of secretary of state to the Iowa ethics and campaign disclosure board, and making changes relating to absentee voting procedures, including request and delivery of absentee ballot applications, delivery of absentee ballots to the voter, and delivery of completed absentee ballots to the county commissioner of elections, and including effective date provisions, previously deferred.

Jacobs of Polk offered the following amendment H-1121 filed by her and moved its adoption:

H-1121

1 Amend House File 614 as follows:

2 1. Page 8, line 31, by inserting after the word  
3 "or" the following: "described in section 53.16,  
4 subsection 3, or".

5 2. Page 16, by striking lines 8 through 22, and  
6 inserting the following:

7 "53.16 SUBSCRIBING TO AFFIDAVIT – IDENTIFICATION  
8 REQUIRED OF CERTAIN VOTERS.

9 1. After marking the ballot, the voter shall make  
10 and subscribe to the affidavit on the reverse side of  
11 the envelope, and fold the ballot or ballots,  
12 separately, so as to conceal the markings on them, and  
13 deposit them in the envelope, and securely seal the  
14 envelope.

15 2. An eligible elector who registers by mail and  
16 who has not previously voted in an election for  
17 federal office in the county of registration and who  
18 is voting an absentee ballot by mail, at the  
19 commissioner's office, or at a satellite voting  
20 station, shall be required to provide a form of  
21 identification described in section 49.77, subsection  
22 3, unless the registrant provided on the registration  
23 form the registrant's Iowa driver's license number or  
24 the last four numerals of the registrant's social  
25 security number and the driver's license or partial  
26 social security number matches an existing state or  
27 federal identification record with the same social

28 security number or Iowa driver's license number and  
29 name, including first name and any family forename or  
30 surname, and date of birth, including month, date, and  
31 year.

32 3. A voter who is required to present  
33 identification when casting an absentee ballot in  
34 person shall be permitted to vote a provisional ballot  
35 pursuant to section 49.81 if the voter does not  
36 provide the required identification. If a voter who  
37 is required to present identification when casting an  
38 absentee ballot votes an absentee ballot by mail, the  
39 ballot returned by the voter shall be considered a  
40 provisional ballot pursuant to sections 49.81 and  
41 53.31."

42 3. Page 18, line 7, by inserting after the word  
43 "this" the following: "division of this".

44 4. Page 18, line 13, by inserting after the word  
45 "this" the following: "division of this".

46 5. Page 18, line 15, by inserting after the word  
47 "this" the following: "division of this".

48 6. Page 18, line 19, by inserting after the word  
49 "this" the following: "division of this".

50 7. By renumbering as necessary.

Amendment H-1121 was adopted.

Jacobs of Polk offered the following amendment H-1146 filed by her and moved its adoption:

H-1146

1 Amend House File 614 as follows:

2 1. Page 28, by inserting before line 33, the  
3 following:

4 "Sec. \_\_. Section 39A.2, subsection 1, paragraph  
5 b, Code 2003, is amended by adding the following new  
6 subparagraph:

7 **NEW SUBPARAGRAPH.** (6) Returns an absentee ballot  
8 application or voted absentee ballot to the  
9 commissioner's office and the person is not an  
10 immediate family member of the applicant or voter as  
11 that term is defined in section 53.1A or is not the  
12 designee of a voter described in section 53.22,  
13 subsection 5."

14 2. Page 28, by inserting before line 33, the  
15 following:

16 "Sec. \_\_. **NEW SECTION.** 53.1A DEFINITIONS.

17 For purposes of this chapter, "immediate family  
18 member" of an absentee ballot applicant or absentee  
19 ballot voter means the spouse, adult child, parent,  
20 grandparent, or adult sibling of the applicant or

21 voter."

22 3. Page 29, line 7, by inserting after the word  
23 "office," the following: "The commissioner may make  
24 absentee ballot applications available on the  
25 commissioner's office internet website."

26 4. Page 29, by striking lines 15 through 19, and  
27 inserting the following: "is not required. Absentee  
28 ballot".

29 5. Page 29, by striking lines 24 through 27, and  
inserting the following: "than the appropriate  
31 commissioner. A completed application for an absentee  
32 ballot may be returned only by the applicant, or a  
33 member of the applicant's immediate family, or the  
34 applicant's designee if the applicant is a voter  
35 described in section 53.22, subsection 5."

36 6. Page 29, by inserting before line 28, the  
37 following:

38 "Sec. Section 53.2, Code 2003, is amended by  
39 adding the following new unnumbered paragraph:  
40 NEW UNNUMBERED PARAGRAPH. If an absentee ballot  
41 application is received by the commissioner more than  
42 sixty days before the election, the commissioner shall  
43 notify the applicant that the applicant must reapply  
44 for an absentee ballot no sooner than sixty days  
45 before the election."

46 7. Page 29, line 34, by inserting after the  
47 figure "3." the following: "However, the commissioner  
48 may mail an absentee ballot to an applicant less than  
49 seven days before the election if the applicant is a  
50 voter described in section 53.22, subsection 5."

Page 2

1 8. Page 30, line 17, by inserting after the word  
2 "applicant," the following: "a member of the  
3 applicant's immediate family."

4 9. Page 30, line 25, by inserting after the word  
5 "voter," the following: "or a member of the voter's  
6 immediate family."

7 10. Page 30, line 26, by inserting after the  
8 figure "53.22," the following: "subsection 5."

9 11. By renumbering as necessary.

Roll Call was requested by Myers of Johnson and Shoultz of Black Hawk.

On the question "Shall amendment H-1146 be adopted?" (H.F. 614)

The ayes were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Mr. Speaker
			Rants

The nays were, 45:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Ford	Frevert	Gaskill	Granzow
Greimann	Heddens	Hogg	Hunter
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

Absent or not voting, 3:

Foege	Hansen	Huser
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Amendment H-1146 was adopted.

Jacobs of Polk 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. 614)

The ayes were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman



Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Mr. Speaker			
Rants			

The nays were, 44:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Ford	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Osterhaus
Petersen	Quirk	Reasoner	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	Wise

Absent or not voting, 3:

Foege	Hansen	Huser
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 614** be immediately messaged to the Senate.

### Regular Calendar

**House File 400**, a bill for an act relating to conducting searches of persons on probation or parole and providing information to local law enforcement agencies and the state department of transportation, was taken up for consideration.

Hogg of Linn asked and received unanimous consent that amendments H-1085, H-1086, H-1040 and H-1084 be deferred.

Eichhorn of Hamilton offered amendment H-1092 filed by him as follows:

H-1092

- 1 Amend House File 400 as follows:
- 2 1. Page 1, line 12, by striking the figure
- 3 "906.5A" and inserting the following: "904.1001".
- 4 2. Page 1, line 15, by striking the words "board
- 5 of parole" and inserting the following: "department".

Eichhorn of Hamilton offered the following amendment H-1151, to amendment H-1092, filed by him from the floor and moved its adoption:

H-1151

- 1 Amend the amendment, H-1092, to House File 400 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "\_\_\_ . Page 1, by striking lines 1 through 11."
- 6 2. Page 1, by striking lines 4 and 5 and
- 7 inserting the following:
- 8 "\_\_\_ . Page 1, line 15, by striking the words "The
- 9 board of parole" and inserting the following: "The
- 10 department for a person paroled or the judicial
- 11 district department of correctional services where a
- 12 person is placed on probation".
- 13 3. Page 1, by inserting after line 5 the
- 14 following:
- 15 "\_\_\_ . Page 1, line 17, by striking the word "and"
- 16 and inserting the following: "or placed on probation,
- 17 and shall notify".
- 18 \_\_\_ . Page 1, line 18, by inserting before the
- 19 word "conditions" the following: "any".
- 20 \_\_\_ . Page 1, lines 18 and 19, by striking the
- 21 words "requiring the person to submit to a search as
- 22 provided in section 906.4 or 907.6" and inserting the
- 23 following: "which refer to searches of the person or
- 24 the property of the person".
- 25 \_\_\_ . By striking page 1, line 23, through page 2,
- 26 line 8.
- 27 \_\_\_ . Title page, by striking lines 1 and 2, and
- 28 inserting the following: "An Act relating to
- 29 providing probationer and parolee information to local
- 30 law enforcement".

Amendment H-1151 was adopted.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-1097, to amendment H-1092, filed by him on March 19, 2003.

Hogg of Linn offered the following amendment H-1154, to amendment H-1092, filed by him from the floor and moved its adoption:

H-1154

1 Amend the amendment, H-1092, to House File 400 as  
2 follows:

3 1. Page 1, by inserting after line 5 the  
4 following:

5 " \_\_\_\_\_. Page 1, line 19, by inserting before the  
6 word "The" the following: "No condition of release or  
7 probation shall provide for a search without a  
8 reasonable articulable suspicion of criminal  
9 activity.""

10 2. By renumbering as necessary.

Amendment H-1154 lost.

Hogg of Linn offered the following amendment H-1158, to amendment H-1092, filed by him from the floor and moved its adoption:

H-1158

1 Amend the amendment, H-1092, to House File 400 as  
2 follows:

3 1. Page 1, by inserting after line 5 the  
4 following:

5 " \_\_\_\_\_. Page 1, line 22, by inserting after the  
6 figure "321.11." the following: "The notification  
7 requirement of this section is contingent upon receipt  
8 of sufficient funding.""

9 2. By renumbering as necessary.

Amendment H-1158 lost.

On motion by Eichhorn of Hamilton amendment H-1092, as amended, was adopted, placing out of order amendments H-1085, H-1086 and H-1084 filed by Hogg of Linn on March 18, 2003 and amendment H-1040 filed by Hogg of Linn on March 10, 2003.

Eichhorn of Hamilton 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. 400)

The ayes were, 80:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Bogges	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Manternach	McCarthy
Mertz	Myers	Oldson	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Smith	Stevens
Struyk.	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Wilderdyke	Wise	Mr. Speaker
			Rants

The nays were, 18:

Berry	Bukta	Fallon	Ford
Greimann	Heddens	Hogg	Hunter
Lensing	Mascher	Miller	Murphy
Olson, D.	Osterhaus	Shoultz	Taylor, T.
Whitead	Winckler		

Absent or not voting, 2:

Foege	Hansen
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 400** be immediately messaged to the Senate.

## Appropriations Calendar

**House File 652**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for the nonreversion of certain moneys, was taken up for consideration.

Struyk of Pottawattamie offered the following amendment H-1147 filed by Struyk, et al., and moved its adoption:

H-1147

1 Amend House File 652 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. There is appropriated from the general  
5 fund of the state to the state department of  
6 transportation for the fiscal year beginning July 1,  
7 2003, and ending June 30, 2004, the following amounts,  
8 or so much thereof as is necessary, to be used for the  
9 purposes designated:

10 1. For the operation and maintenance of the  
11 network of automated weather observation and data  
12 transfer systems associated with the Iowa aviation  
13 weather system:

14 ..... \$ 110,000

15 2. For the runway marking program for public  
16 airports:

17 ..... \$ 100,000

18 3. For the windsock program for public airports:

19 ..... \$ 12,000

20 4. For the aviation improvement program:

21 ..... \$ 278,000"

22 2. Title page, line 4, by inserting after the  
23 words "tax fund" the following: ", the general fund  
24 of the state,".

25 3. By renumbering as necessary.

Roll call was requested by Struyk of Pottawattamie and Cohoon of Des Moines.

On the question "Shall amendment H-1147 be adopted?" (H.F. 652)

The ayes were, 45:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Ford	Frevert	Gaskill	Greimann
Heddens	Hunter	Huser	Jochum
Kuhn	Kurtenbach	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Hogg
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Mr. Speaker			
Rants			

Absent or not voting, 2:

Foege	Hansen
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Amendment H-1147 lost.

D. Olson of Boone offered the following amendment H-1148 filed by D. Olson, et al., and moved its adoption:

H-1148

- 1 Amend House File 652 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. There is appropriated from the general
- 5 fund of the state to the state department of
- 6 transportation for the fiscal year beginning July 1,

- 7 2003, and ending June 30, 2004, the following amount,  
 8 or so much thereof as is necessary, to be used for the  
 9 purpose designated:  
 10 For the rail assistance program and to provide  
 11 economic development project funding:  
 12 ..... \$ 100,000"  
 13 2. Title page, line 4, by inserting after the  
 14 words "tax fund" the following: ", the general fund  
 15 of the state,".  
 16 3. By renumbering as necessary.

Roll call was requested by D. Olson of Boone and Cohoon of Des Moines.

On the question "Shall amendment H-1148 be adopted?" (H.F. 652)

The ayes were, 45:

Arnold	Bell	Berry	Bukta
Cohoon	Connors	Dandekar	Davitt
Fallon	Ford	Frevert	Gaskill
Greimann	Heddens	Hunter	Huser
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

The nays were, 53:

Alons	Baudler	Boal	Boddicker
Bogges	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Hogg	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Mr. Speaker			
Rants			

Absent or not voting, 2:

Foege

Hansen

Amendment H-1148 lost.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-1126 filed by him on March 20, 2003, placing out of order amendment H-1137 filed by Murphy of Dubuque on March 24, 2003.

Murphy of Dubuque offered amendment H-1131 filed by him as follows:

H-1131

- 1 Amend House File 652 as follows:
- 2 1. Page 5, by inserting after line 6 the
- 3 following:
- 4 "Sec. \_\_\_\_ CLOSE-CLEARANCE CONDITIONS NEAR
- 5 RAILROAD TRACKS – RULES. The state department of
- 6 transportation shall adopt rules regulating close-
- 7 clearance conditions on or near railroad tracks. The
- 8 rules shall include requirements and standards for the
- 9 installation of close-clearance warning devices."
- 10 2. Title page, line 1, by striking the words "and
- 11 making" and inserting the following: "transportation,
- 12 including making".
- 13 3. By renumbering as necessary.

Huseman of Cherokee rose on a point of order that amendment H-1131 was not germane.

The Speaker ruled the point well taken and amendment H-1131 not germane.

Huseman of Cherokee 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. 652)

The ayes were, 97:

Alons  
Berry

Arnold  
Boal

Baudler  
Boddicker

Bell  
Boggess



Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 1:

Fallon

Absent or not voting, 2:

Foege

Hansen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 652** be immediately messaged to the Senate.

**House File 655**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, was taken up for consideration.

Lykam of Scott offered the following amendment H-1138 filed by Lykam, et al., and moved its adoption:

## H-1138

1 Amend House File 655 as follows:

2 1. Page 1, by striking lines 10 and 11, and  
3 inserting the following:

4 "..... \$ 1,052,565  
5 ..... FTEs 100.42"

6 2. Page 1, by striking line 32, and inserting the  
7 following:

8 "..... \$ 380,427"

9 3. Page 11, by striking lines 28 and 29, and  
10 inserting the following:

11 "..... \$ 2,245,237  
12 ..... FTEs 34.50"

13 4. Page 12, by striking line 12, and inserting  
14 the following:

15 "..... \$ 25,000,000"

16 5. Page 13, by striking line 30, and inserting  
17 the following:

18 "..... \$ 1,441,358"

19 6. Page 14, by striking line 17, and inserting  
20 the following:

21 "..... FTEs 29.80"

22 7. Page 22, by striking line 30, and inserting  
23 the following:

24 "..... FTEs 391.19"

25 8. Page 22, by striking line 35, and inserting  
26 the following:

27 "..... \$ 24,001,011"

Amendment H-1138 lost.

Murphy of Dubuque offered the following amendment H-1139 filed by Murphy, et al., and moved its adoption:

## H-1139

1 Amend House File 655 as follows:

2 1. Page 1, by striking lines 10 and 11, and  
3 inserting the following:

4 "..... \$ 1,052,565  
5 ..... FTEs 100.42"

6 2. Page 11, by striking lines 28 and 29, and  
7 inserting the following:

8 "..... \$ 2,167,369  
9 ..... FTEs 34.50"

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment H-1139 be adopted?" (H.F. 655)

The ayes were, 45:

Bell	Berry	Bukta	Cohon
Connors	Dandekar	Davitt	Fallon
Ford	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Huser
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdye	Mr. Speaker
			Rants

Absent or not voting, 3:

Foege	Hansen	Jenkins
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Amendment H-1139 lost.

D. Olson of Boone asked and received unanimous consent to withdraw amendment H-1142 filed by D. Olson of Boone, et al., on March 24, 2003.

Eichhorn of Hamilton 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. 655)

The ayes were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

The nays were, 43:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Ford	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Huser
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 3:

Foege	Hansen	Stevens
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stevens of Dickinson on request of Myers of Johnson.

## IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 655** be immediately messaged to the Senate.

## Regular Calendar

**House File 633**, a bill for an act relating to cemeteries and cemetery regulation; establishing requirements for interment rights agreements, reporting, and permits; establishing and appropriating fees; and providing administration and enforcement procedures and penalties, was taken up for consideration.

Raecker of Polk offered amendment H-1150 filed by him as follows:

H-1150

- 1 Amend House File 633 as follows:
- 2 1. By striking page 4, line 35 through page 5,
- 3 line 6.
- 4 2. Page 9, by striking lines 5 through 9.
- 5 3. Page 21, by striking lines 8 through 10 and
- 6 inserting the following:
- 7 "4. The lawn crypt is capable of withstanding
- 8 the".
- 9 4. Page 21, by striking lines 16 through 19 and
- 10 inserting the following:
- 11 "6. The lawn crypt shall be installed in
- 12 compliance with any applicable law or rule adopted by
- 13 the department of public health."
- 14 5. Page 22, lines 9 and 10, by striking the words
- 15 "at least one and one-half feet below the surface of
- 16 the ground and be".
- 17 6. Page 22, by striking lines 17 through 20.
- 18 7. Page 28, by striking lines 3 through 29.
- 19 8. Page 40, by striking lines 30 through 32 and
- 20 inserting the following:
- 21 "I hereby agree that any cemetery corporation that
- 22 receives a copy of".
- 23 9. Page 42, line 27, by inserting before the word
- 24 "with" the following: "pursuant to a disinterment
- 25 permit as required under section 144.34,".
- 26 10. Page 43, line 28, by inserting after the word
- 27 "corporation" the following: "after obtaining a
- 28 disinterment permit as required by section 144.34".
- 29 11. Page 44, by striking lines 5 through 8 and
- 30 inserting the following:

- 31 "12. Relocations and disinterments of human  
 32 remains shall be done in compliance with sections  
 33 144.32 and 144.34."  
 34 12. By striking page 47, line 31 through page 49,  
 35 line 22.  
 36 13. Page 96, by inserting after line 24 the  
 37 following:  
 38 "Sec. \_\_\_\_ NEW SECTION. 523I.1414 VIOLATIONS OF  
 39 LAW – REFERRALS TO THE DEPARTMENT OF PUBLIC HEALTH.  
 40 If the commissioner discovers a violation of a  
 41 provision of this chapter or any other state law or  
 42 rule concerning the disposal or transportation of  
 43 human remains, the commissioner shall forward all  
 44 evidence in the possession of the commissioner  
 45 concerning such a violation to the department of  
 46 public health for such proceedings as the department  
 47 of public health deems appropriate."  
 48 14. By renumbering as necessary.

Raecker of Polk offered the following amendment H-1157, to amendment H-1150, filed by him from the floor and moved its adoption:

H-1157

- 1 Amend the amendment, H-1150, to House File 633 as  
 2 follows:  
 3 1. Page 1, line 34, by striking the figure "31"  
 4 and inserting the following: "29".

Amendment H-1157 was adopted.

On motion by Raecker of Polk amendment H-1150, as amended, was adopted.

Raecker of Polk 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. 633)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Eichhorn

Elgin	Fallon	Ford	Freeman
Frevort	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Drake	Foege	Hansen	Stevens
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 480**, a bill for an act relating to the shelter assistance fund, was taken up for consideration.

Swaim of Davis 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. 480)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevort	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson

Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Drake	Foege	Hansen	Stevens
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 397**, a bill for an act relating to community development block grants to the department of economic development and including effective and retroactive applicability dates, was taken up for consideration.

Lukan of Dubuque 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. 397)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevort	Gaskill	Gipp	Granzow



Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Drake	Foege	Hansen	Stevens
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 397, 480 and 633.**

### HOUSE FILE 609 REFERRED

The Speaker announced that House File 609, previously placed on the **calendar** was referred to committee on **government oversight.**

### HOUSE FILE 643 REFERRED

The Speaker announced that House File 643, previously placed on the **calendar** was referred to committee on **appropriations.**

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 25, 2003. Had I been present, I would have voted "aye" on House Files 397 and 480.

DRAKE of Pottawattamie

I was necessarily absent from the House chamber on March 25, 2003. Had I been present, I would have voted "nay" on House File 614 and amendment H—1146 to House File 614.

HUSER of Polk

I was necessarily absent from the House chamber on March 20, 2003. Had I been present, I would have voted "aye" on House Files 450, 504, 534, 545, 557, 565, 585, 592, 601, 603, 604 and Senate File 424.

MADDOX of Polk

I was necessarily absent from the House chamber on March 24, 2003. Had I been present, I would have voted "aye" on House Files 505, 509, 516, 561, 615, 623, 624, 636 and Senate Files 224, 357 and 376. I would have voted "nay" on House Files 575 and 584.

WISE of Lee

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 24, 2003, he approved and transmitted to the Secretary of State the following bills:

House File 311, an act modifying the duties of county recorders.

House File 343, an act relating to enforcement of motor vehicle law provisions and making penalties applicable.

## PRESENTATIONS OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eighty students from Stanton High School, Stanton, Iowa. By Dolecheck of Ringgold.

Eighth grade students from Dallas Center-Grimes Schools, Grimes, Iowa. By Kramer of Polk and Watts of Dallas.

Twenty-one students from South Page Schools, College Springs, Iowa, accompanied by Cheyenne McCain. By Boggess of Page.

## 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

- |          |  |
|----------|--|
| 2003\929 | Robert and Pauline Falcon, Marion – For celebrating their 55 <sup>th</sup> wedding anniversary.  |
| 2003\930 | William and Helen Sheston, Dubuque – For celebrating their 50 <sup>th</sup> wedding anniversary. |
| 2003\931 | Florence Truis Turner, Albia – For celebrating her 90 <sup>th</sup> birthday.                    |
| 2003\932 | Red Jackson, Clear Lake – For celebrating his 80 <sup>th</sup> birthday.                         |
| 2003\933 | Ivadell and John Abele, Garner – For celebrating their 60 <sup>th</sup> wedding anniversary.     |
| 2003\934 | Allen and Arlene Peterson, Ventura – For celebrating their 60 <sup>th</sup> wedding anniversary. |
| 2003\935 | Irene Matthews, Sheffield – For celebrating her 80 <sup>th</sup> birthday.                       |
| 2003\936 | Ellen Skeries, Hampton – For celebrating her 80 <sup>th</sup> birthday.                          |
| 2003\937 | Edward R. Prause, Hampton – For celebrating his 80 <sup>th</sup> birthday.                       |
| 2003\938 | Mr. and Mrs. Donald Fulton, Carson – For celebrating their 50 <sup>th</sup> wedding anniversary. |

- 2003\939 Arlyn Danker, Minden – For his many years of dedicated service to the Hungry Canyons Alliance.
- 2003\940 Southeastern Community College, West Burlington – For winning the 2003 NJCAA championship.
- 2003\941 Benjamin Nicholas Wearin, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\942 Hilma Mae and Don McKinney, Newton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\943 Marty and Dale Finestead, Granger – For celebrating their 53<sup>rd</sup> wedding anniversary.
- 2003\944 Alma Prouty, Van Meter – For celebrating her 85<sup>th</sup> birthday.
- 2003\945 William Gruhn, Hartley – For celebrating his 90<sup>th</sup> birthday.
- 2003\946 Elsin and Emory Petersen, Hartley – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\947 Jessica Hanrahan, De Witt – For celebrating her 85<sup>th</sup> birthday.
- 2003\948 Gayle and Robert Britske, Waterloo – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\949 Murle Dietz, Waterloo – For celebrating his 90<sup>th</sup> birthday.
- 2003\950 Louise Dietz, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2003\951 Clair and Verlee Hein, Waterloo – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\952 Howard Henderson, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2003\953 Louise Huff, Waterloo – For celebrating her 90<sup>th</sup> birthday.
- 2003\954 Wayne Goodrich, Waterloo – For celebrating his 90<sup>th</sup> birthday.
- 2003\955 Helen Goodrich, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2003\956 Laverne Krisek, Waterloo – For celebrating his 80<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate File 275

Ways and Means: Paulsen, Chair; Kurtenbach and Shultz.

##### Senate File 297

Natural Resources: Lukan, Chair; Bell and Freeman.

**Senate File 361**

Judiciary: Maddox, Chair; Foege and Heaton.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 300 Government Oversight**

Relating to concrete mixtures used for paving highways and including an applicability provision.

**H.S.B. 301 Appropriations**

Relating to the revenue estimating conference's responsibilities and authority.

**H.S.B. 302 Ways and Means**

Repealing the state guarantee to fully fund certain property tax credits or exemptions and providing an effective date.

**H.S.B. 303 Ways and Means**

Establishing a commission on state and local taxation.

**H.S.B. 304 Ways and Means**

Relating to the state's portion of real estate transfer tax that is required to be deposited in the shelter assistance fund.

**COMMITTEE RECOMMENDATION**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

**COMMITTEE ON GOVERNMENT OVERSIGHT**

**Committee Bill** (Formerly House Study Bill 296), relating to government efficiency by providing for the establishment of common state services regional boundaries, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 25, 2003.

### RESOLUTIONS FILED

**HCR 19**, by Bell, Gipp and Eichhorn, a concurrent resolution urging congressional adoption of a free trade agreement between Taiwan and the United States.

Laid over under **Rule 25**.

**HR 41**, by Paulsen, a resolution honoring the town of Troy Mills on its sesquicentennial year.

Laid over under **Rule 25**.

**HR 42**, by Mertz, Bell and Frevert, a resolution honoring the City of Whittemore on its quasiquicentennial year.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—1152	H.F.	556	Hogg of Linn
H—1153	H.F.	637	McCarthy of Polk
H—1155	H.F.	643	Eichhorn of Hamilton
			Swaim of Davis
H—1156	S.F.	94	Fallon of Polk
H—1159	H.F.	647	Petersen of Polk
H—1160	H.F.	611	Kuhn of Floyd
			Whitaker of Van Buren
H—1161	H.F.	647	Petersen of Polk
H—1162	H.F.	587	Swaim of Davis
H—1163	H.F.	644	Alons of Sioux
			Whitaker of Van Buren
H—1164	S.F.	390	Hogg of Linn
H—1165	S.F.	390	Hogg of Linn
H—1166	S.F.	390	Hogg of Linn
H—1167	S.F.	390	Hogg of Linn

On motion by Jacobs of Polk the House adjourned at 4:33 p.m., until 8:45 a.m., Wednesday, March 26, 2003.

# JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Fifty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 26, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Mark C. Urlaub, pastor of Bethlehem Evangelical Lutheran Church, Vinton. He was the guest of Representative Dell Hanson of Benton County.

The Journal of Tuesday, March 25, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## INTRODUCTION OF BILLS

**House File 659**, by Gipp and Myers, a bill for an act relating to ownership of alternate energy production facilities by public utilities, making related changes, and providing an effective date.

Read first time and referred to committee on **commerce, regulation, and labor**.

**House File 660**, by committee on government oversight, a bill for an act relating to government efficiency by providing for the establishment of common state services regional boundaries, a report concerning the consolidation of community college administrative services, and providing an effective date.

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 25, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 504, a bill for an act relating to fraudulent use of a credit card, scanning device, or reencoder, and providing a penalty.

Also: That the Senate has on March 25, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 359, a bill for an act relating to landlords, tenants, and actions for forcible entry or detention.

Also: That the Senate has on March 25, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 396, a bill for an act providing for the animal unit capacity of pullets for purposes of regulation under the animal agriculture compliance Act.

Also: That the Senate has on March 25, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 402, a bill for an act relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses.

MICHAEL E. MARSHALL, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 386**, by committee on education, a bill for an act requiring the insurance division of the department of commerce to establish a school health insurance reform team study and to make recommendations to the general assembly.

Read first time and referred to committee on **commerce, regulation and labor**.

**Senate File 416**, by committee on human resources, a bill for an act relating to an emergency shelter and support services demonstration project relating to dependent adults.

Read first time and referred to committee on **human resources**.

**Senate File 425**, by committee on appropriations, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

Read first time and referred to committee on **appropriations**.



On motion by Gipp of Winneshiek, the House was recessed at 8:56 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Rants in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar and Huseman of Cherokee, on request of Gipp of Winneshiek.

### 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 26, 2003, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

Also: That the Senate has on March 26, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 371, a bill for an act relating to formatting standards for recording documents or instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date.

Also: That the Senate has on March 26, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 375, a bill for an act relating to enforcement enhancements relative to certain tobacco product manufacturers, providing appropriations and penalties, and providing effective dates.

Also: That the Senate has on March 26, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 397, a bill for an act relating to the issuance of free hunting licenses for antlerless deer, providing for the disposition of harvested deer meat to public institutions, and providing a penalty.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 359**, by committee on judiciary, a bill for an act relating to landlords, tenants, and actions for forcible entry or detention.

Read first time and referred to committee on **judiciary**.

**Senate File 396**, by committee on agriculture, a bill for an act providing for the animal unit capacity of pullets for purposes of regulation under the animal agriculture compliance Act.

Read first time and referred to committee on **agriculture**.

**Senate File 397**, by committee on natural resources and environment, a bill for an act relating to the issuance of hunting licenses for antlerless deer, providing for the disposition of harvested deer meat to public institutions, requiring a report, and providing a penalty.

Read first time and referred to committee on **natural resources**.

**Senate File 402**, by committee on judiciary, a bill for an act relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses.

Read first time and referred to committee on **judiciary**.

## CONSIDERATION OF BILLS

## Appropriations Calendar

**House File 656**, a bill for an act relating to fees charged for special fire fighter motor vehicle registration plates, was taken up for consideration.

Osterhaus of Jackson offered the following amendment H-1141 filed by Osterhaus, et al., and moved its adoption:

H-1141

- 1 Amend House File 656 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 100B.12 PAUL RYAN
- 5 MEMORIAL FIRE FIGHTER SAFETY TRAINING FUND.
- 6 A Paul Ryan memorial fire fighter safety training
- 7 fund is created in the state treasury under the

- 8 control of the department of public safety. The fund  
 9 shall consist of fees transferred by the treasurer of  
 10 state from the sale of special fire fighter license  
 11 plates pursuant to section 321.34, subsection 10.  
 12 Moneys in the fund shall be used exclusively by the  
 13 fire service training bureau to offset fire fighter  
 14 training costs. Notwithstanding section 8.33, moneys  
 15 in the fund shall not revert to the general fund of  
 16 the state at the end of the fiscal year, but shall  
 17 remain available for expenditure by the fire service  
 18 training bureau for fire fighter training in future  
 19 fiscal years."  
 20 2. By striking page 1, line 32, through page 2,  
 21 line 3, and inserting the following: "revenues to the  
 22 Paul Ryan memorial fire fighter safety training fund  
 23 created pursuant to section 100B.12 the amount of the  
 24 special fees collected in the previous month for the  
 25 fire fighter plates."  
 26 3. By renumbering as necessary.

Amendment H-1141 was adopted.

Alons of Sioux 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. 656)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Boal	Bogges	Bukta	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson

Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Berry	Boddicker	Huseman	Maddox
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILES 222 and 497 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House Files 222 and 497 from further consideration by the House.

### Regular Calendar

**House File 235**, a bill for an act relating to the various duties of the county treasurer, was taken up for consideration.

Carroll of Poweshiek offered amendment H-1029 filed by him as follows:

H-1029

1 Amend House File 235 as follows:

2 1. Page 2, by striking lines 6 through 8 and  
 3 inserting the following: "midnight on the last day of  
 4 the registration year. a person shall not be  
 5 penalized for driving a motor vehicle with an expired  
 6 registration for a period of one month following the  
 7 expiration date of the vehicle registration. The one-  
 8 month period shall be the same as the period defined  
 9 in section 321.134, subsection 1."

10 2. Page 5, by inserting after line 10, the  
 11 following:

12 "Sec. 100. NEW SECTION. 435.26a SURRENDER OF  
 13 TITLE.

14 1. A person who owns a manufactured home that is  
 15 located in a manufactured home community and is  
 16 installed on a permanent foundation may surrender the  
 17 manufactured home's certificate of title to the county  
 18 treasurer for the purpose of assuring eligibility for  
 19 funds available from mortgage lending programs  
 20 sponsored by the federal national mortgage  
 21 association, the federal home loan mortgage  
 22 corporation, the United States department of  
 23 agriculture, or any other federal governmental agency

24 or instrumentality that has similar requirements for  
25 mortgage lending programs.

26 2. Upon receipt of a certificate of title from a  
27 manufactured home owner, a county treasurer shall  
28 notify the department of transportation that the  
29 certificate of title has been surrendered, remove the  
30 registration of title from the county treasurer's  
31 records, and destroy the record of title.

32 3. After the surrender of a manufactured home's  
33 certificate of title under this section, the  
34 manufactured home shall continue to be taxed under  
35 section 435.22 and is not eligible for the homestead  
36 tax credit or the military service tax exemption. A  
37 foreclosure action on a manufactured home whose title  
38 has been surrendered under this section shall be  
39 conducted as a real estate foreclosure. a tax lien  
40 and its priority shall remain the same on a  
41 manufactured home after its certificate of title has  
42 been surrendered.

43 4. The certificate of title of a manufactured home  
44 shall not be surrendered under this section if an  
45 unreleased security interest is noted on the  
46 certificate of title.

47 5. An owner of a manufactured home who has  
48 surrendered a certificate of title under this section  
49 and requires another certificate of title for the  
50 manufactured home is required to apply for a bonded

Page 2

1 certificate of title under chapter 321."

2 3. Page 5, by inserting after line 18, the  
3 following:

4 "Sec. \_\_. EFFECTIVE DATE. Section 100 of this  
5 Act, being deemed of immediate importance, takes  
6 effect upon enactment."

7 4. Title page, line 1, by inserting after the  
8 word "treasurer" the following: "and providing an  
9 effective date".

10 5. By renumbering as necessary.

Carroll of Poweshiek offered the following amendment H-1031, to  
amendment H-1029, filed by him and moved its adoption:

H-1031

1 Amend the amendment, H-1029, to House File 235 as  
2 follows:

3 1. Page 1, line 5, by striking the words  
4 "~~penalized for~~" and inserting the following:  
5 "considered to be".

6 2. Page 1, line 31, by striking the word "record"  
7 and inserting the following: "certificate".

Amendment H-1031 was adopted.

On motion by Carroll of Poweshiek amendment H-1029, as amended, was adopted.

# SENATE FILE 134 SUBSTITUTED FOR HOUSE FILE 235

Tjepkes of Webster asked and received unanimous consent to substitute Senate File 134 for House File 235.

**Senate File 134**, a bill for an act relating to the various duties of the county treasurer and providing an effective date, was taken up for consideration.

Tjepkes of Webster 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. 134)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Boal	Boggess	Bukta	Carroll
Chambers	Cphoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevrt	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Berry  
Maddox

Boddicker

Huseman

Huser

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk on request of T. Taylor of Linn.

### HOUSE FILE 235 WITHDRAWN

Tjepkes of Webster asked and received unanimous consent to withdraw House File 235 from further consideration by the House.

**House File 556**, a bill for an act relating to the exclusion of certain nonprofit transitional housing and public housing from certain landlord and tenant disputes, was taken up for consideration.

Paulsen of Linn offered amendment H-1145 filed by Paulsen and Struyk of Pottawattamie as follows:

H-1145

- 1 Amend House File 556 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "persons." the following: "a person who unlawfully
- 4 remains on the premises of such housing may be subject
- 5 to criminal trespass penalties pursuant to section
- 6 716.8."

Hogg of Linn offered the following amendment H-1152, to amendment H-1145, filed by him and moved its adoption:

H-1152

- 1 Amend the amendment, H-1145, to House File 556 as
- 2 follows:
- 3 1. Page 1, by striking line 3 and inserting the
- 4 following: "'persons." the following: "Absent an

- 5 applicable provision in a lease, contract, or other  
 6 agreement, a person who unlawfully".

Amendment H-1152 was adopted.

On motion by Paulsen of Linn, amendment H-1145, as amended, was adopted.

Paulsen of Linn 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. 556)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Boal	Boggess	Bukta	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Berry	Boddicker	Huseman	Huser
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 120 WITHDRAWN

Paulsen of Linn asked and received unanimous consent to withdraw House File 120 from further consideration by the House.

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 556, 656 and Senate File 134.**

**House File 560**, a bill for an act relating to medical assistance home and community-based services waivers, was taken up for consideration.

Heaton of Henry offered the following amendment H-1125 filed by him and moved its adoption:

H-1125

- 1 Amend House File 560 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "services." the following: "The county of legal
- 4 settlement shall pay for the nonfederal share of the
- 5 cost of services provided under the waiver and the
- 6 state shall pay for the nonfederal share of such costs
- 7 if the person does not have a county of legal
- 8 settlement."

Amendment H-1125 was adopted.

Heaton of Henry 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. 560)

The ayes were, 96:

Alons  
Boal  
Chambers

Arnold  
Bogges  
Cohon

Baudler  
Bukta  
Connors

Bell  
Carroll  
Dandekar

Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Berry	Boddicker	Huseman	Huser
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 383 WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw House File 383 from further consideration by the House.

### Unfinished Business Calendar

**House File 637**, a bill for an act relating to tobacco retailers and providing penalties and providing applicability provisions and an effective date, was taken up for consideration.

McCarthy of Polk offered the following amendment H-1153 filed by him and moved its adoption:

H-1153

1 Amend House File 637 as follows:

- 2 1. Page 2, by striking lines 16 and 17, and  
3 inserting the following: "department or local  
4 authority, or the Iowa department of public health  
5 following transfer of the matter to the Iowa  
6 department of public health pursuant to section  
7 453A.2, subsection 5A, in addition to the other  
8 penalties fixed for such".  
9 2. Page 3, line 33, by inserting after the word  
10 "program" the following: "which is approximately one  
11 hour in length as".

Amendment H-1153 was adopted.

### SENATE FILE 401 SUBSTITUTED FOR HOUSE FILE 637

McCarthy of Polk asked and received unanimous consent to substitute Senate File 401 for House File 637.

**Senate File 401**, a bill for an act relating to tobacco retailers and providing penalties and providing applicability provisions and an effective date, was taken up for consideration.

McCarthy of Polk 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. 401)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Boal	Bogges	Bukta	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers

Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Berry	Boddicker	Huseman	Huser
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 637 WITHDRAWN

McCarthy of Polk asked and received unanimous consent to withdraw House File 637 from further consideration by the House.

### Regular Calendar

**House File 593**, a bill for an act relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes, was taken up for consideration.

Gaskill of Wapello offered the following amendment H-1149 filed by Gaskill et al., and moved its adoption:

H-1149

- 1 Amend House File 593 as follows:
- 2 1. By striking page 3, line 34 through page 4,
- 3 line 17.
- 4 2. Title page, line 9, by striking the words "and
- 5 closing hours".
- 6 3. By renumbering as necessary.

Amendment H-1149 was adopted.

Jacobs of Polk offered the following amendment H-1076 filed by her and moved its adoption:

H-1076

- 1 Amend House File 593 as follows:
- 2 1. Title page, by striking lines 5 and 6, and
- 3 inserting the following: "certain ballots, relating
- 4 to".

Amendment H-1076 was adopted.

Jacobs of Polk 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. 593)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Boal	Bogges	Bukta	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts

Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Berry	Boddicker	Huseman	Huser
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, 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 560, 593 and Senate File 401.**

**House File 616**, a bill for an act prohibiting a cancellation penalty upon cancellation of a purchase agreement for cemetery merchandise, funeral merchandise, and funeral services, was taken up for consideration.

Hoffman of Crawford 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. 616)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Boal	Bogges	Bukta	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Hutter
Jacobs	Jenkins	Jochum	Jones

Klemme	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Berry	Boddicker	Huseman	Huser
Kramer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 192 WITHDRAWN

Hoffman of Crawford asked and received unanimous consent to withdraw House File 192 from further consideration by the House.

**House File 650**, a bill for an act relating to the assessment of a correctional fee by a county or municipality, and to the prosecution of certain criminal offenses committed in a municipality located in two or more counties, was taken up for consideration.

Hutter of Scott 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. 650)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Boal	Boggess	Bukta	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix

Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Berry	Boddicker	Huseman	Huser
Kramer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 648**, a bill for an act relating to the consolidation of the management of state archives and records and making conforming changes, was taken up for consideration.

Greiner of Washington 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. 648)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Boal	Bogges	Bukta	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin



Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Berry	Boddicker	Huseman	Huser
Kramer			

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 616, 648 and 650.**

**House File 644**, a bill for an act providing for manure application requirements, providing for fees, making penalties applicable, and providing an effective date, was taken up for consideration.

Alons of Sioux offered the following amendment H-1163 filed by Alons and Whitaker of Van Buren and moved its adoption:

H-1163

- 1 Amend House File 644 as follows:
- 2 1. Page 1 by striking line 13, and inserting the

3 following:

4 "a. A manager of a commercial manure service.  
5 As".

6 2. Page 1, line 14, by inserting after the word  
7 "who" the following: "is actively involved in the  
8 operation of a commercial manure service and".

9 3. Page 2, line 16, by inserting before the word  
10 "license" the following: "commercial manure service".

11 4. Page 2, by striking lines 18 and 19, and  
12 inserting the following: "commercial manure service  
13 unless each manager".

14 5. Page 7, line 10, by inserting after the words  
15 "shall be" the following: "adjusted annually by the  
16 department".

17 6. Page 7, line 26, by striking the words "an  
18 owner or manager" and inserting the following: "a  
19 manager".

20 7. Page 7, line 27, by striking the figure  
21 "459.318A" and inserting the following: "459.314A".

22 8. Page 7, line 29, by striking the words "an  
23 owner or" and inserting the following: "a".

24 9. Page 8, line 7, by striking the word  
25 "certification" and inserting the following: "a  
26 commercial manure service license".

27 10. Page 8, line 9, by inserting after the words  
28 "shall be" the following: "adjusted annually by the  
29 department".

30 11. Page 8, by inserting after line 11, the  
31 following:

32 "Sec. \_\_\_\_ Section 459.316, subsection 2, Code  
33 2003, is amended to read as follows:

34 2. ~~a. Except as provided in paragraph "b",~~  
35 Compliance fees collected by the department shall be  
36 deposited into the animal agriculture compliance fund  
37 created in section 459.401.

38 a. Moneys Except as provided in paragraph "b",  
39 moneys collected from all fees ~~other than the annual~~  
40 ~~compliance fee~~ shall be deposited into the compliance  
41 fund's general account.

42 b. Moneys collected from the annual compliance fee  
43 shall be deposited into the compliance fund's  
44 assessment account. Moneys collected from commercial  
45 manure service license fees and educational program  
46 fees shall be deposited into the compliance fund's  
47 educational program account.

48 b. Receipts that are required to be received by  
49 the department from persons required to be certified  
50 pursuant to section 459.315 may be used to compensate

Page 2

1 a person who teaches continuing instructional courses

2 in lieu of deposit into the compliance fund.

3 Sec. \_\_\_\_ . Section 459.316, subsection 3, Code  
4 2003, is amended to read as follows:

5 3. At the end of each fiscal year the department  
6 shall determine the balance of unencumbered and  
7 unobligated moneys in the assessment account and the  
8 educational program account of the animal agriculture  
9 compliance fund created pursuant to section 459.401.

10 a. ~~If on that date June 30,~~ the balance of  
11 unencumbered and unobligated moneys in the assessment  
12 account is one million dollars or more, the department  
13 shall adjust the rate of the annual compliance fee for  
14 the following fiscal year. The adjusted rate for the  
15 annual compliance fee shall be based on the  
16 department's estimate of the amount required to ensure  
17 that at the end of the following fiscal year the  
18 balance of unencumbered and unobligated moneys in the  
19 assessment account is not one million dollars or more.

20 b. If on June 30, the balance of unencumbered and  
21 unobligated moneys in the educational program account  
22 is twenty-five thousand dollars or more, the  
23 department shall adjust the rate of the commercial  
24 manure service license fee and the educational program  
25 fee for the following fiscal year. The adjusted rate  
26 for the fees shall be based on the department's  
27 estimate of the amount required to ensure that at the  
28 end of the following fiscal year the balance of  
29 unencumbered and unobligated moneys in the assessment  
30 account is not twenty-five thousand dollars or more.

31 Sec. \_\_\_\_ . Section 459.401, subsection 2,  
32 unnumbered paragraph 1, Code 2003, is amended to read  
33 as follows:

34 The compliance fund is composed of ~~two~~ three  
35 accounts, the general account, ~~and the assessment~~  
36 ~~account, and the educational program account."~~

37 12. Page 8, line 16, by striking the word "on"  
38 and inserting the following: "or".

39 13. Page 8, line 17, by striking the word  
40 "application" and inserting the following:  
41 "applicators".

42 14. Page 8, line 17, by striking the figure  
43 "459.315" and inserting the following: "459.316".

44 15. Page 8, by inserting after line 19, the  
45 following:

46 "Sec. \_\_\_\_ . Section 459.401, subsection 2, Code  
47 2003, is amended by adding the following new  
48 paragraph:

49 NEW PARAGRAPH. c. The educational program account  
50 is composed of moneys collected from the commercial

Page 3

1 manure service license fee and the educational program  
2 fee required pursuant to section 459.316.

3 Sec. \_\_. Section 459.401, subsection 5, Code  
4 2003, is amended to read as follows:

5 5. Notwithstanding section 8.33, any unexpended  
6 balance in an account of the compliance fund at the  
7 end of the fiscal year shall be retained in ~~the fund~~  
8 that account. Notwithstanding section 12C.7,  
9 subsection 2, interest, earnings on investments, or  
10 time deposits of the moneys in an account of the  
11 compliance fund shall be credited to ~~the fund that~~  
12 account."

13 16. Page 10, by striking lines 30 and 31 and  
14 inserting the following:

15 "Sec. \_\_. PRIOR PAYMENT OF FEES.

16 1. a. A manager of a commercial manure service  
17 that has paid a certification fee as provided in  
18 section 459.315, Code 2003, on or after January 1,  
19 2003, but before the effective date of this Act, shall  
20 not be required to pay a fee for a commercial manure  
21 service license pursuant to section 459.316 until  
22 March 1, 2004.

23 b. A commercial manure service representative who  
24 has paid a certification fee as provided in section  
25 459.315, Code 2003, on or after January 1, 2003, but  
26 before the effective date of this Act, shall not be  
27 required to pay an educational program fee required  
28 pursuant to section 459.316 until March 1, 2005.

29 2. The department may require that a person who is  
30 excused from paying a commercial manure service  
31 license fee or an educational program fee as provided  
32 in this section provide documentation that the person  
33 is excused from paying the fee when being issued a  
34 license or becoming certified.

35 Sec. \_\_. DIRECTIVE TO CODE EDITOR. The Code  
36 editor shall transfer section 459.316, as amended by  
37 this Act, to a new section 459.400.

38 Sec. \_\_. EFFECTIVE DATES.

39 1. Except as provided in subsection 2, this Act,  
40 being deemed of immediate importance, takes effect  
41 upon enactment.

42 2. Section 459.314A, as enacted in this Act, takes  
43 effect January 1, 2004."

44 17. Title page, lines 2 and 3, by striking the  
45 words "an effective date" and inserting the following:  
46 "effective dates".

Amendment H-1163 was adopted.

Alons of Sioux 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. 644)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Boal	Boggess	Bukta	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevort	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 6:

Berry	Boddicker	Huseman	Huser
Kramer	Raecker		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 644** be immediately messaged to the Senate.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 1

Schickel of Cerro Gordo offered the following **House Memorial Resolution 1** and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 1

*Whereas*, The Honorable Roger A. Broers, of Cerro Gordo County, Iowa, who was a member of the Seventy-ninth, Seventy-ninth extra, and Seventy-ninth second extra general assemblies, passed away September 30<sup>th</sup>, 2002; *Now Therefore*,

*Be It Resolved By The House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Schickel of Cerro Gordo, Kuhn of Floyd and Upmeyer of Hancock.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 2

Baudler of Adair offered the following **House Memorial Resolution 2** and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 2

*Whereas*, The Honorable Helen Margaret Crabb, of Guthrie County, Iowa, who was a member of the Fifty-third and Fifty-fourth general assemblies, passed away August 15<sup>th</sup>, 2002; *Now Therefore*,

*Be It Resolved By The House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating her life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Baudler of Adair, Watts of Dallas and D. Olson of Boone.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 3

Tjepkes of Webster offered the following **House Memorial Resolution 3** and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 3

*Whereas*, The Honorable Willard M. Freed, of Webster County, Iowa, who was a member of the Fifty-sixth, Fifty-seventh, Fifty-eighth, and Fifty-ninth general assemblies, passed away February 6<sup>th</sup>, 2001; *Now Therefore*,

*Be It Resolved By The House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Tjepkes of Webster, Mertz of Kossuth and Eichhorn of Hamilton.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 4

Chambers of O'Brien offered the following **House Memorial Resolution 5** and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 4

*Whereas*, The Honorable Lester M. Freeman, of Dickinson County, Iowa, who was a member of the Sixty-second and Sixty-third general assemblies, passed away November 9<sup>th</sup>, 2002; *Now Therefore*,

*Be It Resolved By The House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Chambers of O'Brien, Stevens of Dickinson and Freeman of Buena Vista.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 5

Winckler of Scott offered the following **House Memorial Resolution 5** and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 5

*Whereas*, The Honorable Ronald J. Kinzer, of Scott County, Iowa, who was a member of the Seventy-seventh general assembly, passed away June 19<sup>th</sup>, 2002; *Now Therefore*,

*Be It Resolved By The House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Winckler of Scott, Lykam of Scott and J.K. Van Fossen of Scott.

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 6

Cphoon of Des Moines offered the following **House Memorial Resolution 6** and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 6

*Whereas*, The Honorable Clyde L. Norrgard, of Des Moines County, Iowa, who was a member of the Seventy-second, Seventy-second extra, and Seventy-second second extra general assemblies, passed away April 24<sup>th</sup>, 2002; *Now Therefore*,

*Be It Resolved By The House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Cphoon of Des Moines, Sands of Louisa and Heaton of Henry.

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 7

Hahn of Muscatine offered the following **House Memorial Resolution 7** and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 7

*Whereas*, The Honorable Donald R. Platt of Muscatine County, Iowa, who was a member of the Seventy-first, Seventy-second, Seventy-second extra, and Seventy-second second extra general assemblies, passed away July 29<sup>th</sup>, 2002; *Now Therefore*,

*Be It Resolved By The House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.



The motion prevailed and the Speaker appointed as such committee Hahn of Muscatine, Boddicker of Cedar and Sands of Louisa.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 26, 2003. Had I been present, I would have voted "aye" on House File 656 and Senate File 134.

MADDOX of Polk

I was necessarily absent from the House chamber on March 25, 2003. Had I been present, I would have voted "aye" on House Files 397, 480 and 633. I would have voted "nay" on House File 655.

STEVENS of Dickinson

### 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 26<sup>th</sup> day of March, 2003: House File 504.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Two exchange students, Marculo of Ecuador and Ardie of Russia, from North Fayette High School, West Union, Iowa, accompanied by Mrs. Josephine Heying. By Lalk of Fayette.

Mock trial students from Camanche High School, Camanche, Iowa, accompanied by Superintendent Tom Parker and Teacher Lisa Low. By S. Olson of Clinton.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 659**

Commerce, Regulation and Labor: Jenkins, Chair; Oldson and Watts.

##### **Senate File 359**

Judiciary: Boal, Chair; Baudler and Swaim.

##### **Senate File 397**

Natural Resources: Boddicker, Chair; Bell and Freeman.

##### **Senate File 402**

Judiciary: Paulsen, Chair; Heaton and Reasoner.

##### **Senate File 416**

Human Resources: Upmeyer, Chair; Berry and Boddicker.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### **House Study Bill 300**

Government Oversight: Jenkins, Chair; Alons and Thomas.

##### **House Study Bill 301**

Appropriations: Jenkins, Chair; Eichhorn and Quirk.

##### **House Study Bill 302**

Ways and Means: Paulsen, Chair; K. Kramer and Kuhn.

##### **House Study Bill 303**

Ways and Means: Paulsen, Chair; Kurtenbach and Shoultz.

##### **House Study Bill 304**

Ways and Means: Boal, Chair; Jochum and K. Kramer.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 305 Agriculture**

A concurrent resolution urging the United States Congress to hold hearings to investigate the impact of mandatory country of origin labeling regulations and to delay the date of compliance with the law.

## RESOLUTIONS FILED

**HCR 20**, by Reasoner, Bell, Berry, Bukta, Cohoon, Connors, Dandekar, Davitt, Foege, Frevert, Gaskill, Greimann, Heddens, Hunter, Huser, Jochum, Kuhn, Lensing, Lykam, Mascher, McCarthy, Mertz, Miller, Murphy, Myers, D. Olson, Osterhaus, Petersen, Quirk, Smith, Stevens, Struyk, Swaim, D. Taylor, Thomas, Wendt, Whitaker, Winckler and Wise, a concurrent resolution urging the United States Department of Agriculture to rescind an administrative regulation regarding grain warehouse licensing.

Laid over under **Rule 25**.

**HR 43**, by Foege, Lensing, Mascher and Myers, a resolution marking the restoration of the dome, cupola, and bell of the Old Capitol building in Iowa City and honoring the contractors, artisans, skilled workers, and the many individuals contributing to the effort to complete the restoration.

Laid over under **Rule 25**.

**HR 44**, by Dennis, Jenkins, Shoultz and Berry, a resolution congratulating the University of Northern Iowa Panthers Women's Volleyball Team.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-1168	S.F.	390	Hogg of Linn
H-1169	S.F.	390	Hogg of Linn
H-1170	H.F.	647	Hoffman of Crawford
H-1171	H.F.	576	Jenkins of Black Hawk

H—1172	H.F.	647	Hoffman of Crawford
H—1173	H.F.	647	Hoffman of Crawford
H—1174	H.F.	573	Eichhorn of Hamilton
			Swaim of Davis
H—1175	H.F.	587	Swaim of Davis
H—1176	H.F.	646	Elgin of Linn
H—1177	H.F.	651	Manternach of Jones
H—1178	S.F.	390	Hogg of Linn
H—1179	S.F.	390	Van Engelenhoven of Marion
Greiner of Washington			Arnold of Lucas
Hahn of Muscatine			Baudler of Adair
Hoffman of Crawford			Eichhorn of Hamilton

On motion by Gipp of Winneshiek the House adjourned at 2:48 p.m., until 8:45 a.m., Thursday, March 27, 2003.

# JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day - Fifty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 27, 2003

The House met pursuant to adjournment at 8:43 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend H. I. Thomas, pastor of the Union Baptist Church, Des Moines. He was the guest of Representative John Connors of Polk County.

The Journal of Wednesday, March 26, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth and T. Taylor of Linn on request of Myers of Johnson.

## INTRODUCTION OF BILL

**House File 661**, by Alons, Klemme, Drake, Tymeson, Lukan, Dennis, Rayhons, Wilderdyke, Chambers, Tjepkes, De Boef, Granzow, Heaton, Eichhorn, S. Olson, J.R. Van Fossen, Sands, Jones, Horbach, Arnold, Thomas, D. Hanson, Swaim, Rasmussen, Kuhn, Mertz, Frevert, Dolecheck, Dandekar, and Gaskill, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets, and providing effective and applicability dates.

Read first time and referred to committee on **ways and means**.

## SENATE MESSAGE CONSIDERED

**Senate File 371**, by committee on local government, a bill for an act relating to formatting standards for recording documents or

instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date.

Read first time and referred to committee on **local government**.

## 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 26, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 216, a bill for an act relating to intelligence data and intelligence assessment dissemination to an agency, organization, or person.

Also: That the Senate has on March 26, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 313, a bill for an act concerning public employee collective bargaining.

Also: That the Senate has on March 26, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 433, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, department of workforce development, and the public employment relations board and related matters.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 8:49 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Rants in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar, Heaton of Henry and Upmeyer of Hancock on request of Gipp of Winneshiek.

## INTRODUCTION OF BILL

**House File 662**, by committee on appropriations, a bill for an act 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 and including an effective date and retroactive applicability date provision.

Read first time and placed on the **appropriations 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 27, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 503, a bill for an act relating to the authorization of podiatrists to administer anesthesia.

Also: That the Senate has on March 27, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 435, a bill for an act relating to and making appropriations to the judicial branch.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 313**, by committee on business and labor relations, a bill for an act concerning public employee collective bargaining.

Read first time and referred to committee on **commerce, regulation and labor**.

**Senate File 375**, by committee on judiciary, a bill for an act relating to enforcement enhancements relative to certain tobacco product manufacturers, providing appropriations and penalties, and providing effective dates.

Read first time and referred to committee on **judiciary**.

**Senate File 433**, by committee on appropriations, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, department of workforce development, and the public employment relations board and related matters.

Read first time and referred to committee on **appropriations**.

The House stood at ease at 1:01 p.m., until the fall of the gavel.

The House resumed session at 1:58 p.m., Speaker pro tempore Carroll in the chair.

### INTRODUCTION OF BILL

**House File 663**, by committee on ways and means, a bill for an act relating to the establishment of a school infrastructure financing program by providing for the sharing of revenues from local option sales and services taxes for school infrastructure purposes and providing for the use of the revenues from the local option tax for school infrastructure or property tax relief purposes and including an effective date.

Read first time and placed on **ways and means calendar**.

### SENATE MESSAGE CONSIDERED

**Senate File 435**, by committee on appropriations, a bill for an act relating to and making appropriations to the judicial branch.

Read first time and referred to committee on **appropriations**.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 366**, a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders, was taken up for consideration.



## SENATE FILE 94 SUBSTITUTED FOR HOUSE FILE 366

Jones of Mills asked and received unanimous consent to substitute Senate File 94 for House File 366.

**Senate File 94**, a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders, was taken up for consideration.

Fallon of Polk offered the following amendment H-1156 filed by him and moved its adoption:

H-1156

- 1 Amend Senate File 94, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 22, the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 331.608, subsection 6, Code
- 6 2003, is amended to read as follows:
- 7 6. If a certified copy of a ~~public~~ record is
- 8 required to perfect the claim of a veteran in service
- 9 or honorably discharged or a claim of a dependent of
- 10 the veteran, the certified copy shall be furnished by
- 11 the custodian of the ~~public~~ record without charge."
- 12 2. By renumbering as necessary.

Amendment H-1156 was adopted.

Jones of Mills 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. 94)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser

Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tymeson
Van Engelenhoven	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

Boddicker	Heaton	Mertz	Taylor, T.
Upmeyer	Van Fossen, J.K.		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 567**, a bill for an act relating to powers of county environmental health specialists and providing a penalty, was taken up for consideration.

Wilderdyke of Harrison 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. 567)

The ayes were, 91:

Alons	Baudler	Bell	Berry
Boal	Boggess	Bukta	Chambers
Cohoon	Connors	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevort
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones

Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, 3:

Arnold	Rasmussen	Van Engelenhoven
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Absent or not voting, 6:

Boddicker	Heaton	Mertz	Taylor, T.
Upmeyer	Van Fossen, J.K.		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Boal of Polk in the chair at 2:12 p.m.

**House File 576**, a bill for an act relating to the enterprise zone program and including effective date provisions, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment H-1171 filed by him and moved its adoption:

H-1171

- 1 Amend House File 576 as follows:
- 2 1. Page 2, line 21, by striking the word
- 3 "positions," and inserting the following: "positions,
- 4 and".
- 5 2. Page 2, by striking lines 22 through 24 and
- 6 inserting the following: "subsection 1, paragraphs
- 7 "a", "b", and "c", and not share common ownership or
- 8 common management with the development business. If a
- 9 nonretail business locating in a building space
- 10 occupies ninety percent or less of the building space,
- 11 the nonretail business shall not share common
- 12 ownership or common management with the development

13 business. A development business shall receive a pro  
 14 rata".

Amendment H-1171 was adopted.

Jenkins of Black Hawk 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. 576)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Bogges	Bukta	Chambers
Cohoon	Connors	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevrt
Gaskill	Gipp	Granzow	Greimann
Hahn	Hansen	Hanson	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Van Engelenhoven	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdike	Winckler	Wise	Boal,
			Presiding

The nays were, none.

Absent or not voting, 8:

Boddicker	Carroll	Greiner	Heaton
Mertz	Taylor, T.	Upmeyer	Van Fossen, J.K.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILE 54 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House File 54 from further consideration by the House.

## HOUSE FILE 251 WITHDRAWN

Wilderdyke of Harrison asked and received unanimous consent to withdraw House File 251 from further consideration by the House.

## HOUSE FILES 126 and 366 WITHDRAWN

Jones of Mills asked and received unanimous consent to withdraw House Files 126 and 366 from further consideration by the House.

## IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 567, 576 and Senate File 94.**

## SENATE AMENDMENT CONSIDERED

Alons of Sioux called up for consideration **House File 216**, a bill for an act relating to intelligence data and intelligence assessment dissemination to an agency, organization, or person, amended by the Senate, and moved that the House concur in the following Senate amendment H-1184:

H-1184

- 1 Amend House File 216, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "person" the following: "when disseminated for an
- 5 official purpose, and".
- 6 2. Page 1, line 15, by inserting after the word
- 7 "imminent" the following: "serious".
- 8 3. Page 1, line 35, by striking the word "and"
- 9 and inserting the following: "or".
- 10 4. Page 2, line 10, by inserting after the words
- 11 "or person" the following: "when disseminated for an
- 12 official purpose, and".
- 13 5. Page 2, line 11, by inserting after the word
- 14 "imminent" the following: "serious".

- 15 6. Page 2, line 11, by inserting after the word  
 16 "harm" the following: ", and".  
 17 7. Page 2, line 32, by inserting after the word  
 18 "person" the following: "if disseminated for an  
 19 official purpose, and".  
 20 8. Page 2, line 33, by inserting after the word  
 21 "imminent" the following: "serious".  
 22 9. Page 3, by inserting after line 5 the  
 23 following:  
 24 "Sec. \_\_. EFFECTIVE DATE. This Act, being deemed  
 25 of immediate importance, takes effect upon enactment."  
 26 10. Title page, line 2, by inserting after the  
 27 word "person" the following: ", and providing an  
 28 effective date".  
 29 11. By renumbering, relettering, or redesignating  
 30 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1184.

Alons of Sioux 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. 216)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Bogges	Bukta	Chambers
Cohoon	Connors	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Van Engelenhoven

Van Fossen, J.R.  
Wilderdyke

Wendt  
Winckler

Whitaker  
Wise

Whitead  
Boal,  
Presiding

The nays were, none.

Absent or not voting, 8:

Boddicker  
Taylor, T.

Carroll  
Upmeyer

Heaton  
Van Fossen, J.K.

Mertz  
Watts

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 216** be immediately messaged to the Senate.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 26, 2003. Had I been present, I would have voted "aye" on House Files 556, 560, 616, 656 and Senate Files 134 and 401.

BERRY of Black Hawk

I was necessarily absent from the House chamber on March 26, 2003. Had I been present, I would have voted "aye" on House Files 556, 560, 593, 616, 644, 648, 650, 656 and Senate Files 134 and 401.

HUSEMAN of Cherokee

### 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

2003\957

Mr. and Mrs. Donnie Sytsma, Oskaloosa – For celebrating their 60<sup>th</sup> wedding anniversary.

- 2003\958 David Eleanor Mitchell, Grinnell – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\959 Miranda Kalke, Monona – For celebrating her 90<sup>th</sup> birthday.
- 2003\960 Marie Anderson, Elgin – For celebrating her 85<sup>th</sup> birthday.
- 2003\961 Mary Jane and Lawrence White, Garber – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\962 Jeanette Eggerling, Williamsburg – For celebrating her 90<sup>th</sup> birthday.
- 2003\963 Delores Grimm, Delta – For celebrating her 80<sup>th</sup> birthday.
- 2003\964 Bernese York, Brooklyn – For celebrating her 100<sup>th</sup> birthday.
- 2003\965 Florence Wehr, Sigourney – For celebrating her 90<sup>th</sup> birthday.
- 2003\966 Charlotte PirkI, Victor – For celebrating her 80<sup>th</sup> birthday.
- 2003\967 Bryce Flaherty, Bettendorf – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\968 Scott Wunn, Iowa City – For being named Secretary of the National Forensic League.
- 2003\969 Verna Schoof, Boone – For celebrating her 81<sup>st</sup> birthday.
- 2003\970 Maryanna Bjorkgren, Boone – For celebrating her 80<sup>th</sup> birthday.
- 2003\971 Dorothy Louise Hensen, Perry – For celebrating her 81<sup>st</sup> birthday.
- 2003\972 Catherine Patricia Lynch, Boone – For celebrating her 83<sup>rd</sup> birthday.
- 2003\973 Evelyn Laura Ely, Boone – For celebrating her 83<sup>rd</sup> birthday.
- 2003\974 Margaret Mae Davis, Perry – For celebrating her 84<sup>th</sup> birthday.
- 2003\975 Margaret Bose Kautzky, Perry – For celebrating her 85<sup>th</sup> birthday.
- 2003\976 Marion Esther Kleis, Boone – For celebrating her 86<sup>th</sup> birthday.
- 2003\977 Lila May Pritchard, Boone – For celebrating her 90<sup>th</sup> birthday.
- 2003\978 Clarice Helen Ross, Perry – For celebrating her 91<sup>st</sup> birthday.
- 2003\979 Clara Krol, Perry – For celebrating her 91<sup>st</sup> birthday.
- 2003\980 Velvo Anderson, Boone – For celebrating her 92<sup>nd</sup> birthday.



- 2003\981 Margaret Helen Bassett, Boone – For celebrating her 97<sup>th</sup> birthday.
- 2003\982 Harold William Anderson, Perry – For celebrating his 80<sup>th</sup> birthday.
- 2003\983 Robert Spencer Phillips, Perry – For celebrating his 80<sup>th</sup> birthday.
- 2003\984 Maurice James Fitzgerald, Boone – For celebrating his 80<sup>th</sup> birthday.
- 2003\985 Glenn Tipton Woods, Perry – For celebrating his 82<sup>nd</sup> birthday.
- 2003\986 Marion J. Karowski, Boone – For celebrating his 83<sup>rd</sup> birthday.
- 2003\987 Paul Patrick Pepper, Ogden – For celebrating his 84<sup>th</sup> birthday.
- 2003\988 Russell Christensen, Ogden – For celebrating his 86<sup>th</sup> birthday.
- 2003\989 Dick and Maynette Anderson, Fort Dodge – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\990 Rev. Calvin and Gladys Teasdale, Fort Dodge – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\991 Kerry Joe Johnson, Nevada – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate File 180

Commerce, Regulation, and Labor: Sands, Chair; Manternach and Quirk.

##### Senate File 235

State Government: Greiner, Chair; Jones and Petersen.

##### Senate File 342

State Government: Manternach, Chair; Dennis and Jochum.

##### Senate File 359 Reassigned

Judiciary: Eichhorn, Chair; Maddox and Swaim.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### House Study Bill 305

Agriculture: S. Olson, Chair; Rayhons and Whitaker.

## 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 APPROPRIATIONS

**House File 594**, a bill for an act relating to the registration of electrical and mechanical amusement devices and the registration of manufacturers and distributors thereof, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2003

**Committee Bill** (Formerly House Study Bill 299), 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 and including an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 26, 2003.

## COMMITTEE OF COMMERCE, REGULATION AND LABOR

**House File 502**, a bill for an act relating to damage disclosure statements required for transfer of ownership of motor vehicles.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2003.

**Senate File 119**, a bill for an act relating to real estate appraiser certification.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2003.

**Senate File 340**, a bill for an act relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2003.

## COMMITTEE ON ECONOMIC GROWTH

**Senate File 73**, a bill for an act relating to the reporting requirement under the Iowa industrial new jobs training Act.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2003.

## COMMITTEE ON EDUCATION

**Senate File 201**, a bill for an act relating to a review of statistical information compiled by the board of educational examiners from Praxis II examinations administered to initial, provisional teaching license applicants.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2003.

## COMMITTEE ON JUDICIARY

**Senate File 155**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2003.

## COMMITTEE ON PUBLIC SAFETY

**Senate File 185**, a bill for an act relating to criminal law and procedure, including the criminal offenses of arson, communications by an arrested person, and harassment.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1186**, March 27, 2003.

**Senate File 417**, a bill for an act relating to the purchase of a police service dog by the department of corrections.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2003.

## COMMITTEE ON STATE GOVERNMENT

**House File 211**, a bill for an act relating to government efficiency by providing for the delivery of administrative services to state government, establishment of common state services regional boundaries, revising medical assistance program eligibility and benefits provisions, improving coordination of veterans benefits eligibility determinations, requiring a comprehensive study of the state mental health institutes, and revising requirements involving the judicial district departments of correctional services, and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2003.

**Senate File 102**, a bill for an act relating to the chief executive officer of the Iowa public employees' retirement system and providing an effective and retroactive applicability date.

Fiscal Note is not required.

Recommended **Do Pass** March 27, 2003.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 571), relating to the establishment of a school infrastructure financing program by providing for a local option school infrastructure sales tax and providing for the use of the revenues from the local option tax for school infrastructure or property tax relief purposes and including an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 26, 2003.

## RESOLUTIONS FILED

**HR 45**, by Watts, Heaton, Reasoner, Wise, Dolecheck, Bogges, Whitaker, Swaim, Arnold, Jones, Gaskill, B. Hansen and Struyk, a resolution requesting the State Department of Transportation to identify the Mormon Trail route across Iowa on the official Iowa highway map.

Laid over under **Rule 25**.

**HR 46**, by Heddens, Watts, Granzow, Hutter, Swaim, Greimann, Wise, Boggess, Tjepkes, Smith, Thomas, Gaskill, De Boef, Whitaker, Reasoner, Connors, Wendt, Roberts, Kurtenbach and Struyk, a resolution relating to support of Best Buddies Iowa and urging continued federal funding of the program.

Laid over under **Rule 25.**

**HR 47**, by Schickel, a resolution honoring the City of Mason City on its sesquicentennial year.

Laid over under **Rule 25.**

**HR 48**, by Dix and Foege, a resolution congratulating the 2002-2003 Wartburg College Wrestling Team.

Laid over under **Rule 25.**

#### AMENDMENTS FILED

H—1180	H.F.	647	Petersen of Polk
H—1181	S.F.	390	Van Engelenhoven of Marion
H—1182	S.F.	390	Hogg of Linn
H—1183	H.F.	631	Paulsen of Linn
H—1185	H.C.R.	19	Bell of Jasper
H—1186	S.F.	185	Committee on Public Safety
H—1187	H.F.	660	Lensing of Johnson
			Raecker of Polk
H—1188	H.F.	587	Swaim of Davis
H—1189	H.F.	594	Wise of Lee
			Petersen of Polk
			Dandekar of Linn
			Reasoner of Union
H—1190	H.F.	594	Jenkins of Black Hawk
			Wise of Lee
H—1191	H.F.	390	Van Engelenhoven of Marion
			Arnold of Lucas
			Fallon of Polk
			Dolecheck of Ringgold
			Huseman of Cherokee
			Drake of Pottawattamie
			Baudler of Adair
			Tymeson of Madison
			Rasmussen of Buchanan
			Hahn of Muscatine
			Eichhorn of Hamilton
			Hoffman of Crawford
			Lalk of Fayette
			Greiner of Washington

On motion by Gipp of Winneshiek the House adjourned at 2:48 p.m., until 8:45 a.m., Friday, March 28, 2003.

# JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 28, 2003

The House met pursuant to adjournment at 9:35 a.m., Tymeson of Madison in the chair.

The Journal of Thursday, March 27, 2003 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Jochum of Dubuque, from one hundred eighteen Dubuque County residents asking the Iowa legislature to support raising the minimum wage to \$6.15 per hour.

## HOUSE FILE 651 REFERRED

The Speaker announced that House File 651, previously placed on the **calendar** was referred to committee on **appropriations**.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House Chamber on March 27, 2003. Had I been present, I would have voted "aye" on House Files 216 and 276.

CARROLL of Poweshiek

I was necessarily absent from the House chamber on March 24 and 25, 2003. Had I been present, I would have voted "aye" on House Files 397, 480, 505, 509, 516, 561, 623, 624, 633 and 636. I would have voted "nay" on House Files 400, 575, 584, 614 and 655.

FOEGE of Linn

## 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

- |           |  |
|-----------|--|
| 2003\992  | Lester and Helen Perry, Baxter – For celebrating their 60 <sup>th</sup> wedding anniversary.                   |
| 2003\993  | Ernest and Ethel Nielsen, Mapleton – For celebrating their 70 <sup>th</sup> wedding anniversary.               |
| 2003\994  | Lawrence and Gwen Johnk, Ida Grove – For celebrating their 50 <sup>th</sup> wedding anniversary.               |
| 2003\995  | Bertha Maak, Denison – For celebrating her 90 <sup>th</sup> birthday.  |
| 2003\996  | Myrtle Anderson, Tama – For celebrating her 90 <sup>th</sup> birthday.   |
| 2003\997  | Bernice Hopkins, Perry – For celebrating her 80 <sup>th</sup> birthday.  |
| 2003\998  | Dorothy Brooks, Perry – For celebrating her 84 <sup>th</sup> birthday.   |
| 2003\999  | Wilma Frances Bennett, Boone – For celebrating her 85 <sup>th</sup> birthday.                                  |
| 2003\1000 | Clovie Cunningham, Ogden – For celebrating her 85 <sup>th</sup> birthday.                                      |
| 2003\1001 | Rebecca Helen Peterson, Boone – For celebrating her 85 <sup>th</sup> birthday.                                 |
| 2003\1002 | Maxine Ruth Graves, Boone – For celebrating her 86 <sup>th</sup> birthday.                                     |
| 2003\1003 | Martha Elenora Niebahr, Perry – For celebrating her 93 <sup>rd</sup> birthday.                                 |
| 2003\1004 | Charles Oscar Gustafson, Boone – For celebrating his 82 <sup>nd</sup> birthday.                                |
| 2003\1005 | Wendell Westrum Carlson, Boone – For celebrating his 89 <sup>th</sup> birthday.                                |
| 2003\1006 | Guy Alfred Lane, Madrid – For celebrating his 92 <sup>nd</sup> birthday.                                       |
| 2003\1007 | Larie Dew, Muscatine – For being named the 2003 Class 4-A Division of the All-State Girls' Basketball Team.    |
| 2003\1008 | Jonathan Empie, Denver – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2003\1009 | Irma and Russell Drinovsky, Traer – For celebrating their 50 <sup>th</sup> wedding anniversary.                |

- 2003\1010 Emily Votrobeck, Tama – For celebrating her 100<sup>th</sup> birthday.
- 2003\1011 Dareld Albright, Perry – For celebrating his 80<sup>th</sup> birthday.
- 2003\1012 Arnold Reinhold Sprecher, Ogden – For celebrating his 88<sup>th</sup> birthday.
- 2003\1013 Mary Angela Chance, Boone – For celebrating her 86<sup>th</sup> birthday.
- 2003\1014 Geraldine Lorraine Bell, Boone – For celebrating her 87<sup>th</sup> birthday.
- 2003\1015 Justin Folka Gustafson, Boone – For celebrating his 97<sup>th</sup> birthday.
- 2003\1016 Robert Forney, Boone – For celebrating his 80<sup>th</sup> birthday.
- 2003\1017 Mary Georgia Anderson, Boone – For celebrating her 81<sup>st</sup> birthday.
- 2003\1018 Harold Frederick Gildea, Boone – For celebrating his 82<sup>nd</sup> birthday.
- 2003\1019 Mildred Frances Smith, Boone – For celebrating her 84<sup>th</sup> birthday.
- 2003\1020 Leroy Henry Lau, Boone – For celebrating his 90<sup>th</sup> birthday.

### 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

**House File 358**, a bill for an act relating to life science enterprises by providing for financing.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1192** March 27, 2003.

### COMMITTEE ON HUMAN RESOURCES

**Senate File 303**, a bill for an act relating to the contents of certain child abuse assessment reports.

Fiscal Note in not required.

Recommended **Do Pass** March 27, 2003.



## AMENDMENTS FILED

H—1192	H.F.	358	Committee on Agriculture
H—1193	S.F.	390	Jochum of Dubuque

On motion by Berry of Black Hawk the House adjourned at 9:58 a.m., until 1:00 p.m., Monday, March 31, 2003.

# JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 31, 2003

The House met pursuant to adjournment at 1:00 p.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Ralph Klemme, state representative from Plymouth County.

The Journal of Friday, March 28, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## ADOPTION OF HOUSE RESOLUTION 48

Dix of Butler and Foege of Linn called up for consideration **House Resolution 48**, a resolution congratulating the 2002-2003 Wartburg College Wrestling Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

Dix of Butler and Foege of Linn introduced to the House the 2002-2003 Wartburg College Wrestling Team and their head coach Jim Miller who introduced his team addressed the House briefly thanking them for the honor.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 1:12 p.m., until 2:15 p.m.

## AFTERNOON SESSION

The House reconvened at 2:18 p.m., Speaker Rants in the chair.

The House stood at ease at 2:19 p.m., until the fall of the gavel.

The House resumed session at 3:57 p.m., Speaker Rants in the chair.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 381**, a bill for an act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the anatomical gift public awareness and transplantation fund, was taken up for consideration.

Watts of Dallas offered the following amendment H-1032 filed by him and moved its adoption:

H-1032

1 Amend House File 381 as follows:

2 1. Page 1, line 14, by inserting after the words  
3 "absence of" the following: "up to".

4 2. Page 1, line 16, by inserting after the word  
5 "verification" the following: "from the employee's  
6 physician or the hospital involved with the bone  
7 marrow donation".

8 3. Page 1, line 18, by inserting after the words  
9 "absence of" the following: "up to".

10 4. Page 1, line 20, by inserting after the word  
11 "verification" the following: "from the employee's  
12 physician or the hospital involved with the vascular  
13 organ donation".

14 5. Page 1, line 31, by inserting after the word  
15 "the" the following: "Iowa".

16 6. Page 2, by striking lines 11 through 18, and  
17 inserting the following: "recipients, transplant  
18 candidates, living organ donors, or to legal  
19 representatives on behalf of transplant recipients,  
20 transplant candidates, or living organ donors.  
21 Transplant recipients, transplant candidates, living  
22 organ donors, or the legal representatives of  
23 transplant recipients, transplant candidates, or  
24 living organ donors shall submit grant applications  
25 with supporting documentation provided by a hospital  
26 shall submit an application on behalf of a patient  
27 requiring that performs transplants, verifying that  
28 the person by or for whom the application is submitted  
29 requires a transplant in or is a living organ donor  
30 and specifying the amount".

Amendment H-1032 was adopted.

Watts of Dallas 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. 381)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Carroll	Osterhaus
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILE 147 WITHDRAWN

Watts of Dallas asked and received unanimous consent to withdraw House File 147 from further consideration by the House.

**House File 454**, a bill for an act relating to mandatory universal newborn and infant hearing screening, was taken up for consideration.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-1043 filed by him and Foege of Linn on March 11, 2003.

Upmeyer of Hancock offered the following amendment H-1111 filed by Upmeyer, et al., and moved its adoption:

H-1111

- 1 Amend House File 454 as follows:
- 2 1. Page 2, by inserting after line 27, the
- 3 following:
- 4 "6A. This section shall not apply if the parent
- 5 objects to the screening. If a parent objects to the
- 6 screening, the birthing hospital, physician, or other
- 7 health care professional required to report
- 8 information to the department under this section shall
- 9 obtain a written refusal from the parent, shall
- 10 document the refusal in the newborn's or infant's
- 11 medical record, and shall report the refusal to the
- 12 department in the manner prescribed by rule of the
- 13 department."
- 14 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 60, nays 9.

Amendment H-1111 was adopted.

Upmeyer of Hancock 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. 454)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, 1:

Connors

Absent or not voting, 4:

Carroll	Horbach	Osterhaus	Van Fossen, J.K.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 190 WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw House File 190 from further consideration by the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterhaus of Jackson on request of T. Taylor of Linn.

# Unfinished Business Calendar

**House File 612**, a bill for an act relating to the exemption from land ownership restrictions for nonresident aliens under the new jobs and income program, was taken up for consideration.

Granzow of Hardin 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. 612)

The ayes were, 70:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Chambers	Dandekar
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Gipp	Granzow	Greiner
Hahn	Hansen	Hanson	Heaton
Hoffman	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Maacher	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Struyk	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 28:

Bell	Berry	Bukta	Cohoon
Connors	Davitt	Fallon	Ford
Frevert	Gaskill	Greimann	Heddens
Hogg	Hunter	Huser	Jochum
Kuhn	McCarthy	Mertz	Shoultz
Smith	Stevens	Swaim	Taylor, D.
Taylor, T.	Wendt	Whitaker	Whitead

Absent or not voting, 2:

Carroll	Osterhaus
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 381, 454 and 612.**

### HOUSE FILE 372 WITHDRAWN

Granzow of Hardin asked and received unanimous consent to withdraw House File 372 from further consideration by the House.

### Regular Calendar

**House File 641**, a bill for an act providing for changes relating to programs under the purview of the Iowa department of public health, was taken up for consideration.

Boddicker of Cedar 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. 641)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Frevort	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner



Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 4:

Fallon	Ford	Hogg	Huser
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Absent or not voting, 3:

Carroll	Fooge	Osterhaus
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 634**, a bill for an act relating to the conversion of cooperative associations originally organized as business corporations, was taken up for consideration.

Mertz of Kossuth 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. 634)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk

Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdike	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Carroll	Foege	Osterhaus
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 602**, a bill for an act providing for the establishment of a continuous quality improvement program relating to licensed pharmacy operations, was taken up for consideration.

Greiner of Washington offered the following amendment H-1068 filed by her and moved its adoption:

H-1068

- 1 Amend House File 602 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "implement" the following: "or participate in".

Amendment H-1068 was adopted.

Greiner of Washington 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. 602)

The ayes were, 88:

Arnold	Baudler	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Elgin
Fallon	Foege	Ford	Freeman

Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hunter	Huseman	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	Miller	Murphy
Myers	Oldson	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 11:

Alons	Eichhorn	Hogg	Horbach
Huser	McCarthy	Mertz	Olson, D.
Schickel	Struyk	Swaim	

Absent or not voting, 1:

Osterhaus

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 602, 634 and 641.**

**House File 586**, a bill for an act relating to notice of rate increases for group health insurance coverage, was taken up for consideration.

Hansen of Pottawattamie 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. 586)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Osterhaus

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 444 WITHDRAWN

Hansen of Pottawattamie asked and received unanimous consent to withdraw House File 444 from further consideration by the House.

**House File 647**, a bill for an act relating to insurance, including various filing and information privacy requirements throughout the insurance code, calculation of assessments by the Iowa individual health benefit reinsurance association, payment of certain insurance fees, certain self-funded insurance plans by school corporations or

political subdivisions, designation of the commissioner of insurance as process agent for various entities conducting insurance business in this state, notification provisions relating to the effective date of cancellation of insurance, beneficial stock ownership filings, funding agreements, creating an insurable interest in active or retired employee lives for the benefit of an employer, providing for an interstate insurance product regulation compact, and providing for retroactive applicability and an effective date, was taken up for consideration.

Petersen of Polk offered amendment H-1159 filed by her as follows:

H-1159

1 Amend House File 647 as follows:

2 1. Page 1, by inserting after line 1 the  
3 following:

4 "Section 1. Section 29A.43, Code 2003, is amended  
5 to read as follows:

6 29A.43 DISCRIMINATION PROHIBITED - LEAVE OF  
7 ABSENCE - CONTINUATION OF HEALTH COVERAGE.

8 1. A person shall not discriminate against any  
9 officer or enlisted person of the national guard or  
10 organized reserves of the armed forces of the United  
11 States because of that membership. An employer, or  
12 agent of an employer, shall not discharge a person  
13 from employment because of being an officer or  
14 enlisted person of the military forces of the state,  
15 or hinder or prevent the officer or enlisted person  
16 from performing any military service the person is  
17 called upon to perform by proper authority. A member  
18 of the national guard or organized reserves of the  
19 armed forces of the United States ordered to temporary  
20 duty, as defined in section 29A.1, subsection 1, 3, or  
21 11, for any purpose is entitled to a leave of absence  
22 during the period of the duty or service, from the  
23 member's private employment, other than employment of  
24 a temporary nature, and upon completion of the duty or  
25 service the employer shall restore the person to the  
26 position held prior to the leave of absence, or employ  
27 the person in a similar position. However, the person  
28 shall give evidence to the employer of satisfactory  
29 completion of the training or duty, and that the  
30 person is still qualified to perform the duties of the  
31 position. The period of absence shall be construed as  
32 an absence with leave, and shall in no way affect the  
33 employee's rights to vacation, sick leave, bonus, or  
34 other employment benefits relating to the employee's

35 particular employment. A person violating a provision  
36 of this section is guilty of a simple misdemeanor.  
37 2. An officer or enlisted person of the national  
38 guard or organized reserves of the armed forces of the  
39 United States who has coverage under a group policy  
40 for accident or health insurance as an employee or  
41 member or as the spouse or covered dependent child of  
42 an employee or member, whose coverage under the group  
43 policy would otherwise terminate while the officer or  
44 enlisted person was on a leave of absence during a  
45 period of temporary duty or service, for any purpose,  
46 as defined in section 29A.1, subsection 1, 3, or 11,  
47 shall be considered to have been continuously insured  
48 under the group policy for the purpose of obtaining  
49 coverage under the group policy upon a return to  
50 employment or to status as a full-time student who is

Page 2

1 twenty-five years of age or less. This subsection  
2 does not apply to coverage of an injury suffered or a  
3 disease contracted by a member of the national guard  
4 or organized reserves of the armed forces of the  
5 United States in the line of duty."  
6 2. By renumbering as necessary.

Petersen of Polk offered the following amendment H-1180, to amendment H-1159, filed by her and moved its adoption:

H-1180

1 Amend the amendment, H-1159, to House File 647 as  
2 follows:  
3 1. By striking page 1, line 4 through page 2,  
4 line 5, and inserting the following:  
5 "Section 1. Section 29A.43, Code 2003, is amended  
6 to read as follows:  
7 29A.43 DISCRIMINATION PROHIBITED – LEAVE OF  
8 ABSENCE – CONTINUATION OF HEALTH COVERAGE.  
9 1. A person shall not discriminate against any  
10 officer or enlisted person of the national guard or  
11 organized reserves of the armed forces of the United  
12 States because of that membership. An employer, or  
13 agent of an employer, shall not discharge a person  
14 from employment because of being an officer or  
15 enlisted person of the military forces of the state,  
16 or hinder or prevent the officer or enlisted person  
17 from performing any military service the person is  
18 called upon to perform by proper authority. A member  
19 of the national guard or organized reserves of the  
20 armed forces of the United States ordered to temporary

21 duty, as defined in section 29A.1, subsection 1, 3, or  
22 11, for any purpose is entitled to a leave of absence  
23 during the period of the duty or service, from the  
24 member's private employment, other than employment of  
25 a temporary nature, and upon completion of the duty or  
26 service the employer shall restore the person to the  
27 position held prior to the leave of absence, or employ  
28 the person in a similar position. However, the person  
29 shall give evidence to the employer of satisfactory  
30 completion of the training or duty, and that the  
31 person is still qualified to perform the duties of the  
32 position. The period of absence shall be construed as  
33 an absence with leave, and shall in no way affect the  
34 employee's rights to vacation, sick leave, bonus, or  
35 other employment benefits relating to the employee's  
36 particular employment. A person violating a provision  
37 of this section is guilty of a simple misdemeanor.

38 2. An officer or enlisted person of the national  
39 guard or organized reserves of the armed forces of the  
40 United States who is insured as a dependent under a  
41 group policy for accident or health insurance as a  
42 full-time student less than twenty-five years of age,  
43 whose coverage under the group policy would otherwise  
44 terminate while the officer or enlisted person was on  
45 a leave of absence during a period of temporary duty  
46 or service, as defined for members of the national  
47 guard in section 29A.1, subsection 1, 3, or 11, or as  
48 a member of the organized reserves called to active  
49 duty from a reserve component status, shall be  
50 considered to have been continuously insured under the

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1 group policy for the purpose of returning to the  
2 insured dependent status as a full-time student who is  
3 less than twenty-five years of age. This subsection  
4 does not apply to coverage of an injury suffered or a  
5 disease contracted by a member of the national guard  
6 or organized reserves of the armed forces of the  
7 United States in the line of duty."

8 2. By renumbering, redesignating, and correcting  
9 internal references as necessary.

Amendment H-1180 was adopted.

On motion by Petersen of Polk, amendment H-1159, as amended,  
was adopted.

Hoffman of Crawford asked and received unanimous consent to  
withdraw amendment H-1173 filed by him on March 26, 2003.

Hoffman of Crawford offered amendment H-1172 filed by him as follows:

H-1172

1 Amend House File 647 as follows:

2 1. Page 5, by inserting after line 8, the  
3 following:

4 "Sec.\_\_\_\_. Section 508.38, subsection 2,  
5 unnumbered paragraph 1, Code 2003, is amended by  
6 striking the unnumbered paragraph and inserting in  
7 lieu thereof the following:

8 In the case of contracts issued on or after the  
9 operative date of this section as defined in  
10 subsection 11, no contract of annuity, except as  
11 stated in subsection 1, shall be delivered or issued  
12 for delivery in this state unless it contains in  
13 substance the following provisions, or corresponding  
14 provisions that in the opinion of the commissioner are  
15 at least as favorable to the contract holder, upon  
16 cessation of payment of considerations under the  
17 contract:

18 Sec.\_\_\_\_. Section 508.38, subsection 2, paragraphs  
19 a and b, Code 2003, are amended by striking the  
20 paragraphs and inserting in lieu thereof the  
21 following:

22 a. That upon cessation of payment of  
23 considerations under a contract or upon the written  
24 request of the contract owner, the company shall grant  
25 a paid-up annuity benefit on a plan stipulated in the  
26 contract of such value as is specified in subsections  
27 4, 5, 6, 7, and 9.

28 b. If a contract provides for a lump sum  
29 settlement at maturity, or at any other time, that  
30 upon surrender of the contract at or prior to the  
31 commencement of any annuity payments, the company  
32 shall pay in lieu of a paid-up annuity benefit a cash  
33 surrender benefit of such amount as is specified in  
34 subsections 4, 5, 7, and 9. The company may reserve  
35 the right to defer the payment of such case surrender  
36 benefit for a period not to exceed six months after  
37 demand therefore with surrender of the contract after  
38 making written request and receiving written approval  
39 of the commissioner. The request shall address the  
40 necessity and equitability to all policyholders of the  
41 deferral.

42 Sec.\_\_\_\_. Section 508.38, subsections 3 and 11,  
43 Code 2003, are amended by striking the subsections and  
44 inserting in lieu thereof the following:

45 3. The minimum values as specified in subsections  
46 4, 5, 6, 7, and 9 of any paid-up annuity, cash



47 surrender, or death benefits available under an  
48 annuity contract shall be based upon minimum  
49 nonforfeiture amounts as defined in this section.  
50 a. The minimum nonforfeiture amount at any time at

Page 2

1 or prior to the commencement of any annuity payments  
2 shall be equal to an accumulation up to such time at  
3 rates of interest as indicated in paragraph "b" of the  
4 net considerations (as hereinafter defined) paid prior  
5 to such time, decreased by the sum of all of the  
6 following:

7 (1) Any prior withdrawals from or partial  
8 surrenders of the contract accumulated at rates of  
9 interest as indicated in paragraph "b".

10 (2) An annual contract charge of fifty dollars,  
11 accumulated at rates of interest as indicated in  
12 paragraph "b".

13 (3) The amount of any indebtedness to the company  
14 on the contract, including interest due and accrued.

15 The net considerations for a given contract year  
16 used to define the minimum nonforfeiture amount shall  
17 be an amount equal to eighty-seven and one-half  
18 percent of the gross considerations credited to the  
19 contract during the contract year.

20 b. The interest rate used in determining minimum  
21 nonforfeiture amounts shall be an annual rate of  
22 interest determined as the lesser of three percent per  
23 annum and all of the following, which shall be  
24 specified in the contract if the interest rate will be  
25 reset:

26 (1) The five-year constant maturity treasury rate  
27 reported by the federal reserve as of a date, or  
28 average over a period, rounded to the nearest one-  
29 twentieth of one percent, specified in the contract no  
30 longer than fifteen months prior to the contract issue  
31 date or redetermination date under subparagraph (4).

32 (2) The result of subparagraph (1) shall be  
33 reduced by one hundred twenty-five basis points.

34 (3) The resulting interest guarantee shall not be  
35 less than one percent.

36 (4) The interest rate shall apply for an initial  
37 period and may be redetermined for additional periods.  
38 The redetermination date, basis, and period, if any,  
39 shall be stated in the contract. The basis is the  
40 date or average over a specified period that produces  
41 the value of the five-year constant maturity treasury  
42 rate to be used at each redetermination date.

43 During the period or term that a contract provides  
44 substantive participation in an equity indexed  
45 benefit, it may increase the reduction described in

46 subparagraph (2), by up to an additional one hundred  
47 basis points to reflect the value of the equity index  
48 benefit. The present value at the contract issue date  
49 and at each redetermination date thereafter of the  
50 additional reduction shall not exceed the market value

Page 3

1 of the benefit. The commissioner may require a  
2 demonstration that the present value of the reduction  
3 does not exceed the market value of the benefit.  
4 Lacking such a demonstration that is acceptable to the  
5 commissioner, the commissioner may disallow or limit  
6 the additional reduction.

7 The commissioner may adopt rules to implement the  
8 provisions of subparagraph (4), and to provide for  
9 further adjustments to the calculation of minimum  
10 nonforfeiture amounts for contracts that provide  
11 substantive participation in an equity index benefit  
12 and for other contracts that the commissioner  
13 determines adjustments are justified.

14 11. After the effective date of this Act, a  
15 company may elect to apply its provisions to annuity  
16 contracts on a contract form-by-form basis before the  
17 second anniversary of the effective date of this Act.  
18 In all other instances, this section shall become  
19 operative with respect to annuity contracts issued by  
20 the company two years after the effective date of this  
21 Act."

22 2. By renumbering, redesignating, and correcting  
23 internal references as necessary.

Hoffman of Crawford offered the following amendment H-1194, to amendment H-1172, filed by him from the floor and moved its adoption:

H-1194

1 Amend the amendment, H-1172, to House File 647, as  
2 follows:

3 1. Page 3, line 15, by striking the words "to  
4 apply its provisions" and inserting the following:  
5 "either to apply the provisions of this section as it  
6 existed prior to the effective date of this Act or to  
7 apply the provisions of this section as enacted by  
8 this Act".

9 2. By renumbering, redesignating, and correcting  
10 internal references as necessary.

Amendment H-1194 was adopted.

On motion by Hoffman of Crawford, amendment H-1172, as amended, was adopted.

Hoffman of Crawford offered the following amendment H-1170 filed by him and moved its adoption:

H-1170

- 1 Amend House File 647 as follows:
- 2 1. Page 5, by striking lines 15 through 17 and
- 3 inserting the following: "health benefit plan, upon
- 4 request, annually, but not more than three months
- 5 prior to the policy renewal date, the total amount of
- 6 actual claims identified as".
- 7 2. By renumbering, redesignating, and correcting
- 8 internal references as necessary.

Amendment H-1170 was adopted.

Connors of Polk asked and received unanimous consent that amendment H-1144 be deferred.

Petersen of Polk asked and received unanimous consent to withdraw amendment H-1161 filed by her on March 25, 2003.

Petersen of Polk asked and received unanimous consent to withdraw amendment H-1144, previously deferred, filed by her on March 24, 2003.

Hoffman of Crawford 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. 647)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton

Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Urmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Osterhaus

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 599**, a bill for an act relating to property insurance, including establishment of a mandatory plan to assure fair access to insurance requirements, and providing for an effective date and retroactive applicability, was taken up for consideration.

Horbach of Tama 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. 599)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cphoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner

Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Osterhaus

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 586, 599 and 647.**

### REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following correction was made:

#### House Joint Resolution 3

1. Page 1, line 5 – Change Sec. 5 to SEC. 5.

MARGARET THOMSON  
Chief Clerk of the House

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 31, 2003. Had I been present, I would have voted "aye" on the House Files 381, 454, 586, 602, 612, 634 and 641.

CARROLL of Poweshiek

I was necessarily absent from the House chamber on March 27, 2003. Had I been present, I would have voted "aye" on House Files 216, 567, 576 and Senate File 94.

HEATON of Henry

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 25, 2003, he approved and transmitted to the Secretary of State the following bill:

House File 290, an Act authorizing the issuance of special registration plates to owners of motor trucks.

Also: That on March 28th, 2003, he approved and transmitted to the Secretary of State the following bills.

House File 504, an Act relating to fraudulent use of a credit card, scanning device, or reencoder, and providing a penalty.

Senate File 97, an Act relating to highway, aviation, motor vehicle transportation and public transit, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar revolving loan fund, applications for certificates of title by motor vehicle dealers, fees charged for driver's licenses and nonoperator's identification cards and making an appropriation, security interests in motor vehicles, charges financed in a motor vehicle retail installment transaction, confidentiality of motor vehicle accident reports, requirements for motor carrier safety rules, exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations, load limits for vehicles transporting construction machinery, urban public transit funding, and tariffs charged by motor carriers of household goods, and including effective and retroactive applicability date provisions.

Senate File 357, an Act relating to election or appointment of trustees of a city hospital or health care facility.

Senate File 376, an Act relating to the surcharge for certain dishonored negotiable instruments.

Senate File 424, an Act relating to urban renewal indebtedness reporting and providing an effective date.

### SUBCOMMITTEE ASSIGNMENTS

#### Senate File 375

Judiciary: Boal, Chair; Berry and Schickel.

#### Senate File 396

Agriculture: Lalk, Chair Frevert and Klemme.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### H.S.B. 306 Ways and Means

Exempting from state individual income tax the active duty pay of a member of the Iowa national guard or armed forces reserve units for service performed during Operation Iraqi Freedom and including effective and applicability date provisions.

### RESOLUTION FILED

**HR 49**, by Berry, Shoultz and Jenkins, a resolution honoring the East Waterloo High School Boys' Basketball Team.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—1195	H.F.	662	Dolecheck of Ringgold
			Upmeyer of Hancock
H—1196	H.F.	583	Raecker of Polk
			Mascher of Johnson
			Huseman of Cherokee
			McCarthy of Polk
H—1197	H.F.	600	Rayhons of Hancock
H—1198	H.F.	594	Roberts of Carroll
			Raecker of Polk
H—1199	H.F.	594	Horbach of Tama
			Raecker of Polk
			Roberts of Carroll

H—1200	H.F.	573	Kuhn of Floyd Mertz of Kossuth
H—1201	H.F.	573	Kuhn of Floyd Mertz of Kossuth
H—1202	H.F.	662	Whitaker of Van Buren Berry of Black Hawk Davitt of Warren Heddens of Story Lykam of Scott Miller of Webster D. Olson of Boone Struyk of Pottawattamie Thomas of Clayton Whitead of Woodbury Myers of Johnson
H—1203	S.F.	390	Wise of Lee
H—1204	H.F.	662	Jenkins of Black Hawk
H—1205	H.F.	587	Hogg of Linn
H—1206	S.F.	390	Wise of Lee

On motion by Jacobs of Polk the House adjourned at 5:31 p.m., until 8:45 a.m., Tuesday, April 1, 2003. .



# JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 1, 2003

The House met pursuant to adjournment at 8:40 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Michael Coleman, pastor of Antioch Baptist Church, Waterloo. He was the guest of Representative Deborah Berry of Black Hawk County.

The Journal of Monday, March 31, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## 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 31, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 171, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Also: That the Senate has on March 31, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 175, a bill for an act relating to the use of physical plant and equipment levy revenue, and providing an effective date.

Also: That the Senate has on March 31, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 180, a bill for an act relating to character education and service learning in Iowa's elementary and secondary schools.

Also: That the Senate has on March 31, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 240, a bill for an act relating to the composition of the Iowa egg council.

Also: That the Senate has on March 31, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 249, a bill for an act relating to the manufacture, delivery, possession with the intent to manufacture or deliver, or conspiring to manufacture, deliver, or possess with the intent to manufacture or deliver flunitrazepam, and providing a penalty.

Also: That the Senate has on March 31, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 615, a bill for an act to legalize the proceedings of the City Council of the City of Urbandale relating to the approval of a partial exemption from property taxation of actual value added to industrial real estate, and providing for effective and applicability dates.

Also: That the Senate has on March 31, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 636, a bill for an act relating to legislative branch consolidation of functions by combining the legislative service bureau, legislative fiscal bureau, and legislative computer support bureau into a single central legislative staff agency, providing for legislative publications procedures, modifying the sales tax exemption for items sold or services provided by the new agency, including related matters, and providing an effective date.

Also: That the Senate has on March 31, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 368, a bill for an act relating to advanced telecommunications services, including modification of rate provisions, economic development promotional certification, and a study of competition and access charges by the utilities board.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 8:48 a.m., until the fall of the gavel.

The House resumed session at 9:17 a.m., Speaker Rants in the chair.

On motion by Jacobs of Polk, the House was recessed at 9:17 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:01 p.m., Speaker Rants in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-nine members present, twenty-one absent.

## INTRODUCTION OF BILL

**House File 664**, by committee on appropriations, a bill for an act making a supplemental appropriation to the environment first fund from the cash reserve fund and including an effective date.

Read first time and placed on the **appropriations 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 April 1, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 254, a bill for an act providing that revenues deposited in the state conservation fund are temporarily exempt from reversion and providing an effective date.

Also: That the Senate has on April 1, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 380, a bill for an act relating to funding for nongame wildlife programs by increasing the fees for special natural resources motor vehicle registration plates.

Also: That the Senate has on April 1, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 383, a bill for an act relating to the delivery of curriculum via the internet by instructional personnel employed by an accredited postsecondary educational institution under a contract with a school district.

Also: That the Senate has on April 1, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 436, a bill for an act making a supplemental appropriation to the environment first fund from the cash reserve fund and including an effective date.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 368**, by committee on commerce, a bill for an act relating to advanced telecommunications services, including modification of rate provisions, economic development promotional certification, and a study of competition and access charges by the utilities board.

Read first time and referred to committee on **commerce, regulation and labor**.

**Senate File 380**, by committee on transportation, a bill for an act relating to funding for nongame wildlife programs by increasing the fees for special natural resources motor vehicle registration plates.

Read first time and referred to committee on **transportation**.

**Senate File 436**, by committee on appropriations, a bill for an act making a supplemental appropriation to the environment first fund from the cash reserve fund and including an effective date.

Read first time and **passed on file**.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 8

Gipp of Winneshiek called up for consideration **House Concurrent Resolution 8**, a concurrent resolution relating to a biennial memorial session, and moved its adoption.

The motion prevailed and the resolution was adopted.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 9

Gipp of Winneshiek called up for consideration **House Concurrent Resolution 9**, a concurrent resolution relating to Pioneer Lawmakers, and moved its adoption.

The motion prevailed and the resolution was adopted.

## IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following resolutions be immediately messaged to the Senate: **House Concurrent Resolutions 8 and 9.**

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 493**, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship by providing for the elimination of administrative requirements, was taken up for consideration.

Lalk of Fayette offered the following amendment H-1104 filed by him and moved its adoption:

H-1104

- 1 Amend House File 493 as follows:
- 2 1. Page 1, by striking lines 1 and 2, and
- 3 inserting the following:
- 4 "Section 1. Section 159.5, subsections 12 and 15,
- 5 Code 2003, are amended by striking the subsections."

Amendment H-1104 was adopted.

Lalk of Fayette 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. 493)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Osterhaus

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 493** be immediately messaged to the Senate.

**House File 600**, a bill for an act regulating organic agricultural products, providing for fees and penalties, and providing an effective date, was taken up for consideration.

Rayhons of Hancock offered the following amendment H-1197 filed by him and moved its adoption:

H-1197

- 1 Amend House File 600 as follows:
- 2 1. By striking page 6, line 33, through page 7,
- 3 line 29.
- 4 2. By renumbering as necessary.

Amendment H-1197 was adopted.

Dolecheck of Ringgold 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. 600)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Osterhaus

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 631**, a bill for an act relating to the apportionment of judgeships and the voluntary transfer of a district judge among the judicial election districts, was taken up for consideration.

Paulsen of Linn offered amendment H-1132 filed by him as follows:

H-1132

- 1 Amend House File 631 as follows:
- 2 1. Page 1, line 8, by striking the words
- 3 "numerical disparity" and inserting the following:
- 4 "percentage of need".
- 5 2. Page 1, line 11, by striking the words
- 6 "numerical disparity" and inserting the following:
- 7 "percentage of need".
- 8 3. Page 1, by striking lines 13 through 16, and
- 9 inserting the following: "formula, the judgeship
- 10 shall be apportioned by the state court
- 11 administrator."
- 12 4. Page 1, line 20, by striking the words
- 13 "numerical disparity" and inserting the following:
- 14 "percentage of need".

Paulsen of Linn offered the following amendment H-1183, to amendment H-1132, filed by him and moved its adoption:

H-1183

- 1 Amend the amendment, H-1132, to House File 631 as
- 2 follows:
- 3 1. Page 1, by inserting after line 14, the
- 4 following:
- 5 "\_\_\_ Page 2, line 21, by striking the words
- 6 "numerical disparity" and inserting the following:
- 7 "percentage of need".
- 8 2. By renumbering as necessary.

Amendment H-1183 was adopted.

On motion by Paulsen of Linn, amendment H-1132, as amended, was adopted.

Paulsen of Linn 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. 631)



The ayes were, 90:

Baudler	Bell	Berry	Boal
Boddicker	Bogges	Bukta	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 6:

Alois	Arnold	Fallon	Freeman
Frevert	Mertz		

Absent or not voting, 4:

Huser	Osterhaus	Van Engelenhoven	Watts
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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 600 and 631.**

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House File 664.

### Appropriations Calendar

**House File 664**, a bill for an act making a supplemental appropriation to the environment first fund from the cash reserve fund and including an effective date, was taken up for consideration.

#### SENATE FILE 436 SUBSTITUTED FOR HOUSE FILE 664

De Boef of Keokuk asked and received unanimous consent to substitute Senate File 436 for House File 664.

**Senate File 436**, a bill for an act making a supplemental appropriation to the environment first fund from the cash reserve fund and including an effective date, was taken up for consideration.

De Boef of Keokuk 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. 436)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdye	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 3:

Huser

Kramer

Osterhaus

Under the provision of Rule 76, relating to conflict of interest, Rasmussen of Buchanan refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Manternach of Jones in the chair at 2:05 p.m.

**House File 594**, a bill for an act relating to the registration of electrical and mechanical amusement devices and the registration of manufacturers and distributors thereof, making penalties applicable, and providing an effective date, was taken up for consideration.

Speaker Rants in the chair at 2:12 p.m.

Horbach of Tama offered amendment H-1199 filed by Horbach, et al., as follows:

H-1199

1 Amend House File 594 as follows:

2 1. By striking page 1, line 34, through page 2,  
3 line 12.

4 2. Page 2, by inserting after line 34 the  
5 following:

6 "Sec. \_\_\_\_ **ELECTRICAL AND MECHANICAL AMUSEMENT**

7 **DEVICES – SPECIAL FUND.** Fees collected by the

8 department of inspections and appeals pursuant to

9 section 99B.10 for the fiscal years beginning July 1,

10 2003, and July 1, 2004, shall be deposited in a

11 special fund created in the state treasury. Moneys in

12 the fund are appropriated to the department of

13 inspections and appeals and the department of public

14 safety for administration and enforcement of sections

15 99B.10 and 99B.10A, including employment of necessary

16 personnel. The distribution of moneys in the fund to

17 the department of inspections and appeals and the

18 department of public safety shall be pursuant to a

19 written policy agreed upon by the departments.

20 Notwithstanding section 12C.7, subsection 2, interest

21 or earnings on moneys deposited in the fund shall be

22 credited to the fund."

- 23 3. Title page, line 3, by inserting after the  
24 word "thereof," the following: "making an  
25 appropriation,".  
26 4. By renumbering as necessary.

Wise of Lee offered the following amendment H-1214, to amendment H-1199, filed by Wise, Petersen of Polk, Dandekar of Linn and Reasoner of Union from the floor and moved its adoption:

H-1214

- 1 Amend the amendment, H-1199, to House File 594 as  
2 follows:  
3 1. Page 1, line 22, by inserting after the words  
4 "to the fund." the following: "Notwithstanding  
5 section 8.33, moneys remaining in the fund at the end  
6 of a fiscal year shall not revert to the general fund  
7 of the state but shall be appropriated to the  
8 department of human services for the purpose of  
9 increasing registered child care inspections."

A non-record roll call was requested.

The ayes were 41, nays 45.

Amendment H-1214 lost.

On motion by Horbach of Tama, amendment H-1199 was adopted, placing out of order amendment H-1189 filed by Wise, et al., on March 27, 2003.

Roberts of Carroll offered the following amendment H-1198 filed by him and Raecker of Polk and moved its adoption:

H-1198

- 1 Amend House File 594 as follows:  
2 1. Page 2, by inserting before line 27 the  
3 following:  
4 "Sec.     . NEW SECTION. 99B.10B REVOCATION OF  
5 REGISTRATION – ELECTRICAL AND MECHANICAL AMUSEMENT  
6 DEVICES.  
7 The department may revoke a registration issued  
8 pursuant to section 99B.10 or 99B.10A, for a period  
9 not to exceed two years, for cause, following at least  
10 ten days written notice and opportunity for an  
11 evidentiary hearing, pursuant to rules adopted by the  
12 department. The rules shall provide that a

- 13 registration may be revoked if the registrant or agent  
14 of the registrant violates, or permits a violation, of  
15 section 99B.10 or 99B.10A, violates any rule adopted  
16 by the department under this chapter that the  
17 department determines should warrant revocation of the  
18 registration, or engages in any act or omission that  
19 would have permitted the department to refuse to issue  
20 a registration under section 99B.10 or 99B.10A."  
21 2. By renumbering as necessary.

Amendment H-1198 was adopted.

Jenkins of Black Hawk offered the following amendment H-1190 filed by him and Wise of Lee and moved its adoption:

H-1190

- 1 Amend House File 594 as follows:  
2 1. Page 2, by inserting after line 34 the  
3 following:  
4 "Sec. \_\_\_\_ DEPARTMENTAL REPORT. The department of  
5 inspections and appeals, in consultation with the  
6 department of public safety, shall submit a written  
7 report to the general assembly by December 31, 2004,  
8 with copies to the committees on government oversight  
9 and state government of the senate and house of  
10 representatives, that provides details on the  
11 implementation of this Act, including fees collected  
12 annually, and expenses by all state government  
13 agencies for administration, registration issuance,  
14 inspection, and other costs related to this Act. The  
15 department shall also include information in the  
16 report as to its projections as to whether the fees  
17 collected under this Act are properly set to cover  
18 future expenses of applicable state agencies under  
19 this Act."  
20 2. By renumbering as necessary.

Amendment H-1190 was adopted.

Roberts of Carroll 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. 594)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Hogg	Huser	Maddox	Osterhaus
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### HOUSE FILE 314 WITHDRAWN

Roberts of Carroll asked and received unanimous consent to withdraw House File 314 from further consideration by the House.

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 594** and **Senate File 436**.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 1, 2003. Had I been present, I would have voted "aye" on House File 594.

HOGG of Linn

I was necessarily absent from the House chamber on April 1, 2003. Had I been present, I would have voted "aye" on Senate File 436.

KRAMER of Polk

I was necessarily absent from the House chamber on March 27, 2003. Had I been present, I would have voted "aye" on House Files 216, 567, 576 and Senate File 94.

UPMEYER of Hancock

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-two eighth grade students from Ruthven-Ayrshire Middle School, Ruthven, Iowa, accompanied by Jon Josephson. By Frevert of Palo Alto.

## 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

- |           |   |
|-----------|---|
| 2003\1021 | Ryan Lee Van Voorst, Sioux Center – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2003\1022 | Claire and Les Wolter, Marshalltown – For celebrating their 60 <sup>th</sup> wedding anniversary.                         |
| 2003\1023 | Wayne and Mary Elsberry, Marshalltown – For celebrating their 66 <sup>th</sup> wedding anniversary.                       |

- 2003\1024 Mary Halverson, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2003\1025 Max and Florence Landon, Marshalltown – For celebrating their 61<sup>st</sup> wedding anniversary.
- 2003\1026 John and Louise Lackey, Marshalltown – For celebrating their 62<sup>nd</sup> wedding anniversary.
- 2003\1027 Lee Hedum, Marshalltown – For celebrating his 82<sup>nd</sup> birthday.
- 2003\1028 Paul Funkhouser, Shenandoah – For celebrating his 90<sup>th</sup> birthday.
- 2003\1029 Clayton and Gertrude Knoll, Mason City – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2003\1030 Irene Nissen, Cedar Falls – For celebrating her 80<sup>th</sup> birthday.
- 2003\1031 Viola Knapp, Cedar Falls – For celebrating her 85<sup>th</sup> birthday.
- 2003\1032 Mr. and Mrs. Fred Steinbron, Jesup – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1033 Margaret Magner, Independence – For being the Iowa recipient of the 2002 Presidential Award for Excellence in Mathematics and Science Technology.
- 2003\1034 Robert and Joann Stahly, Harris – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1035 Elmer and Wilma Olsem, Colesburg – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1036 Charles and Mary Kramer, Earlville – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1037 Stephan Leeds, Ames – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1038 Pinkie Galbreath, Onawa – For celebrating her 105<sup>th</sup> birthday.
- 2003\1039 Agnes Edwards, Logan – For celebrating her 90<sup>th</sup> birthday.
- 2003\1040 Kristin Siepkas, Spencer – For being named the Academic All-State Girls' Basketball Team.
- 2003\1041 Verna Kielsmeier, Alden – For celebrating her 80<sup>th</sup> birthday.
- 2003\1042 Paul Ficken, Melbourne – For celebrating his 80<sup>th</sup> birthday.
- 2003\1043 Betty J. Wehr, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2003\1044 John Jacobsen, Waterloo – For celebrating his 99<sup>th</sup> birthday.



- 2003\1045 Jill Lauer, Winfield – For being selected to attend the Iowa American Legion Auxiliary Girls State.
- 2003\1046 Ginny Backues-Case, Winfield – For being named to the All-Iowa Academic Team.
- 2003\1047 Mikaela Grimm, Wayland – For being selected to attend the American Legion Auxiliary Girls State.
- 2003\1048 Max and Mazie Hollander, Fairfield – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1049 Jim Glaw, Sumner – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1050 Ralph Jipson, Oelwein – For celebrating his 90<sup>th</sup> birthday.
- 2003\1051 Don Lonergan, Boone – For celebrating his 83<sup>rd</sup> birthday.
- 2003\1052 James Daniel Shannon, Boone – For celebrating his 80<sup>th</sup> birthday.
- 2003\1053 Jean Elizabeth Carlson, Boone – For celebrating her 82<sup>nd</sup> birthday.
- 2003\1054 Wilbur Hiram Mcray, Boone – For celebrating his 81<sup>st</sup> birthday.
- 2003\1055 Mae Belle Woods, Boone – For celebrating her 81<sup>st</sup> birthday.
- 2003\1056 Fannie Hutchinson, Boone – For celebrating her 90<sup>th</sup> birthday.
- 2003\1057 Mildred Olea Thorngren, Pilot Mound – For celebrating her 88<sup>th</sup> birthday.
- 2003\1058 Ruth Clara McCoy, Pilot Mound – For celebrating her 82<sup>nd</sup> birthday.
- 2003\1059 Galen Myles Wiley, Boone – For celebrating his 86<sup>th</sup> birthday.
- 2003\1060 Theodore Hiran Dobson, Boone – For celebrating his 93<sup>rd</sup> birthday.
- 2003\1061 Catherine Edward, Pleasantville – For celebrating her 80<sup>th</sup> birthday.
- 2003\1062 Zachary Prickett, Indianola – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1063 Nina Harrell, Indianola – For celebrating her 90<sup>th</sup> birthday.
- 2003\1064 The Northwestern Red Raiders Men's Basketball Team, Orange City – For winning the NAIA National Tournament Championship.
- 2003\1065 Ben Barkeman, Muscatine – For being named to the 2003 Class 4-A Iowa Newspaper Association All-State Boy's Basketball Team.

- 2003\1066 Jessie Geater, Vinton – For celebrating her 85<sup>th</sup> birthday.
- 2003\1067 Dorothy Kisling, Center Point – For celebrating her 90<sup>th</sup> birthday.
- 2003\1068 Harold Kramer, Urbana – For celebrating his 90<sup>th</sup> birthday.
- 2003\1069 Margaret Barron, Van Horne – For celebrating her 80<sup>th</sup> birthday.
- 2003\1070 Mr. and Mrs. Earl Jones, Albia – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1071 Florence Truis Turner, Albia – For celebrating her 90<sup>th</sup> birthday.

### BILLS ENROLLED, SIGNED AND SENT TO SECRETARY OF STATE

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following resolution has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of the State on this 1<sup>st</sup> day of April, 2003: House Joint Resolution 3.

MARGARET THOMSON  
Chief Clerk of the House

Report Adopted.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF EDUCATION

Report on the Iowa Early Intervention Block Grant Program, pursuant to Chapter 256D.3, Code of Iowa.

#### DEPARTMENT OF JUSTICE Office of Consumer Advocate

Bi-annual report estimating the return of any local exchange Carrier, pursuant to Chapter 476.98, Code of Iowa.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 191

Ways and Means: Boal, Chair; Shoultz and Tymeson.

**House File 609**

Government Oversight: Alons, Chair; Lensing and Raecker.

**Senate File 313**

Commerce, Regulation, and Labor: Watts, Chair; B. Hansen and Wise.

**Senate File 341**

Agriculture: J. Drake, Chair; Klemme, Kuhn, Manternach and Whitaker.

**Senate File 371**

Local Government: Jones, Chair; M. Gaskill and Maddox.

**Senate File 394**

Agriculture: Rayhons, Chair; De Boef and Whitaker.

**Senate File 395**

Agriculture: Struyk, Chair; Baudler and S. Olson.

**Senate File 425****(Committee of the Whole)**

Appropriations: De Boef, Chair; Alons, Bell, Boggess, Chambers, Dandekar, Dix, Dolecheck, Eichhorn, Heaton, Horbach, Huseman, Jacobs, Jenkins, Mertz, Murphy, Petersen, Quirk, Reasoner, Roberts, Smith, T. Taylor, Thomas, Upmeyer and Wise.

**Senate File 433****(Committee of the Whole)**

Appropriations: Boggess, Chair; Alons, Bell, Chambers, Dandekar, De Boef, Dix, Dolecheck, Eichhorn, Heaton, Horbach, Huseman, Jacobs, Jenkins, Mertz, Murphy, Petersen, Quirk, Reasoner, Roberts, Smith, T. Taylor, Thomas, Upmeyer and Wise.

**Senate File 435****(Committee of the Whole)**

Appropriations: Horbach, Chair; Alons, Bell, Boggess, Chambers, Dandekar, De Boef, Dix, Dolecheck, Eichhorn, Heaton, Huseman, Jacobs, Jenkins, Mertz, Murphy, Petersen, Quirk, Reasoner, Roberts, Smith, T. Taylor, Thomas, Upmeyer and Wise.

**HOUSE STUDY BILL SUB COMMITTEE ASSIGNMENT****House Study Bill 306**

Ways and Means: Paulsen, Chair; D. Taylor and Tymeson.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 307 Appropriations**

Relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

## H.S.B. 308 Appropriations

Relating to unemployment compensation and making appropriations.

### 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.

#### COMMITTEE ON APPROPRIATIONS

**Senate File 425**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2003.

**Senate File 433**, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, department of workforce development, and the public employment relations board and related matters.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2003.

**Senate File 435**, a bill for an act relating to and making appropriations to the judicial branch.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2003.

**Committee Bill (Formerly LSB 3415YC)**, relating to a supplemental appropriation to the environment first fund from the cash reserve fund and including an effective date.

Fiscal Note is required.

Recommended **Do Pass** April 1, 2003.

#### COMMITTEE OF COMMERCE, REGULATION AND LABOR

**House File 659**, a bill for an act relating to ownership of alternate energy production facilities by public utilities, making related changes, and providing an effective date.

Fiscal Note is not required

Recommended **Amend and Do Pass with amendment H-1218** on April 1, 2003.

#### COMMITTEE ON JUDICIARY

**Senate File 359**, a bill for an act relating to landlords, tenants, and actions for forcible entry or detention.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2003.

**Senate File 361**, a bill for an act relating to emergency procedures for the temporary detention and treatment of persons who are incapacitated or impaired due to substance abuse or mental health problems.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2003.

### RESOLUTION FILED

**HR 50**, by Lensing, Foege, Mascher and Myers, a resolution honoring the University of Iowa Football Team and Coach Kirk Ferentz.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—1207	H.F.	662	Davitt of Warren
	Whitead of Woodbury		Whitaker of Van Buren
	Swaim of Davis		Wendt of Woodbury
	Mertz of Kossuth		Miller of Webster
	Berry of Black Hawk		Heddens of Story
	Gaskill of Wapello		Greimann of Story
	Frevert of Palo Alto		Fallon of Polk
	D. Taylor of Linn		Mascher of Johnson
	Bukta of Clinton		Myers of Johnson
	Murphy of Dubuque		Stevens of Dickinson
	Smith of Marshall		Ford of Polk
	Oldson of Polk		Petersen of Polk
	Struyk of Pottawattamie		Jochum of Dubuque
	Lensing of Johnson		Hogg of Linn
	Reasoner of Union		Thomas of Clayton
	Dandekar of Linn		Foege of Linn
	Hunter of Polk		Shoultz of Black Hawk
	Kuhn of Floyd		Connors of Polk
	D. Olson of Boone		McCarthy of Polk
	Lykam of Scott		Cohoon of Des Moines
	Bell of Jasper		
H—1208	H.F.	662	Greimann of Story
	Whitead of Woodbury		Winckler of Scott
	Swaim of Davis		Whitaker of Van Buren
	Wendt of Woodbury		Mertz of Kossuth
	Miller of Webster		Berry of Black Hawk

Heddens of Story  
 Frevert of Palo Alto  
 Fallon of Polk  
 Mascher of Johnson  
 Murphy of Dubuque  
 Ford of Polk  
 Myers of Johnson  
 Petersen of Polk  
 Lensing of Johnson  
 Reasoner of Union  
 Dandekar of Linn  
 Hunter of Polk  
 Connors of Polk  
 Wise of Lee  
 Lykam of Scott  
 Bell of Jasper

H—1209      H.F.

Winckler of Scott  
 Swaim of Davis  
 Mertz of Kossuth  
 Berry of Black Hawk  
 Gaskill of Wapello  
 Greimann of Story  
 Fallon of Polk  
 Mascher of Johnson  
 Myers of Johnson  
 Murphy of Dubuque  
 Bell of Jasper  
 Ford of Polk  
 Petersen of Polk  
 Jochum of Dubuque  
 Hogg of Linn  
 Thomas of Clayton  
 Foege of Linn  
 Shoultz of Black Hawk  
 Connors of Polk  
 Wise of Lee  
 Lykam of Scott

H—1210      H.F.

Whitead of Woodbury  
 Whitaker of Van Buren

Gaskill of Wapello  
 Davitt of Warren  
 D. Taylor of Linn  
 Bukta of Clinton  
 Smith of Marshall  
 Oldson of Polk  
 Stevens of Dickinson  
 Jochum of Dubuque  
 Hogg of Linn  
 Thomas of Clayton  
 Foege of Linn  
 Shoultz of Black Hawk  
 D. Olson of Boone  
 McCarthy of Polk  
 Cohoon of Des Moines

662

Frevert of Palo Alto  
 Whitead of Woodbury  
 Wendt of Woodbury  
 Miller of Webster  
 Heddens of Story  
 Whitaker of Van Buren  
 Davitt of Warren  
 D. Taylor of Linn  
 Bukta of Clinton  
 Stevens of Dickinson  
 Quirk of Chickasaw  
 Smith of Marshall  
 Oldson of Polk  
 Struyk of Pottawattamie  
 Lensing of Johnson  
 Reasoner of Union  
 Dandekar of Linn  
 Hunter of Polk  
 Kuhn of Floyd  
 D. Olson of Boone  
 McCarthy of Polk  
 Cohoon of Des Moines  
 Winckler of Scott  
 Swaim of Davis  
 Wendt of Woodbury

662

Mertz of Kossuth			Miller of Webster
Berry of Black Hawk			Heddens of Story
Gaskill of Wapello			Greimann of Story
Frevert of Palo Alto			Davitt of Warren
Fallon of Polk			D. Taylor of Linn
Mascher of Johnson			Bukta of Clinton
Myers of Johnson			Murphy of Dubuque
Smith of Marshall			Stevens of Dickinson
Ford of Polk			Oldson of Polk
Petersen of Polk			Struyk of Pottawattamie
Jochum of Dubuque			Lensing of Johnson
Hogg of Linn			Reasoner of Union
Thomas of Clayton			Dandekar of Linn
Foege of Linn			Hunter of Polk
Sholtz of Black Hawk			Connors of Polk
D. Olson of Boone			Wise of Lee
McCarthy of Polk			Lykam of Scott
Cohoon of Des Moines			Bell of Jasper
H—1211	H.F.	180	Senate Amendment
H—1212	H.F.	171	Senate Amendment
H—1213	H.F.	636	Senate Amendment
H—1215	H.F.	598	Maddox of Polk
H—1216	H.F.	619	Carroll of Poweshiek
			Foege of Linn
			Heaton of Henry
H—1217	S.F.	185	Hogg of Linn
H—1218	H.F.	659	Committee on Commerce, Regulation and Labor
H—1219	S.F.	359	Swaim of Davis
H—1220	H.F.	573	Eichhorn of Hamilton
H—1221	H.F.	662	Jenkins of Black Hawk

On motion by Gipp of Winneshiek the House adjourned at 2:47 p.m., until 8:45 a.m., Wednesday, April 2, 2003.

# JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 2, 2003

The House met pursuant to adjournment at 8:57 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Duane Marburger, chaplain of Ottumwa Good Samaritan Rehabilitation and Health Center, Bloomfield. He was the guest of Representative Kurt Swaim of Davis County.

The Journal of Monday, April 1, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## SENATE MESSAGE CONSIDERED

**Senate File 383**, by committee on education, a bill for an act authorizing the establishment of an Iowa virtual academy, authorizing the board of educational examiners to license instructors of internet courses, and providing an effective date.

Read first time and referred to committee on **education**.

## SPECIAL PRESENTATION

Pella Tulip Festival

Van Engelenhoven of Marion presented to the House, Ashley Braun, Queen of the 2003 Pella Tulip Festival and escorted her and her court to the Speaker's station.

Queen Braun presented her attendants, Elizabeth Terborg, Tiffany Pol, Amy Laug and Katie Kniff.

Also present from Pella were the parents of the Queen and her court, who wore native Dutch costumes and distributed the famous Pella Dutch cookies.



Queen Braun addressed the House briefly and invited everyone to attend the Pella Tulip Festival on May 1, 2 and 3, 2003.

The House rose and expressed its welcome and appreciation.

On motion by Gipp of Winneshiek, the House was recessed at 9:04 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 12:58 p.m., Speaker Rants in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

The House stood at ease at 1:06 p.m., until the fall of the gavel.

The House resumed session at 3:13 p.m., Speaker Rants in the chair.

### CONSIDERATION OF BILLS

#### Regular Calendar

**Senate Joint Resolution 1**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation with report of committee recommending passage, was taken up for consideration.

Jacobs of Polk moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 1)

The yeas were, 86:

Baudler	Bell	Berry	Boddicker
Boggess	Bukta	Carroll	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Elgin
Fallon	Foegel	Ford	Freeman

Frevort	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hogg,
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jochum	Jones
Kramer	Kuhn	Kurtenbach	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rayhons	Reasoner
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 12:

Alons	Arnold	Boal	Chambers
De Boef	Eichhorn	Klemme	Lalk
Rasmussen	Roberts	Taylor, D.	Van Engelenhoven

Absent or not voting, 2:

Hoffman	Jenkins
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The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

## 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 April 2, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 289, a bill for an act relating to electronic financial transactions with county treasurers.

Also: That the Senate has on April 2, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 341, a bill for an act relating to personnel and instructors employed by community colleges.

Also: That the Senate has on April 2, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 342, a bill for an act relating to the use of sick leave by certain members of the Iowa department of public safety peace officers' retirement, accident, and disability system who are temporarily incapacitated for duty.

Also: That the Senate has on April 2, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 479, a bill for an act designating advanced registered nurse practitioners as providers of health care services pursuant to managed care or prepaid services contracts under the medical assistance program.

Also: That the Senate has on April 2, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 344, a bill for an act concerning regulatory and statutory requirements impacting business relating to liability reform, unemployment compensation benefits eligibility and employer contributions, workers' compensation, occupational safety and health administration training and compliance requirements, financial services and restrictions on property rights, environmental regulatory requirements, and public project contractor requirements.

MICHAEL E. MARSHALL, Secretary

### HOUSE FILE 664 WITHDRAWN

De Boef of Keokuk asked and received unanimous consent to withdraw House File 664 from further consideration by the House.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate Joint Resolution 1** be immediately messaged to the Senate.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House File 659.

**House File 659**, a bill for an act relating to ownership of alternate energy production facilities by public utilities, making related changes, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment H-1218 filed by the committee on commerce, regulation and labor and moved its adoption:

H-1218

- 1 Amend House File 659 as follows:
- 2 1. By striking page 3, line 32, through page 4,
- 3 line 8, and inserting the following:
- 4 "b. In determining the applicable ratemaking
- 5 principles, the board shall not be limited to
- 6 traditional ratemaking principles or traditional cost
- 7 recovery mechanisms. Among the principles and
- 8 mechanisms the board may consider, the board has the
- 9 authority to approve ratemaking principles proposed by
- 10 a rate-regulated public utility that provide for
- 11 reasonable restrictions upon the ability of the public
- 12 utility to seek a general increase in electric rates
- 13 under section 476.6 for at least three years after the
- 14 generation facility begins providing service to Iowa
- 15 customers."
- 16 2. By renumbering, redesignating, and correcting
- 17 internal references as necessary.

The committee amendment H-1218 was adopted.

Jenkins of Black Hawk 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. 659)

The ayes were, 98:

Alons	Baudler	Bell	Berry
Boal	Boddicker	Bogges	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz

Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 1:

Arnold

Absent or not voting, 1:

Rayhons

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 659** be immediately messaged to the Senate.

### Appropriations Calendar

**House File 662**, a bill for an act 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 and including an effective date and retroactive applicability date provision, was taken up for consideration.

Winckler of Scott asked and received unanimous consent that amendment H-1210 be deferred.

Dolecheck of Ringgold offered amendment H-1195 filed by him and Upmeyer of Hancock as follows:

H-1195

1 Amend House File 662 as follows:

2 1. Page 11, by striking lines 4 through 21 and

3 inserting the following:

4 ".....\$139,260,763

5 The funds appropriated in this subsection shall be  
6 allocated as follows:

7 a. Merged Area I .....	\$ 6,683,208
8 b. Merged Area II .....	\$ 7,850,326
9 c. Merged Area III .....	\$ 7,292,776
10 d. Merged Area IV .....	\$ 3,564,554
11 e. Merged Area V .....	\$ 7,457,487
12 f. Merged Area VI .....	\$ 6,909,220
13 g. Merged Area VII .....	\$ 9,969,086
14 h. Merged Area IX .....	\$ 12,261,253
15 i. Merged Area X .....	\$ 19,242,498
16 j. Merged Area XI .....	\$ 20,423,208
17 k. Merged Area XII .....	\$ 8,046,150
18 l. Merged Area XIII .....	\$ 8,273,870
19 m. Merged Area XIV .....	\$ 3,607,057
20 n. Merged Area XV .....	\$ 11,350,140
21 o. Merged Area XVI .....	\$ 6,329,930"

22 2. Page 11, by inserting before line 22 the  
23 following:

24 "Sec. 101. SUPPLEMENTAL AID FOR COMMUNITY  
25 COLLEGES. Notwithstanding the provisions of section  
26 8.33 or any other provision of law to the contrary,  
27 moneys from the appropriation made in 2001 Iowa Acts,  
28 chapter 177, section 1, reserved for purposes of  
29 section 284.13, subsection 1, paragraph "a", which  
30 remain unexpended or unencumbered on June 30, 2003,  
31 shall be spent by the department of education in the  
32 following amount to supplement the general state  
33 financial aid provided to community colleges pursuant  
34 to section 5, subsection 14 of this Act:

35 .....\$ 762,675

36 The funds allocated in this subsection shall be  
37 distributed as follows:

38 a. Merged Area I .....	\$ 36,600
39 b. Merged Area II .....	\$ 42,993
40 c. Merged Area III .....	\$ 39,940
41 d. Merged Area IV .....	\$ 19,522
42 e. Merged Area V .....	\$ 40,842
43 f. Merged Area VI .....	\$ 37,839
44 g. Merged Area VII .....	\$ 54,597
45 h. Merged Area IX .....	\$ 67,150
46 i. Merged Area X .....	\$ 105,383
47 j. Merged Area XI .....	\$ 111,850
48 k. Merged Area XII .....	\$ 44,066
49 l. Merged Area XIII .....	\$ 45,313
50 m. Merged Area XIV .....	\$ 19,754

Page 2

1 n. Merged Area XV .....\$ 62,160

- 2 o. Merged Area XVI ..... \$ 34,666"
- 3 3. Page 22, by inserting after line 23 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 261.25, subsection 1, Code
- 6 2003, is amended to read as follows:
- 7 1. There is appropriated from the general fund of
- 8 the state to the commission for each fiscal year the
- 9 sum of forty-six million ~~one~~ four hundred seventeen
- 10 thousand nine hundred sixty-four dollars for tuition
- 11 grants."
- 12 4. Page 25, by inserting after line 23 the
- 13 following:
- 14 "\_\_\_\_ Section 101 of this Act, relating to the
- 15 supplemental aid for community colleges, being deemed
- 16 of immediate importance, takes effect upon enactment."
- 17 5. Page 25, lines 31 and 32, by striking the
- 18 words and figures "and applies retroactively to June
- 19 30, 2002".
- 20 6. By renumbering as necessary.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment H-1230, to amendment H-1195, filed by her from the floor.

On motion by Dolecheck of Ringgold amendment H-1195 was adopted, placing out of order amendment H-1207 filed by Frevert of Palo Alto, et al., on April 1, 2003 and amendment H-1209 filed by Davitt of Warren, et al., on April 1, 2003.

Greimann of Story asked and received unanimous consent that amendment H-1208 be deferred.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-1204 filed by him on March 31, 2003.

Jenkins of Black Hawk asked and received unanimous consent that amendment H-1221 be deferred.

The House stood at ease at 4:35 p.m., until the fall of the gavel.

The House resumed session at 5:08 p.m., Speaker Rants in the chair.

Gipp of Winneshiek asked and received unanimous consent that House File 662 be deferred and that the bill be placed on the

unfinished business 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 April 2, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 339, a bill for an act relating to snowmobile franchises by requiring the repurchase of certain inventory upon termination of a franchise and providing effective and retroactive applicability dates.

Also: That the Senate has on April 2, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 372, a bill for an act relating to the licensing of persons providing money transmission and currency exchange services, providing penalties, and providing an effective date.

Also: That the Senate has on April 2, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 392, a bill for an act relating to the animal agriculture compliance Act, and providing for penalties.

Also: That the Senate has on April 2, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 412, a bill for an act relating to the management of elder group homes.

MICHAEL E. MARSHALL, Secretary

## Unfinished Business Calendar

**House File 619**, a bill for an act relating to health care including reimbursement of health care facilities based on resident program eligibility, was taken up for consideration.

Carroll of Poweshiek offered amendment H-1216 filed by Carroll, et al., as follows:

H-1216

- 1 Amend House File 619 as follows:
- 2 1. Page 1, by inserting before line 1, the



3 following:

4 "Section 1. NEW SECTION. 135.131 INTERAGENCY  
5 PHARMACEUTICALS BULK PURCHASING COUNCIL.

6 1. For the purposes of this section, "interagency  
7 pharmaceuticals bulk purchasing council" or "council"  
8 means the interagency pharmaceuticals bulk purchasing  
9 council created in this section.

10 2. An interagency pharmaceuticals bulk purchasing  
11 council is created within the Iowa department of  
12 public health. The department shall provide staff  
13 support to the council and the department of  
14 pharmaceutical care of the university of Iowa  
15 hospitals and clinics shall act in an advisory  
16 capacity to the council. The council shall be  
17 composed of all of the following members:

18 a. The director of public health, or the  
19 director's designee.

20 b. The director of human services, or the  
21 director's designee.

22 c. The director of the department of personnel, or  
23 the director's designee.

24 d. A representative of the state board of regents.

25 e. The director of the department of corrections,  
26 or the director's designee.

27 f. The director, or the director's designee, of  
28 any other agency that purchases pharmaceuticals  
29 designated to be included as a member by the director  
30 of public health.

31 3. The council shall select a chairperson annually  
32 from its membership. A majority of the members of the  
33 council shall constitute a quorum.

34 4. The council shall do all of the following:

35 a. Develop procedures that member agencies must  
36 follow in purchasing pharmaceuticals. However, a  
37 member agency may elect not to follow the council's  
38 procedures if the agency is able to purchase the  
39 pharmaceuticals for a lower price than the price  
40 available through the council. An agency that does  
41 not follow the council's procedures shall report all  
42 of the following to the council:

43 (1) The purchase price for the pharmaceuticals.

44 (2) The name of the wholesaler, retailer, or  
45 manufacturer selling the pharmaceuticals.

46 b. Designate a member agency as the central  
47 purchasing agency for purchasing pharmaceuticals.

48 c. Use existing distribution networks, including  
49 wholesale and retail distributors, to distribute the  
50 pharmaceuticals.

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1 d. Investigate options that maximize purchasing

power, including expanding purchasing under the medical assistance program, qualifying for participation in purchasing programs under 42 U.S.C. § 256b, as amended, and utilizing rebate programs, hospital disproportionate share purchasing, multistate purchasing alliances, and health department and federally qualified health center purchasing.

e. In collaboration with the department of pharmaceutical care of the university of Iowa hospitals and clinics, make recommendations to member agencies regarding drug utilization review, prior authorization, the use of restrictive formularies, the use of mail order programs, and copayment structures. This paragraph shall not apply to the medical assistance program but only to the operations of the member agencies.

5. The central purchasing agency may enter into agreements with a local governmental entity to purchase pharmaceuticals for the local governmental entity.

6. The council shall develop procedures under which the council may disclose information relating to the prices manufacturers or wholesalers charge for pharmaceuticals by category of pharmaceutical. The procedure shall prohibit the council from disclosing information that identifies a specific manufacturer or wholesaler or the prices charged by a specific manufacturer or wholesaler for a specific pharmaceutical."

2. Page 1, line 11, by inserting after the word "department" the following: "of inspections and appeals, in cooperation with the department of human services,".

3. Page 1, by inserting after line 19, the following:

"Sec.     . NEW SECTION. 155A.4A PHARMACEUTICAL MARKETERS – PROHIBITION OF GIFTS.

1. A pharmaceutical marketer shall not offer or provide to any practitioner, hospital, health care facility, pharmacist, health benefit plan administrator, or any other person in this state authorized or licensed to prescribe, dispense, distribute, or purchase prescription drugs, any gift not otherwise exempt under this section.

2. The following gifts are exempt from the prohibition of this section:

a. Free samples of prescription drugs intended for distribution to patients.

b. The payment of reasonable compensation and

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1 reimbursement of expenses in connection with bona fide  
2 clinical trials. As used in this paragraph, "clinical  
3 trial" means an approved clinical trial conducted in  
4 connection with a research study designed to answer  
5 specific questions about vaccines, new therapies, or  
6 new ways of utilizing known treatments.

7 c. Any gift, fee, payment, subsidy, or other  
8 economic benefit the value of which is less than  
9 twenty-five dollars.

10 d. A scholarship or other support for medical  
11 students, residents, or fellows to attend a  
12 significant educational, scientific, or policymaking  
13 conference of a national, regional, or specialty  
14 medical or other professional association if the  
15 recipient of the scholarship or other support is  
16 selected by the association.

17 3. a. Annually on or before January 1, every  
18 pharmaceutical manufacturing company shall disclose to  
19 the board the value, nature, and purpose of any gift,  
20 fee, payment, subsidy, or other economic benefit  
21 provided in connection with detailing, promotional, or  
22 other marketing activities by the company, directly or  
23 through its pharmaceutical marketers, to any  
24 practitioner, hospital, health care facility,  
25 pharmacist, health benefit plan administrator, or any  
26 other person in this state authorized to prescribe,  
27 dispense, distribute, or purchase prescription drugs  
28 in this state. Disclosure shall be made on a form and  
29 in a manner prescribed by the board and shall be made  
30 for the period beginning July 1 and ending June 30 of  
31 the previous state fiscal year. An initial disclosure  
32 shall be made on January 15, 2004, for the period  
33 beginning July 1, 2003, and ending December 31, 2003.  
34 The board shall provide to the office of the attorney  
35 general complete access to the information required to  
36 be disclosed under this subsection. The office of the  
37 attorney general shall report annually on the  
38 disclosures made under this section to the governor  
39 and the general assembly on or before March 1.

40 b. Each company subject to the provisions of this  
41 section shall also disclose to the board, on or before  
42 January 1, 2004, and annually thereafter, the name and  
43 address of the individual responsible for the  
44 company's compliance with this section.

45 c. The board and the office of the attorney  
46 general shall keep confidential all trade secrets as  
47 defined in section 550.2. The disclosure form  
48 prescribed by the board shall permit the company to  
49 identify any information that is a trade secret.

50 d. The company is exempt from disclosure of any

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1 gifts that are exempt from the prohibition pursuant to  
2 subsection 2.

3 e. The attorney general may bring an action for  
4 injunctive relief, costs, and attorney fees, and may  
5 impose a civil penalty of not more than ten thousand  
6 dollars per violation on a company that fails to  
7 disclose information as required by this subsection.  
8 Each failure to disclose constitutes a separate  
9 violation.

10 4. For the purposes of this section:

11 a. "Pharmaceutical manufacturing company" means  
12 any entity engaged in the production, preparation,  
13 propagation, compounding, conversion, or processing of  
14 prescription drugs, either directly or indirectly by  
15 extraction from substances of natural origin, or  
16 independently by means of chemical synthesis, or by a  
17 combination of extraction and chemical synthesis, or  
18 any entity engaged in the packaging, repackaging,  
19 labeling, relabeling, or distribution of prescription  
20 drugs. The term does not include a wholesaler or a  
21 pharmacist licensed under this chapter.

22 b. "Pharmaceutical marketer" means a person who,  
23 while employed by or under contract to represent a  
24 pharmaceutical manufacturing company, engages in  
25 pharmaceutical detailing, promotional activities, or  
26 other marketing of prescription drugs in this state to  
27 any practitioner, hospital, health care facility,  
28 pharmacist, health benefit plan administrator, or any  
29 other person licensed or authorized to prescribe,  
30 dispense, distribute, or purchase prescription drugs.  
31 "Pharmaceutical marketer" does not include a  
32 wholesaler or a wholesale salesperson.

33 Sec. \_\_. NEW SECTION. 249A.20A PREFERRED DRUG  
34 LIST PROGRAM.

35 1. The department shall establish and implement a  
36 preferred drug list program under the medical  
37 assistance program. The department shall submit a  
38 medical assistance state plan amendment to the centers  
39 for Medicare and Medicaid services of the United  
40 States department of health and human services, no  
41 later than May 1, 2003, to implement the program.

42 2. A medical assistance pharmaceutical and  
43 therapeutics committee shall be established within the  
44 department by July 1, 2003, for the purpose of  
45 developing and providing ongoing review of the  
46 preferred drug list. The committee shall be comprised  
47 of members as specified in 42 U.S.C. § 1396r-8,  
48 appointed by the governor. The members shall be  
49 appointed to terms of two years. Members may be  
50 appointed to more than one term. The department shall

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- 1 provide staff support to the committee. Committee
- 2 members shall select a chairperson and vice
- 3 chairperson annually from the committee membership.
- 4 3. The pharmaceutical and therapeutics committee
- 5 shall recommend a preferred drug list to the
- 6 department. The committee shall develop the preferred
- 7 drug list by considering each drug's clinically
- 8 meaningful therapeutic advantages in terms of safety,
- 9 effectiveness, and clinical outcome. The committee
- 10 shall use evidence-based research methods in selecting
- 11 the drugs to be included on the preferred drug list.
- 12 The committee shall periodically review all drug
- 13 classes included on the preferred drug list and may
- 14 amend the list to ensure that the list provides for
- 15 medically appropriate drug therapies for medical
- 16 assistance recipients and achieves cost savings to the
- 17 medical assistance program. The department may
- 18 procure a sole source contract with an outside entity
- 19 or contractor to provide professional administrative
- 20 support to the pharmaceutical and therapeutics
- 21 committee in researching and recommending drugs to be
- 22 placed on the preferred drug list.
- 23 4. Prescribing and dispensing of prescription
- 24 drugs not included on the preferred drug list shall be
- 25 subject to prior authorization.
- 26 5. The preferred drug list program shall provide
- 27 that if a medical assistance program recipient is
- 28 being prescribed a mental health-related drug or
- 29 antiretroviral drug prior to the implementation of the
- 30 preferred drug list and the prescription drug is not
- 31 included on the preferred drug list, prescribing and
- 32 dispensing of the prescription drug is not subject to
- 33 prior authorization. The preferred drug list program
- 34 shall also provide that certain prescription drugs for
- 35 age-related populations that are not included on the
- 36 preferred drug list are not subject to prior
- 37 authorization.
- 38 6. The department may negotiate supplemental
- 39 rebates from manufacturers that are in addition to
- 40 those required by Title XIX of the federal Social
- 41 Security Act. The committee shall consider a product
- 42 for inclusion on the preferred drug list if the
- 43 manufacturer provides a supplemental rebate. The
- 44 department may procure a sole source contract with an
- 45 outside entity or contractor to conduct negotiations
- 46 for supplemental rebates.
- 47 7. The department shall publish and disseminate
- 48 the preferred drug list to all medical assistance
- 49 providers in this state.
- 50 8. Until such time as the pharmaceutical and

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1 therapeutics committee is operational, the department  
2 shall adopt and utilize a preferred drug list  
3 developed by a midwestern state that has received  
4 approval for its medical assistance state plan  
5 amendment from the centers for Medicare and Medicaid  
6 services of the United States department of health and  
7 human services.

8 9. The department may procure a sole source  
9 contract with an outside entity or contactor to  
10 participate in a pharmaceutical pooling program with  
11 midwestern or other states to provide for an enlarged  
12 pool of individuals for the purchase of pharmaceutical  
13 products and services for medical assistance  
14 recipients.

15 10. The department may adopt administrative rules  
16 under section 17A.4, subsection 2, and section 17A.5,  
17 subsection 2, paragraph "b", to implement this  
18 section.

19 11. Any savings realized under this section may be  
20 used to the extent necessary to pay the costs  
21 associated with implementation of this section prior  
22 to reversion to the medical assistance program. The  
23 department shall report the amount of any savings  
24 realized and the amount of any costs paid to the  
25 chairpersons of the joint appropriations subcommittee  
26 on health and human services.

27 Sec. \_\_. NEW SECTION. 249A.20B NURSING FACILITY  
28 QUALITY ASSURANCE ASSESSMENT.

29 1. The department may assess nursing facilities a  
30 quality assurance assessment not to exceed six percent  
31 of the total annual revenue of the facility.

32 2. The quality assurance assessment shall be paid  
33 to the department in equal monthly amounts on or  
34 before the fifteenth day of each month. The  
35 department may deduct the monthly assessment amount  
36 from medical assistance payments to a nursing  
37 facility. The amount deducted from payments shall not  
38 exceed the total amount of the fee due.

39 3. Revenue generated from the quality assurance  
40 assessment shall be deposited in the senior living  
41 trust fund created in section 249H.4. The revenues  
42 shall only be used for services for which federal  
43 financial participation under the medical assistance  
44 program is available to match state funds.

45 4. If federal financial participation to match the  
46 assessments made under subsection 1 becomes  
47 unavailable under federal law, the department shall  
48 terminate the imposition of the assessment beginning  
49 on the date that the federal statutory, regulatory, or  
50 interpretive change takes effect.

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1 5. The department may procure a sole source  
2 contract to implement the provisions of this section.

3 6. For the purposes of this section, "nursing  
4 facility" means nursing facility as defined in section  
5 135C.1, excluding residential care facilities and  
6 nursing facilities that are operated by the state.

7 7. The department may adopt administrative rules  
8 under section 17A.4, subsection 2, and section 17A.5,  
9 subsection 2, paragraph "b", to implement this  
10 section.

11 Sec. NEW SECTION. 249A.29A HOME AND  
12 COMMUNITY-BASED SERVICES WAIVER – ELIGIBILITY  
13 DETERMINATIONS.

14 1. A level of care eligibility determination of an  
15 individual seeking approval by the department to  
16 receive services under a waiver shall be completed  
17 only by a person not participating as a provider of  
18 services under a waiver. For the purposes of this  
19 section, "provider" and "waiver" mean provider and  
20 waiver as defined in section 249A.29.

21 2. Funds appropriated to the department of elder  
22 affairs for the purpose of conducting level of care  
23 eligibility determinations shall be transferred and  
24 made available to the department of human services.  
25 3. The department of human services may procure a  
26 sole source contract with an outside entity or  
27 contractor to conduct level-of-care eligibility  
28 determinations.

29 4. The department may adopt administrative rules  
30 under section 17A.4, subsection 2, and section 17A.5,  
31 subsection 2, paragraph "b", to implement this  
32 section.

33 Sec. Section 249B.3, subsection 1, unnumbered  
34 paragraph 1, Code 2003, is amended to read as follows:

35 The department ~~may~~ shall issue a notice  
36 establishing and demanding payment of an accrued or  
37 accruing spousal support debt due and owing to the  
38 department. The notice shall be served upon the  
39 community spouse in accordance with the rules of civil  
40 procedure. The notice shall include all of the  
41 following:

42 Sec. MEDICAL ASSISTANCE PROGRAM –  
43 PHARMACEUTICALS – RECIPIENT REQUIREMENTS.

44 1. The department of human services shall  
45 reimburse pharmacy dispensing fees using a single rate  
46 of \$4.26 per prescription or the pharmacy's usual and  
47 customary fee, whichever is lower.

48 2. The department of human services shall require  
49 recipients of medical assistance to pay the following  
50 copayment on each prescription filled for a covered

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1 prescription drug, including on each refill of such  
2 prescription, as follows:  
3 a. A copayment of \$1 for each covered generic  
4 prescription drug.  
5 b. A copayment of 50 cents for each covered brand-  
6 name prescription drug for which the cost to the state  
7 is \$10 or less.  
8 c. A copayment of \$1 for each covered brand-name  
9 prescription drug for which the cost to the state is  
10 more than \$10 and up to and including \$25.  
11 d. A copayment of \$2 for each covered brand-name  
12 prescription drug for which the cost to the state is  
13 more than \$25 and up to and including \$50.  
14 e. A copayment of \$3 for each covered brand-name  
15 prescription drug for which the cost to the state is  
16 over \$50.  
17 3. The department of human services shall  
18 establish an ingredient reimbursement basis equal to  
19 the average wholesale price minus 12 percent for  
20 pharmacy reimbursement for prescription drugs under  
21 the medical assistance program.  
22 4. a. The department of human services shall  
23 continue the sole source contract relative to the  
24 state maximum allowable cost (SMAC) program as  
25 authorized in 2001 Iowa Acts, chapter 191, section 31,  
26 subsection 1, paragraph "b", subparagraph (5). The  
27 department shall expand the state maximum allowable  
28 cost program for prescription drugs to the greatest  
29 extent possible as determined under the contract.  
30 b. Pharmacies and providers that are enrolled in  
31 the medical assistance program shall make available  
32 drug acquisition cost information, product  
33 availability information, and other information deemed  
34 necessary by the department for the determination of  
35 reimbursement rates and the efficient operation of the  
36 pharmacy benefit. Pharmacies and providers shall  
37 produce and submit the requested information in the  
38 manner and format requested by the department or its  
39 designee at no cost to the department or designee.  
40 Pharmacies and providers shall submit information to  
41 the department or its designee within thirty days  
42 following receipt of a request for information unless  
43 the department or its designee grants an extension  
44 upon written request of the pharmacy or provider.  
45 c. The state maximum allowable cost shall be  
46 established at the average wholesale acquisition cost  
47 for a prescription drug and all equivalent products,  
48 adjusted by a multiplier of 1.4. The department shall  
49 update the state maximum allowable cost every two  
50 months, or more often if necessary, to ensure adequate



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1 product availability.

2 d. The department shall review its current method  
3 for determining which prescription drugs are to be  
4 included in the SMAC program and shall adjust the  
5 method to maximize the cost savings realized through  
6 the SMAC program.

7 5. The department of human services shall require  
8 recipients of medical assistance to pay a copayment of  
9 \$3 for each physician office visit.

10 6. The department of human services shall maximize  
11 expansion of prior authorization of prescription drugs  
12 under the medical assistance program beyond the 25  
13 current categories of medications.

14 7. The department of human services shall  
15 establish a fixed-fee reimbursement schedule for home  
16 health agencies under the medical assistance program.

17 8. The department may adopt emergency rules to  
18 implement this section.

19 Sec. \_\_\_\_ HOME AND COMMUNITY-BASED SERVICES  
20 WAIVERS CONSOLIDATION – BUDGET NEUTRALITY. It is the  
21 intent of the general assembly that the consolidation  
22 of home and community-based services waivers by the  
23 department of human services be designed in a manner  
24 that does not result in additional cost, with the  
25 exception of any services added to the waivers through  
26 legislative enactment. The department of human  
27 services shall submit an initial report regarding the  
28 cost neutrality and status of the waiver consolidation  
29 to the legislative fiscal committee no later than  
30 January 31, 2004, and a subsequent report no later  
31 than July 31, 2004.

32 Sec. \_\_\_\_ NURSING FACILITY REIMBURSEMENT.  
33 Notwithstanding 2001 Iowa Acts, chapter 192, section  
34 4, subsection 2, paragraph "c", and subsection 3,  
35 paragraph "a", subparagraph (2), if the appropriation  
36 provided for reimbursement of nursing facilities for  
37 the fiscal year beginning July 1, 2003, is  
38 insufficient to reimburse nursing facilities in  
39 accordance with the reimbursement rate specified in  
40 2001 Iowa Acts, chapter 192, section 4, subsection 2,  
41 paragraph "c", the department shall adjust the  
42 inflation factor of the reimbursement rate calculation  
43 to provide reimbursement within the amount  
44 appropriated.

45 Sec. \_\_\_\_ UTILIZATION MANAGEMENT AND TARGETED  
46 AUDITS.

47 1. The department of human services shall conduct  
48 ongoing review of recipients and providers of medical  
49 assistance services to determine the appropriateness  
50 of the scope, duration, and utilization of services.

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1 If inappropriate usage is identified, the department  
2 shall implement procedures necessary to restrict  
3 utilization.

4 2. The department of human services shall conduct  
5 a review of selected medical assistance services  
6 categories and providers for state fiscal years  
7 beginning July 1, 2001, July 1, 2002, and July 1,  
8 2003. The review shall include intense data analysis  
9 to test compliance with rules, regulations, and  
10 policies and selected on-site audits.

11 3. The review required under subsection 2 shall  
12 attempt to identify any incorrectly paid billings or  
13 claims for the state medical assistance program. If  
14 inappropriate payments are identified, provider  
15 billings shall be adjusted accordingly. If there is  
16 substantiated evidence to suggest fraudulent activity,  
17 the department shall submit the audit data regarding  
18 the medical assistance provider or recipient to the  
19 department of inspections and appeals for further  
20 action.

21 4. The department of human services may procure a  
22 sole source contract to implement the provisions of  
23 this section.

24 5. Any savings realized under this section may be  
25 used to the extent necessary to pay the costs  
26 associated with implementation of this section prior  
27 to reversion to the medical assistance program. The  
28 department shall report the amount of any savings  
29 realized and the amount of any costs paid to the  
30 chairpersons of the joint appropriations subcommittee  
31 on health and human services.

32 Sec. \_\_. MEDICAL ASSISTANCE – CERTAIN PUBLICLY  
33 OWNED HOSPITALS – PHYSICIAN SUPPLEMENTAL PAYMENTS.

34 1. For the fiscal year beginning July 1, 2003, and  
35 for each fiscal year thereafter, the department of  
36 human services shall institute a supplemental payment  
37 adjustment applicable to physician services provided  
38 to medical assistance recipients at publicly owned  
39 acute care teaching hospitals. The adjustment shall  
40 generate supplemental payments to physicians which are  
41 equal to the difference between the physician's charge  
42 and the physician's fee schedule under the medical  
43 assistance program. To the extent of the supplemental  
44 payments, a qualifying hospital shall, after receipt  
45 of the payments, transfer to the department of human  
46 services an amount equal to the actual supplemental  
47 payments that were made in that month. The department  
48 of human services shall deposit these payments in the  
49 department's medical assistance account. The  
50 department of human services shall amend the medical

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1 assistance state plan as necessary to implement this  
2 section. The department may adopt emergency rules to  
3 implement this section.

4 2. The department may use any savings realized  
5 under this section to the extent necessary to pay the  
6 costs associated with implementation of this section  
7 prior to reversion to the medical assistance program.  
8 The department shall report the amount of any savings  
9 realized and the amount of any costs paid to the  
10 chairpersons of the joint appropriations subcommittee  
11 on health and human services.

12 Sec. \_\_. IOWA CHRONIC CARE CONSORTIUM.

13 1. The department of human services shall  
14 aggressively pursue chronic disease management in  
15 order to improve care and reduce costs under the  
16 medical assistance program.

17 2. The department of human services, in  
18 cooperation with the department's fiscal agent and in  
19 consultation with a chronic care management resource  
20 group, shall profile medical assistance recipients  
21 within a select number of disease diagnosis  
22 categories. The assessment shall focus on those  
23 diagnosis areas that present the greatest opportunity  
24 for impact to improved care and cost reduction.

25 3. The department of human services, in  
26 consultation with a chronic care management resource  
27 group, shall conduct a chronic disease management  
28 pilot project for a select number of individuals who  
29 are participants in the medical assistance program.  
30 The project shall focus on a select number of chronic  
31 diseases which may include congestive heart failure,  
32 diabetes, and asthma. The initial pilot project shall  
33 be implemented by October 1, 2003.

34 4. The department of human services may procure a  
35 sole source contract with a vendor to manage  
36 individuals with select chronic diseases following the  
37 conclusion of the profiling of medical assistance  
38 recipients. The management of chronic diseases for  
39 individuals under this subsection may be coordinated  
40 with the pilot project established in subsection 3.

41 5. The department of human services shall amend  
42 the medical assistance state plan and seek any waivers  
43 necessary from the centers for Medicare and Medicaid  
44 services of the United States department of health and  
45 human services to implement this section.

46 6. The department of human services shall submit a  
47 progress report regarding chronic disease management  
48 measures undertaken pursuant to this section to the  
49 governor and the general assembly by November 1, 2003.  
50 The report shall include recommendations regarding

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1 incorporating chronic disease management programming  
2 into the medical assistance system and the potential  
3 improvements in care and reductions in costs that may  
4 be obtained through chronic disease management.

5 7. The department of human services may adopt  
6 emergency rules to implement this section.

7 8. Any savings realized under this section may be  
8 used as necessary to pay the costs associated with  
9 implementation of this section prior to reversion to  
10 the medical assistance program. The department shall  
11 report the amount of any savings realized and the  
12 amount of any costs paid to the chairpersons of the  
13 joint appropriations subcommittee on health and human  
14 services.

15 Sec. \_\_. EFFECTIVE DATES.

16 1. The section of this Act enacting section  
17 249A.20A takes effect upon enactment.

18 2. The section of this Act enacting section  
19 249A.20B, being deemed of immediate importance, takes  
20 effect upon enactment.

21 3. The section of this Act relating to physician  
22 supplemental payments at certain publicly owned  
23 hospitals, being deemed of immediate importance, takes  
24 effect upon enactment.

25 4. The section of this Act relating to chronic  
26 disease management, being deemed of immediate  
27 importance, takes effect upon enactment."

28 4. Title page, line 2, by inserting after the  
29 word "eligibility" the following: "and providing  
30 effective dates".

31 5. By renumbering as necessary.

Carroll of Poweshiek offered the following amendment H-1250, to amendment H-1216, filed by him from the floor and requested division as follows:

H-1250

1 Amend the amendment, H-1216, to House File 619 as  
2 follows:

H-1250A

3 1. By striking page 2, line 37, through page 4,  
4 line 32.

5 2. By striking page 4, line 42, through page 5,  
6 line 3, and inserting the following:

7 "2. a. a medical assistance pharmaceutical and  
8 therapeutics committee shall be established within the

9 department by July 1, 2003, for the purpose of  
10 developing and providing ongoing review of the  
11 preferred drug list.

12 b. (1) The members of the committee shall be  
13 appointed by the governor and shall include health  
14 care professionals who possess recognized knowledge  
15 and expertise in one or more of the following:

16 (a) The clinically appropriate prescribing of  
17 covered outpatient drugs.

18 (b) The clinically appropriate dispensing and  
19 monitoring of covered outpatient drugs.

20 (c) Drug use review, evaluation, and intervention.

21 (d) Medical quality assurance.

22 (2) The membership of the committee shall be  
23 comprised of at least one third but not more than  
24 fifty-one percent licensed and actively practicing  
25 physicians and at least one third licensed and  
26 actively practicing pharmacists.

27 c. The members shall be appointed to terms of two  
28 years. Members may be appointed to more than one  
29 term. The department shall provide staff support to  
30 the committee. Committee members shall select a  
31 chairperson and vice chairperson annually from the  
32 committee membership."

H-1250B

33 3. Page 5, by striking lines 27 through 29, and  
34 inserting the following: "that if a medical  
35 assistance program recipient was prescribed a mental  
36 health-related drug, an antiretroviral drug, or a drug  
37 related to the treatment of transplantation or cancer,  
38 prior to the implementation of the".

H-1250A

39 4. Page 6, by striking lines 25 and 26, and  
40 inserting the following: "legislative fiscal  
41 committee on a quarterly basis."

42 5. Page 9, by inserting after line 6 the  
43 following:

44 "e. The department shall report any savings  
45 realized through the SMAC program to the legislative  
46 fiscal committee on a monthly basis."

47 6. Page 9, by striking lines 35 through 38, and  
48 inserting the following: "paragraph "a", subparagraph  
49 (2), if projected state fund expenditures for  
50 reimbursement of nursing facilities for the fiscal

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H-1250A

1 year beginning July 1, 2003, in".

H-1250A

- 2 7. Page 9, line 41, by inserting before the words  
3 "the department" the following: "exceeds  
4 \$147,252,856,".  
5 8. Page 9, by striking line 44, and inserting the  
6 following: "projected."  
7 9. Page 11, by inserting after line 11 the  
8 following:  
9 "3. The department of human services shall, in any  
10 compilation of data or other report distributed to the  
11 public concerning payments to providers under the  
12 medical assistance program, set forth reimbursements  
13 to physicians of the university of Iowa college of  
14 medicine through supplemental adjustments as a  
15 separate item and shall not include such payments in  
16 the amounts otherwise reported as the reimbursement to  
17 a physician for services to medical assistance  
18 recipients."  
19 10. Page 12, by inserting after line 20, the  
20 following:  
21 "\_\_\_\_. The portion of the section of this Act  
22 relating to the state maximum allowable cost (SMAC)  
23 program, being deemed of immediate importance, takes  
24 effect upon enactment."

The House stood at ease at 5:27 p.m., until the fall of the gavel.

The House resumed session at 6:22 p.m., Speaker Rants in the chair.

Further division was requested as follows: .

H-1250A — Page 1 lines 5 through 32 and page 1 lines 39 through 50, page 2 lines 2 through 24.

H-1250B — Page 1 lines 11 through 38.

H-1250C — Page 1 lines 3 and 4.

Carroll of Poweshiek moved the adoption of amendment H-1250A, to amendment H-1216.

Amendment H-1250A was adopted.

Carroll of Poweshiek moved the adoption of amendment H-1250C to amendment H-1216.

A non-record roll call was requested.

The ayes were 50, nays 36.

Amendment H-1250C was adopted.

Jochum of Dubuque offered the following amendment H-1251, to amendment H-1216, filed by her from the floor and moved its adoption:

H-1251

1 Amend the amendment, H-1216, to House File 619 as  
2 follows:

3 1. Page 4, by inserting before line 33, the  
4 following:

5 "Sec. \_\_\_\_ NEW SECTION. 155B.1 SHORT TITLE.

6 This chapter shall be known and may be cited as the  
7 "Pharmacy Benefits Manager Regulation Act".

8 Sec. \_\_\_\_ NEW SECTION. 155B.2 PURPOSE AND  
9 INTENT.

10 The purposes of this chapter are:

11 1. To establish standards and criteria for the  
12 regulation and licensing of pharmacy benefits  
13 managers.

14 2. To promote, preserve, and protect the public  
15 health, safety, and welfare by and through effective  
16 regulation and licensing of pharmacy benefits  
17 managers.

18 Sec. \_\_\_\_ NEW SECTION. 155B.3 DEFINITIONS.

19 For purposes of this chapter, unless the context  
20 otherwise requires:

21 1. "Board of pharmacy" or "board" means the board  
22 of pharmacy examiners.

23 2. "Cease and desist order" means an order of the  
24 board prohibiting a pharmacy benefits manager or other  
25 person from continuing a particular course of conduct  
26 which violates this chapter or the rules adopted under  
27 this chapter.

28 3. "Commissioner" means the commissioner of  
29 insurance.

30 4. "Enrollee" means an individual who is enrolled  
31 in a pharmacy benefits management plan.

32 5. "Health insurance plan or contract" means a  
33 third-party payment provider contract or policy that  
34 is an individual or group policy of accident or health  
35 insurance or individual or group hospital or health  
36 care services contract issued pursuant to chapter 509,  
37 509A, 514, or 514A, or an individual or group health  
38 maintenance organization contract issued and regulated  
39 under chapter 514B.

40 6. "Insolvent" or "insolvency" means a financial

41 situation in which, based upon the financial  
42 information required by this chapter for the  
43 preparation of a pharmacy benefits manager's annual  
44 statement, the assets of the pharmacy benefits manager  
45 are less than the sum of all the company's liabilities  
46 and required reserves.  
47 7. "Maintenance drug" means a drug prescribed by a  
48 practitioner who is licensed to prescribe drugs and  
49 used to treat a medical condition for a period of more  
50 than thirty days.

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1 8. "Multisource drug" means a drug that is stocked  
2 and is available from three or more suppliers.  
3 9. "Pharmacist" means pharmacist as defined in  
4 section 155A.3.  
5 10. "Pharmacists' services" include drug therapy  
6 and other patient care services provided by a licensed  
7 pharmacist intended to achieve outcomes related to the  
8 cure or prevention of a disease, elimination or  
9 reduction of a patient's symptoms, or arresting or  
10 slowing of a disease process as defined by rule of the  
11 board.  
12 11. "Pharmacy" means pharmacy as defined in  
13 section 155A.3.  
14 12. "Pharmacy benefits management plan" means an  
15 arrangement for the delivery of prescription services  
16 in which a pharmacy benefits manager provides,  
17 arranges for, pays for, or reimburses any of the costs  
18 of prescription services for an enrollee on a prepaid  
19 or insured basis which provides all of the following:  
20 a. Contains one or more incentive arrangements  
21 intended to influence the cost or level of  
22 prescription services between the plan sponsor and one  
23 or more pharmacies with respect to the delivery of  
24 prescription services.  
25 b. Requires or creates benefit payment  
26 differential incentives for enrollees to use under  
27 contract with the pharmacy benefits manager.  
28 "Pharmacy benefits management plan" does not mean  
29 an employee welfare benefit plan as defined in the  
30 federal Employee Retirement Income Security Act of  
31 1974, 29 U.S.C. § 1002(1), which is self-insured or  
32 self-funded.  
33 13. "Pharmacy benefits manager" or "company" means  
34 an entity that administers the prescription drug or  
35 device portion of a health insurance plan or contract  
36 on behalf of the sponsors of the health insurance plan  
37 or contract.  
38 14. "Plan sponsor" means an employer, insurance  
39 company, union, or health maintenance organization



40 that contracts with a pharmacy benefits manager for  
41 delivery of prescription services.

42 15. "Usual and customary price" means the price  
43 the pharmacist would have charged a cash-paying  
44 patient for the same services on the same date  
45 inclusive of any discounts applicable.

46 Sec. NEW SECTION. 155B.4 CERTIFICATE OF  
47 AUTHORITY.

48 1. A person shall not establish or operate as a  
49 pharmacy benefits manager in this state to provide  
50 pharmacy benefits management plans without first

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1 obtaining a certificate of authority from the board of  
2 pharmacy examiners. A pharmacy benefits manager  
3 providing pharmacy benefits management plans in this  
4 state shall obtain a certificate of authority from the  
5 board every four years.

6 2. A person may apply to the board to obtain a  
7 certificate of authority to establish and operate as a  
8 pharmacy benefits manager in compliance with this  
9 chapter if the person obtains an annual license to do  
10 business in this state from the commissioner under  
11 section 155B.5.

12 3. The board may suspend or revoke a certificate  
13 of authority issued to a pharmacy benefits manager  
14 under this chapter or may deny an application for a  
15 certificate of authority if the board finds any of the  
16 following:

17 a. The pharmacy benefits manager is operating  
18 significantly in contravention of its basic  
19 organizational document.

20 b. The pharmacy benefits manager does not arrange  
21 for pharmacists' services.

22 c. The pharmacy benefits manager has failed to  
23 meet the requirements for issuance of a certificate of  
24 authority established in this chapter.

25 d. The pharmacy benefits manager is unable to  
26 fulfill its obligation to furnish pharmacists'  
27 services as required under its pharmacy benefits  
28 management plan.

29 e. The pharmacy benefits manager is no longer  
30 financially responsible and may reasonably be expected  
31 to be unable to meet its obligations to enrollees or  
32 prospective enrollees.

33 f. The pharmacy benefits manager, or any person on  
34 the company's behalf, has advertised or merchandised  
35 its services in an untrue, misrepresentative,  
36 misleading, deceptive, or unfair manner.

37 g. The continued operation of the pharmacy  
38 benefits manager would be hazardous to its enrollees.

39 h. The pharmacy benefits manager has failed to  
40 file an annual statement with the commissioner in a  
41 timely manner.  
42 i. The pharmacy benefits manager has otherwise  
43 failed to substantially comply with this chapter.  
44 4. When the certificate of authority of a pharmacy  
45 benefits manager is revoked, the company shall  
46 proceed, immediately following the effective date of  
47 the order of revocation, to conclude the company's  
48 affairs and shall conduct no further business except  
49 as may be essential to the orderly conclusion of the  
50 affairs of the company. The board may permit further

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1 operation of the company as the board may find to be  
2 in the best interest of enrollees so that the  
3 enrollees will be afforded the greatest practical  
4 opportunity to obtain pharmacists' services.  
5 Sec. NEW SECTION. 155B.5 LICENSE TO DO  
6 BUSINESS.  
7 1. The commissioner shall not issue an annual  
8 license to do business in this state to any pharmacy  
9 benefits manager providing pharmacy benefits  
10 management plans until the commissioner is satisfied  
11 that the pharmacy benefits manager has complied with  
12 all of the following:  
13 a. Paid all fees, taxes, and charges required by  
14 law.  
15 b. Has made any deposit required by this chapter.  
16 c. Has met the minimum capital and surplus  
17 requirements specified by the commissioner.  
18 d. Has filed any necessary financial statement and  
19 any reports, certificates, or other documents the  
20 commissioner considers necessary to secure a full and  
21 accurate knowledge of the company's affairs and  
22 financial condition.  
23 e. Is solvent, and the company's financial  
24 condition, method of operation, and manner of doing  
25 business satisfy the commissioner that the company can  
26 meet the company's obligations to all enrollees.  
27 f. Has otherwise complied with all the  
28 requirements of law.  
29 2. The license shall be in addition to the  
30 certificate of authority required by the board. A  
31 nonrefundable license application fee of five hundred  
32 dollars shall accompany each application for a license  
33 to transact business in this state. The fee shall be  
34 collected by the commissioner and shall be deposited  
35 in the pharmacy benefits manager fund created in  
36 section 155B.16.  
37 3. The license shall be signed by the commissioner

38 or the commissioner's agent and shall expire on the  
39 next June 30 after the date on which the license  
40 becomes effective.  
41 4. A pharmacy benefits manager providing pharmacy  
42 benefits management plans shall obtain an annual  
43 renewal of the company's license from the  
44 commissioner. The commissioner may refuse to renew  
45 the license of any pharmacy benefits manager or may  
46 renew the license, subject to any restrictions  
47 considered appropriate by the commissioner, if the  
48 commissioner finds an impairment of required capital  
49 and surplus, or if the commissioner finds that the  
50 pharmacy benefits manager has not satisfied all the

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1 conditions specified in this chapter. The  
2 commissioner shall not fail to renew the license of  
3 any pharmacy benefits manager to transact business in  
4 this state without providing the pharmacy benefits  
5 manager ten days' notice and providing the company an  
6 opportunity to be heard. The hearing may be informal,  
7 and the commissioner and the pharmacy benefits manager  
8 may waive the required notice.  
9 Sec. NEW SECTION. 155B.6 ANNUAL STATEMENT.  
10 1. A pharmacy benefits manager providing pharmacy  
11 management benefits plans in this state shall file a  
12 statement with the commissioner annually by March 1.  
13 The statement shall be verified by at least two  
14 principal officers of the pharmacy benefits manager  
15 and shall cover the preceding calendar year. The  
16 pharmacy benefits manager shall also submit a copy of  
17 the statement to the board.  
18 2. The statement shall be on forms prescribed by  
19 the commissioner and shall include all of the  
20 following:  
21 a. A financial statement of the company, including  
22 its balance sheet and income statement for the  
23 preceding year.  
24 b. The number of persons enrolled during the year,  
25 the number of enrollees as of the end of the year, and  
26 the number of enrollments terminated during the year.  
27 c. Any other information relating to the  
28 operations of the pharmacy benefits manager required  
29 by the commissioner pursuant to this chapter.  
30 3. If the pharmacy benefits manager is audited  
31 annually by an independent certified public  
32 accountant, a copy of the certified audit report shall  
33 be filed annually with the commissioner by June 30.  
34 4. The commissioner may extend the time prescribed  
35 for any pharmacy benefits manager for filing an annual  
36 statement or other reports, or exhibits of the

37 statement or report for good cause shown. However,  
38 the commissioner shall not extend the time for filing  
39 annual statements beyond sixty days after the time  
40 prescribed by subsection 1. A pharmacy benefits  
41 manager which fails to file its annual statement  
42 within the time prescribed by this section may have  
43 its license revoked by the commissioner or its  
44 certificate of authority revoked or suspended by the  
45 board until the annual statement is filed. The  
46 commission may waive the requirements for a pharmacy  
47 benefits manager to file financial information if an  
48 affiliate of the pharmacy benefits manager is also  
49 required to file the same information.  
50 Sec. \_\_\_\_ NEW SECTION. 155B.7 FINANCIAL

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1 EXAMINATION.

2 1. In lieu of or in addition to performing a  
3 financial examination of a pharmacy benefits manager,  
4 the commissioner may accept the report of a financial  
5 examination by another person responsible for pharmacy  
6 benefits managers under the laws of another state who  
7 is certified by the insurance supervisory official,  
8 similar regulatory agency, or the state health  
9 commissioner of the other state.

10 2. The commissioner shall coordinate financial  
11 examinations of pharmacy benefits managers that  
12 provide pharmacy management benefits plans in this  
13 state to ensure an appropriate level of regulatory  
14 oversight and to avoid any undue duplication of effort  
15 or regulation. The pharmacy benefits manager being  
16 examined shall pay the cost of the examination.  
17 Payments of the cost of the examination shall be  
18 collected by the commissioner and shall be deposited  
19 in the pharmacy benefits manager fund created in  
20 section 155B.16.

21 Sec. \_\_\_\_ NEW SECTION. 155B.8 ASSESSMENT.

22 1. The expense of administering this chapter,  
23 including the costs incurred by the commissioner and  
24 the board, shall be assessed annually by the board  
25 against all pharmacy benefits managers operating in  
26 this state. Before determining the assessment, the  
27 board shall request from the commissioner an estimate  
28 of all expenses for the regulation, supervision, and  
29 examination of all companies subject to regulation  
30 under this chapter. The assessment shall be in  
31 proportion to the business done in this state.

32 2. Assessments shall be collected by the  
33 commissioner and shall be deposited in the pharmacy  
34 benefits manager fund created in section 155B.16.

35 3. The board shall provide each pharmacy benefits

36 manager notice of the assessment, which shall be paid  
37 to the board on or before March 1 of each year. A  
38 pharmacy benefits manager that fails to pay the  
39 assessment on or before the date prescribed shall be  
40 subject to a penalty imposed by the board which is ten  
41 percent of the assessment and interest for the period  
42 between the due date and the date of full payment. If  
43 a payment is made in an amount later found to be in  
44 error, the following shall apply:  
45 a. If the error found is an underpayment and an  
46 additional amount is due, the commission shall notify  
47 the company of the additional amount and the company  
48 shall pay the additional amount within fourteen days  
49 of the date of the notice.  
50 b. If the error found is an overpayment, a refund

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1 shall be ordered.

2 4. If an assessment made under this chapter is not  
3 paid to the board by the prescribed date, the amount  
4 of the assessment, penalty, and interest may be  
5 recovered from the defaulting company on motion of the  
6 board made in the name and for the use of the state in  
7 the appropriate court after ten days' notice to the  
8 company. The certificate of authority of a defaulting  
9 company to transact business in this state may be  
10 revoked or suspended by the board until the company  
11 has paid the assessment.

12 Sec.     . NEW SECTION. 155B.9 PHARMACY BENEFITS  
13 MANAGER CONTRACTS.

14 1. A pharmacy benefits manager that contracts with  
15 a pharmacy or pharmacist to provide pharmacists'  
16 services through a pharmacy management plan for  
17 enrollees in this state shall file the contract with  
18 the board thirty days before the execution of the  
19 contract. The contract shall be deemed approved  
20 unless the board disapproves the contract within  
21 thirty days after the contract is filed with the  
22 board.

23 2. Disapproval of the contract shall be in  
24 writing, stating the reasons for the disapproval, and  
25 a copy of the written disapproval shall be delivered  
26 to the pharmacy benefits manager.

27 3. The board, consistent with the board's  
28 responsibility for protecting the public interest,  
29 shall develop formal criteria for the approval and  
30 disapproval of pharmacy benefits manager contracts.

31 4. The pharmacy benefits manager shall provide a  
32 contract to the pharmacy or pharmacist that is written  
33 in plain language that is generally understood by  
34 pharmacists.

35 5. A pharmacy benefits manager that contracts with  
36 a pharmacy or pharmacist to provide pharmacist  
37 services through a pharmacy benefits management plan  
38 for enrollees in this state on behalf of any health  
39 plan sponsors shall be identified as the agent of the  
40 health plan sponsor. The health plan fiduciary  
41 responsibilities shall transfer to the contracting  
42 pharmacy benefits manager.

43 6. A contract shall apply the same coinsurance,  
44 copayment, and deductible to covered drug  
45 prescriptions filled by any pharmacy or pharmacist who  
46 participates in the network.

47 7. This section shall not be construed to prohibit  
48 a contract from applying different coinsurance,  
49 copayment, and deductible factors between generic and  
50 brand-name drugs that an enrollee may obtain with a

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1 prescription if the limits are applied uniformly to  
2 all pharmacies or pharmacists in the health insurance  
3 plan or contract network.

4 8. A pharmacy benefits management plan shall not  
5 require a pharmacy or pharmacist to change an  
6 enrollee's maintenance drug unless the prescribing  
7 physician and the enrollee agree to the change.

8 9. A pharmacy's or pharmacist's participation in  
9 any plan or network offered by a pharmacy benefits  
10 manager is optional and at the discretion of the  
11 pharmacy or pharmacist. The pharmacy's or  
12 pharmacist's participation or lack of participation in  
13 one plan shall not affect the pharmacy's or  
14 pharmacist's participation in any other plan or  
15 network ordered by the pharmacy benefits manager.

16 10. A pharmacy benefits manager that initiates an  
17 audit of a pharmacy or pharmacist under the provisions  
18 of the contract shall limit the methods and procedures  
19 that are recognized as fair and equitable for both the  
20 pharmacy benefits manager and the pharmacy or  
21 pharmacist. An audit shall not allow for  
22 extrapolation calculations. A pharmacy benefits  
23 manager shall not recoup any moneys due from an audit  
24 by setoff from future remittances until the results of  
25 the audit are resolved and finalized by both the  
26 pharmacy benefits manager and the pharmacy or  
27 pharmacist. If the findings of an audit cannot be  
28 finalized and agreed to by both parties, the  
29 commissioner shall establish an independent review  
30 board to adjudicate unresolved grievances.

31 11. a. Prior to terminating a pharmacy or  
32 pharmacist from the network, a pharmacy benefits  
33 manager shall provide the pharmacy or pharmacist with

34 a written explanation of the reason for the  
35 termination at least thirty days before the actual  
36 termination unless the contract termination action is  
37 taken as the result of any of the following:  
38 (1) Loss of the pharmacy's or pharmacist's license  
39 to practice pharmacy or loss of professional liability  
40 insurance.  
41 (2) Conviction of fraud or misrepresentation in  
42 regard to the contract.  
43 b. A pharmacy or pharmacist may request and  
44 receive, within thirty days, a review of the proposed  
45 termination by the board prior to the termination.  
46 12. The pharmacy or pharmacist shall not be held  
47 responsible for actions of the pharmacy benefits  
48 manager or plan sponsors and the pharmacy benefits  
49 manager or plan sponsors shall not be held responsible  
50 for the actions of the pharmacy or pharmacist.

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1 Sec.\_\_\_\_. NEW SECTION. 155B.10 ENFORCEMENT.

2 1. The board shall develop formal investigation  
3 and compliance procedures for responding to complaints  
4 by health insurance plans or contract sponsors,  
5 pharmacists, or enrollees concerning the failure of a  
6 pharmacy benefits manager to comply with this chapter.  
7 If, based upon an investigation or complaint, the  
8 board has reason to believe that there is a violation  
9 of this chapter, the board shall issue and serve upon  
10 the pharmacy benefits manager concerned a statement of  
11 the charges and a notice of a hearing to be held at a  
12 time and place fixed in the notice, which shall not be  
13 less than thirty days after notice is served. The  
14 notice shall require the pharmacy benefits manager to  
15 show cause why an order should not be issued directing  
16 the company to cease and desist from the violation.  
17 At the hearing, the pharmacy benefits manager shall  
18 have an opportunity to be heard and to show cause why  
19 an order should not be issued requiring the pharmacy  
20 benefits manager to cease and desist from the  
21 violation.

22 2. The board may perform an examination concerning  
23 the quality of services of any pharmacy benefits  
24 manager and providers with whom the pharmacy benefits  
25 manager has contracts, agreements, or other  
26 arrangements pursuant to its pharmacy benefits  
27 management plan as often as the board deems necessary  
28 for the protection of the interests of the people of  
29 this state. The pharmacy benefits manager being  
30 examined shall pay the cost of the examination.

31 Sec.\_\_\_\_. NEW SECTION. 155B.11 PRESCRIPTION DRUG  
32 REIMBURSEMENT COSTS.

33 Pharmacy benefits managers shall use a current and  
34 nationally recognized benchmark on which to base  
35 reimbursements for prescription drugs and products  
36 dispensed by pharmacies and pharmacists as follows:  
37 1. For brand-name, single-source products, the  
38 average wholesale price as listed in first data bank  
39 or facts and comparisons correct and current on the  
40 date the service was provided shall be used as the  
41 index.  
42 2. For generic drug, multisource products, maximum  
43 allowable cost shall be established by referencing  
44 first data bank facts and comparisons baseline prices.  
45 Only products that are compliant with pharmacy laws as  
46 equivalent and generically interchangeable with a  
47 federal food and drug administration orange book  
48 rating of "A-B" shall be reimbursed from a maximum  
49 allowable cost price methodology. In the event a  
50 multisource product has no baseline price, the product

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1 shall be treated as a single-source branded drug for  
2 the purpose of valuing reimbursement.  
3 Sec. NEW SECTION. 155B.12 PROHIBITED  
4 PRACTICES.  
5 1. A pharmacy benefits manager or its  
6 representative shall not cause or knowingly permit any  
7 of the following:  
8 a. The use of advertising that is untrue or  
9 misleading.  
10 b. Solicitation that is untrue or misleading.  
11 c. Any form of evidence of coverage that is  
12 deceptive.  
13 2. A pharmacy benefits manager, unless licensed as  
14 an insurer, shall not use in its name, contracts, or  
15 literature any of the following:  
16 a. Any form of the word "insurance", "casualty",  
17 "surety", or "mutual".  
18 b. Any other words descriptive of the insurance,  
19 casualty, or surety business, or deceptively similar  
20 to the name or description of any insurer or fidelity  
21 and surety insurer, doing business in this state.  
22 3. A pharmacy benefits manager shall not  
23 discriminate on the basis of race, creed, color, sex,  
24 or religion in the selection of pharmacies or  
25 pharmacists with whom the company does business.  
26 4. A pharmacy benefits manager shall not unfairly  
27 discriminate against pharmacists when contracting for  
28 pharmacists' services.  
29 5. A pharmacy benefits manager shall be entitled  
30 access to usual and customary pricing only for  
31 comparison to the reimbursement of a specific claims



32 payment made by the pharmacy benefits manager. Usual  
33 and customary pricing is confidential and a pharmacy  
34 benefits manager is prohibited from any other use or  
35 disclosure of usual and customary pricing.

36 6. A pharmacy benefits manager shall not move a  
37 plan to another payment network unless the pharmacy  
38 benefits manager receives written consent from the  
39 plan sponsor.

40 7. A pharmacy benefits manager shall not receive  
41 or accept any rebate, kickback, or any special payment  
42 or favor or advantage of any valuable consideration or  
43 inducement for changing a patient's drug product  
44 unless the change is specified in a written contract  
45 that has been filed with the commissioner at least  
46 thirty days prior to the execution of the contract.

47 8. A claim paid by a pharmacy benefits manager  
48 shall not be retroactively denied or adjusted after  
49 seven days from adjudication of the claim.

50 Acknowledgement of eligibility shall not be

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1 retroactively reversed. A pharmacy benefits manager  
2 may retroactively deny or adjust a claim only if the  
3 original claim was submitted fraudulently, the  
4 original claim payment was incorrect because the  
5 provider was previously paid for services rendered, or  
6 the services were not rendered by the pharmacist.

7 9. A pharmacy benefits manager shall not terminate  
8 a pharmacy from a network based on any of the  
9 following:

10 a. The pharmacy expresses disagreement with the  
11 pharmacy benefits manager's decision to deny or limit  
12 benefits to an enrollee.

13 b. A pharmacist employed by the pharmacy discusses  
14 with a current, former, or prospective enrollee any  
15 aspect of the person's medical condition or treatment  
16 alternatives whether or not the service is a covered  
17 service.

18 c. A pharmacist employed by the pharmacy makes a  
19 personal recommendation regarding selecting a pharmacy  
20 benefits manager based on the pharmacist's personal  
21 knowledge of the health needs of the individual.

22 d. The pharmacy protests or expresses disagreement  
23 with a medical decision, medical policy, or medical  
24 practice of a pharmacy benefits manager.

25 e. The pharmacy has in good faith communicated  
26 with or advocated on behalf of one or more of the  
27 pharmacy's current, former, or prospective enrollees  
28 regarding the provisions, terms, or requirements of  
29 the pharmacy benefits manager's health benefit plans  
30 as they relate to the needs of the individual

31 regarding the method by which the pharmacy is  
32 compensated for services provided under the agreement  
33 with the pharmacy benefits manager.

34 10. A pharmacy benefits manager shall not  
35 terminate a pharmacy from a network or otherwise  
36 penalize a pharmacy solely because of the pharmacy's  
37 invoking of the pharmacy's right under the contract or  
38 applicable law or regulation.

39 11. A pharmacy benefits manager's termination due  
40 to incompetence or unprofessional behavior shall not  
41 release the pharmacy benefits manager from the  
42 obligation to make any payment due to the pharmacy for  
43 services provided in special circumstances post-  
44 termination to the enrollees at less than agreed-upon  
45 rates.

46 12. Participation or lack of participation by a  
47 pharmacy in a plan or network shall not affect  
48 participation in any other plan or network offered by  
49 a pharmacy benefits manager.

50 Sec. \_\_. NEW SECTION. 155B.13 DISCLOSURES.

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1 1. The following shall be provided to the pharmacy  
2 benefits manager enrollees at the time of enrollment  
3 or at the time the contract is issued and shall be  
4 made available upon request or at least annually:  
5 a. A list of the names and locations of all  
6 affiliated pharmacists' services providers.  
7 b. A description of the service area or areas  
8 within which the pharmacy benefits manager provides  
9 prescription services.  
10 c. A description of the method of resolving  
11 complaints of enrollees, including a description of  
12 any arbitration procedure if complaints may be  
13 resolved through a specified arbitration agreement.  
14 d. Notice that the pharmacy benefits manager is  
15 subject to regulation in this state by both the board  
16 of pharmacy examiners and the commissioner of  
17 insurance.  
18 e. A prominent notice included within the evidence  
19 of coverage, providing substantially the following:  
20 "If you have any questions regarding an appeal or  
21 grievance concerning the pharmacists' services that  
22 you have been provided, which have not been  
23 satisfactorily addressed by your plan, you may contact  
24 the board of pharmacy examiners." The notice shall  
25 also provide the toll-free telephone number, mailing  
26 address, and electronic mail address of the board of  
27 pharmacy examiners.  
28 2. Any disclosure from a pharmacy benefits manager  
29 to enrollees shall be written plainly, using terms

30 generally understood by the general public and a copy  
31 of the disclosure shall be provided to all pharmacies  
32 that are members of the network.

33 Sec.\_\_\_\_. NEW SECTION. 155B.14 PRIVACY.

34 An enrollee has the right to privacy and  
35 confidentiality in the provision of pharmacists'  
36 services. This right may be expressly waived in  
37 writing by the enrollee or the enrollee's guardian.

38 Sec.\_\_\_\_. NEW SECTION. 155B.15 INSOLVENCY.

39 1. If a pharmacy benefits manager becomes  
40 insolvent or ceases to be a company in this state in  
41 any assessable or license year, the company shall  
42 remain liable for the payment of the assessment for  
43 the period in which the company operated as a pharmacy  
44 benefits manager in this state.

45 2. If a pharmacy benefits manager becomes  
46 insolvent, the commissioner may, after notice and  
47 hearing, levy an assessment, in addition to an  
48 assessment pursuant to section 155B.8, on pharmacy  
49 benefits managers licensed to do business in this  
50 state. The assessments shall be paid quarterly to the

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1 commissioner, and upon receipt by the commissioner  
2 shall be paid over into an escrow account in the  
3 pharmacy benefits manager fund. The escrow account  
4 shall be used solely for the benefit of enrollees of  
5 the insolvent pharmacy benefits manager.

6 Sec.\_\_\_\_. NEW SECTION. 155B.16 PHARMACY BENEFITS  
7 MANAGER FUND – USES – ESCROW ACCOUNT.

8 1. A pharmacy benefits manager fund is created in  
9 the state treasury under the authority of the  
10 commissioner of insurance. Moneys received from  
11 licensure of pharmacy benefits managers pursuant to  
12 section 155B.5, from examinations collected pursuant  
13 to section 155B.7, and from assessments collected  
14 pursuant to section 155B.8 shall be deposited in the  
15 fund. Moneys in the fund shall be used and an amount  
16 necessary is appropriated, annually, to the division  
17 of insurance of the department of commerce for the  
18 purposes of enforcing this chapter.

19 2. An escrow account is created in the pharmacy  
20 benefits manager fund. Assessments collected pursuant  
21 to section 155B.15 shall be deposited in the account  
22 and are appropriated to the division of insurance of  
23 the department of commerce to be used solely for the  
24 benefit of the enrollees of an insolvent pharmacy  
25 benefits manager."

26 2. By renumbering as necessary.

Roll call was requested by Myers of Johnson and Stevens of Dickinson.

Rule 75 was invoked.

On the question "Shall amendment H-1251 be adopted?" (H.F. 619)

The ayes were, 45:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Huser
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Maddox
Manternach	Olson, S.	Paulsen	Raecker
Rasmussen	Rayhons	Roberts	Sands
Schickel	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyeke	Mr. Speaker		
	Rants		

Absent or not voting, 1:

Connors

Amendment H-1251 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Myers of Johnson.

Jenkins of Black Hawk in the chair at 6:58 p.m.

Smith of Marshall asked and received unanimous consent that amendment H-1225 to amendment H-1216, be deferred.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-1250B, to amendment H-1216.

Carroll of Poweshiek offered the following amendment H-1257, to amendment H-1216, filed by him from the floor and moved its adoption:

H-1257

1 Amend the amendment, H-1216, to House File 619 as  
2 follows:

3 1. Page 5, line 23, by striking the word  
4 "Prescribing" and inserting the following: "With the  
5 exception of drugs prescribed for the treatment of  
6 human immunodeficiency virus or acquired immune  
7 deficiency syndrome, transplantation, or cancer and  
8 drugs prescribed for mental illness with the exception  
9 of drugs and drug compounds that do not have a  
10 significant variation in a therapeutic profile or side  
11 affect profile within a therapeutic class,  
12 prescribing".

13 2. Page 5, by striking lines 26 through 37.

14 3. By renumbering as necessary.

Amendment H-1257 was adopted, placing out of order amendment H-1225, to amendment H-1216, previously deferred, filed by Smith of Marshall from the floor.

Carroll of Poweshiek offered the following amendment H-1236, to amendment H-1216, filed by him from the floor and moved its adoption:

H-1236

1 Amend the amendment, H-1216, to House File 619 as

2 follows:

3 1. Page 6, by inserting after line 31, the  
4 following:

5 "1A. The department of human services shall submit  
6 a medical assistance state plan amendment to the  
7 centers for Medicare and Medicaid services of the  
8 United States department of health and human services  
9 to effectuate the nursing facility quality assurance  
10 assessment.

11 1B. The department of human services shall submit  
12 an application to the secretary of the United States  
13 department of health and human services to request a  
14 waiver of the uniform tax requirement pursuant to 42  
15 U.S.C. § 1396b(w)(3)(E) and 42 C.F.R. § 433.68(e)(2)."

16 2. Page 12, by inserting after line 14, the  
17 following:

18 "Sec. \_\_\_\_ CONTINGENT EFFECTIVE DATE.

19 1. Section 249A.20B, as enacted in this Act, shall  
20 not take effect unless the department of human  
21 services receives approval of both the medical  
22 assistance state plan amendment from the centers for  
23 Medicare and Medicaid services of the United States  
24 department of health and human services to effectuate  
25 the nursing facility quality assurance assessment and  
26 of the application to the secretary of the United  
27 States department of health and human services for a  
28 waiver of the uniform tax requirement pursuant to 42  
29 U.S.C. § 1396b(w)(3)(E) and 42 C.F.R. § 433.68(e)(2).  
30 If both approvals are received, section 249A.20B shall  
31 take effect upon the date that both approvals have  
32 been received by the department and the department  
33 shall notify the Code editor of the date of receipt of  
34 the approvals.

35 2. If both approvals described in subsection 1 are  
36 not received by June 30, 2004, the section of this Act  
37 enacting section 249A.20B shall not take effect."

38 3. Page 12, by striking lines 18 through 20.

39 4. Page 12, by inserting after line 27, the  
40 following:

41 "4A. The portions of the section of this Act  
42 enacting section 249A.20B relating to directing the  
43 department of human services to submit a medical  
44 assistance state plan amendment to the centers for  
45 Medicare and Medicaid services of the United States  
46 department of health and human services to effectuate  
47 the nursing facility quality assurance assessment and  
48 directing the department of human services to submit  
49 an application to the secretary of the United States  
50 department of health and human services for a waiver

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- 1 of the uniform tax requirement pursuant to 42 U.S.C. §
- 2 1396b(w)(3)(E) and 42 C.F.R. § 433.68(e)(2), being
- 3 deemed of immediate importance, take effect upon
- 4 enactment."
- 5 5. Page 12, line 30, by inserting after the word
- 6 "dates" the following: "and a contingent effective
- 7 date".
- 8 6. By renumbering as necessary.

Amendment H-1236 was adopted.

Osterhaus of Jackson asked and received unanimous consent that amendment H-1240 to amendment H-1216 be deferred.

Osterhaus of Jackson offered the following amendment H-1252, to amendment H-1216, filed by him from the floor and moved its adoption:

H-1252

- 1 Amend the amendment, H-1216, to House File 619 as
- 2 follows:
- 3 1. Page 7, line 46, by striking the figure "4.26"
- 4 and inserting the following: "4.50".

Speaker Rants in the chair at 7:26 p.m.

A non-record roll call was requested.

The ayes were 45, nays 49.

Amendment H-1252 lost.

Osterhaus of Jackson offered the following amendment H-1253, to amendment H-1216, filed by him from the floor and moved its adoption:

H-1253

- 1 Amend the amendment, H-1216, to House File 619 as
- 2 follows:
- 3 1. Page 8, line 19, by striking the figure "12"
- 4 and inserting the following: "11".

Amendment H-1253 lost.

Osterhaus of Jackson offered the following amendment H-1254, to amendment H-1216, filed by him from the floor and moved its adoption:

H-1254

- 1 Amend the amendment, H-1216, to House File 619 as
- 2 follows:
- 3 1. Page 8, by striking lines 30 through 44.
- 4 2. By renumbering as necessary.

Amendment H-1254 lost.

Osterhaus of Jackson offered the following amendment H-1239, to amendment H-1216, filed by him from the floor and moved its adoption:

H-1239

- 1 Amend the amendment, H-1216, to House File 619 as
- 2 follows:
- 3 1. Page 9, by inserting after line 16, the
- 4 following:
- 5 "7A. The department of human services shall
- 6 continue the pharmaceutical case management program.
- 7 The university of Iowa college of public health, in
- 8 cooperation with the university of Iowa colleges of
- 9 pharmacy and medicine, shall provide oversight for the
- 10 pharmaceutical case management program and shall
- 11 submit annual reports regarding program savings and
- 12 quality improvement to the chairpersons of the joint
- 13 appropriations subcommittee on health and human
- 14 services of the general assembly."

Amendment H-1239 lost.

Osterhaus of Jackson offered the following amendment H-1249, to amendment H-1216, filed by him from the floor and moved its adoption:

H-1249

- 1 Amend the amendment, H-1216, to House File 619 as
- 2 follows:
- 3 1. Page 9, by inserting after line 16, the



4 following:

5 "7A. The department shall reimburse the dispensing  
6 of prescription drugs for long-term care facility  
7 residents at two cents per unit dose in addition to  
8 the regular dispensing fee."

9 2. By renumbering as necessary.

Amendment H-1249 lost.

Eichhorn of Hamilton asked and received unanimous consent that amendment H-1231 to amendment H-1216, be deferred.

Eichhorn of Hamilton offered the following amendment H-1229, to amendment H-1216, filed by him from the floor and moved its adoption:

H-1229

1 Amend the amendment, H-1216, to House File 619 as  
2 follows:

3 1. Page 11, lines 34 and 35, by striking the  
4 words "may procure a sole source contract with a  
5 vendor" and inserting the following: "shall issue a  
6 request for proposals or otherwise solicit bids from  
7 potential vendors".

Amendment H-1229 was adopted.

Osterhaus of Jackson offered amendment H-1240, to amendment H-1216, previously deferred, filed by him from the floor as follows:

H-1240

1 Amend the amendment, H-1216, to House File 619 as  
2 follows:

3 1. Page 7, line 44, by inserting after the figure  
4 "1." the following: "a."

5 2. Page 7, by inserting after line 47, the  
6 following:

7 "b. The department of human services in  
8 collaboration with the university of Iowa pharmacy  
9 division of pharmaceutical socioeconomics shall  
10 conduct a cost of dispensing study. Notwithstanding  
11 paragraph "a" based on the results of the dispensing  
12 study, the department shall establish a pharmacy  
13 dispensing fee equal to one hundred five percent of  
14 the average dispensing fee."

A non-record roll call was requested.

The ayes were 44, nays 51.

Amendment H-1240 lost.

Eichhorn of Hamilton offered the following amendment H-1231, to amendment H-1216, previously deferred, filed by him from the floor and moved its adoption:

H-1231

- 1 Amend the amendment, H-1216, to House File 619, as
- 2 follows:
- 3 1. Page 11, by striking line 12, and inserting
- 4 the following:
- 5 "Sec. \_\_\_\_ CHRONIC CARE MANAGEMENT."

Amendment H-1231 was adopted.

Carroll of Poweshiek moved the adoption of amendment H-1216, as amended.

A non-record roll call was requested.

The ayes were 53, nays 43.

Amendment H-1216, as amended, was adopted.

### RULE 32 INVOKED

Shoultz of Black Hawk rose on a point of order and invoked Rule 32.

The Speaker ruled the point well taken and House File 619 was referred to the committee on ways and means.

### RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on ways and means immediately.

The House stood at ease at 9:55 p.m., until the fall of the gavel.

The House resumed session at 10:07 p.m., Speaker Rants in the chair.

# COMMITTEE ON WAYS AND MEANS

**House File 619**, a bill for an act relating to health care including reimbursement of health care facilities based on resident program eligibility.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 2003.

The House resumed consideration of House File 619.

Carroll of Poweshiek 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. 619)

The ayes were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Maddox
Manternach	Olson, S.	Paulsen	Raecker
Rasmussen	Rayhons	Roberts	Sands
Schickel	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Mr. Speaker		
	Rants		

The nays were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevort	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shoultz	Smith	Stevens

Struyk  
Thomas  
Winckler

Swaim  
Wendt  
Wise

Taylor, D.  
Whitaker

Taylor, T.  
Whitead

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 619** be immediately messaged to the Senate.

### SENATE MESSAGES CONSIDERED

**Senate File 344**, by committee on business and labor relations, a bill for an act concerning regulatory and statutory requirements impacting business relating to liability reform, unemployment compensation benefits eligibility and employer contributions, workers' compensation, occupational safety and health, financial services, environmental regulatory requirements, public project contractor requirements, and economic development.

Read first time and referred to committee on **commerce, regulation and labor**

**Senate File 372**, by committee on commerce, a bill for an act relating to the licensing of persons providing money transmission and currency exchange services, providing penalties, and providing an effective date.

Read first time and referred to committee on **commerce, regulation and labor**.

**Senate File 392**, by committee on agriculture, a bill for an act relating to the animal agriculture compliance Act, providing for penalties, and providing an effective date.

Read first time and referred to committee on **agriculture**.

**Senate File 412**, by committee on human resources, a bill for an act relating to the management of elder group homes.

Read first time and referred to committee on **human resources**.

## 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 April 2, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 659, a bill for an act relating to ownership of alternate energy production facilities by public utilities, making related changes, and providing an effective date.

Also: That the Senate has on April 2, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 354, a bill for an act implementing the federal Indian Child Welfare Act.

MICHAEL E. MARSHALL, Secretary

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eighty Senior students from Davis County Community High School, Bloomfield, Iowa, accompanied by Mr. Pat Perry and Mr. Ed Good. By Swaim of Davis.

## SUBCOMMITTEE ASSIGNMENTS

### House File 432

Appropriations: Eichhorn, Chair; Dolecheck and T. Taylor.

### House File 651

Appropriations: Boggess, Chair; Dolecheck and Reasoner.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### H.S.B. 309 Appropriations

Relating to and making appropriations for health and human services to the department of elder affairs, the Iowa department of public health, the department of inspections and appeals, the department of

human services, and the commission of veteran affairs, and providing effective dates.

### **H.S.B. 310 Government Oversight**

Establishing a veterans trust fund under the control of the commission of veterans affairs and making an appropriation.

### **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**

**Senate File 379**, a bill for an act relating to certain agriculture liens.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1246** April 2, 2003.

**Senate File 394**, a bill for an act relating to the regulation of the grain industry, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 2003.

**Senate File 395**, a bill for an act relating to assistance services provided to the department of agriculture and land stewardship, including for the filing of documents and the payment of fees and civil penalties, and the authorization to assess additional charges.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 2003.

**Senate File 396**, a bill for an act providing for the animal unit capacity of pullets for purposes of regulation under the animal agriculture compliance Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1247** April 2, 2003.

## COMMITTEE ON HUMAN RESOURCES

**Senate File 351**, a bill for an act relating to child care requirements involving prohibitions against involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1245 April 2, 2003.

## COMMITTEE ON NATURAL RESOURCES

**Senate File 297**, a bill for an act relating to the regulation of snowmobiles and all-terrain vehicles, establishing fees, providing penalties, and providing applicability dates.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-1244 April 2, 2003.

Pursuant to Rule 31.7, Senate File 297 was referred to the committee on ways and means.

## RESOLUTION FILED

**HR 51**, by Eichhorn, a resolution supporting the nomination of federal court of appeals judicial nominee Miguel A. Estrada.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-1222	H.F.	654	Jochum of Dubuque
H-1223	H.F.	595	Tjepkes of Webster
H-1224	H.F.	595	Tjepkes of Webster
H-1226	H.F.	654	Jochum of Dubuque
			Shoultz of Black Hawk
H-1227	H.F.	663	Wendt of Woodbury
H-1228	H.F.	448	Kurtenbach of Story
H-1232	S.F.	390	Elgin of Linn
H-1233	S.F.	390	Elgin of Linn
H-1234	H.F.	502	Hoffman of Crawford
H-1235	S.F.	433	Wendt of Woodbury
			Whitead of Woodbury
			Struyk of Pottawattamie

H—1237	H.F.	662	Tymeson of Madison
	Paulsen of Linn		Dolecheck of Ringgold
	Wilderdyke of Harrison		Chambers of O'Brien
	Raecker of Polk		Hansen of Pottawattamie
	Kramer of Polk		Boddicker of Cedar
	Rayhons of Hancock		Manternach of Jones
	Alons of Sioux		Drake of Pottawattamie
	J.R. Van Fossen of Scott		Lukan of Dubuque
	J. K. Van Fossen of Scott		Kurtenbach of Story
H—1238	H.F.	654	Hogg of Linn
H—1241	H.F.	553	Maddox of Polk
H—1242	S.F.	435	Eichhorn of Hamilton
H—1243	S.F.	435	Eichhorn of Hamilton
H—1244	S.F.	297	Committee on Natural Resources
H—1245	S.F.	351	Committee on Human Resources
H—1246	S.F.	379	Committee on Agriculture
H—1247	S.F.	396	Committee on Agriculture
H—1248	H.F.	542	Baudler of Adair
			J.R. Van Fossen of Scott
H—1255	H.F.	617	Greiner of Washington
H—1256	H.F.	595	Huser of Polk
H—1258	S.F.	297	Baudler of Adair
H—1259	H.F.	448	S. Olson of Clinton
H—1260	H.F.	595	Wise of Lee
H—1261	H.F.	662	Jenkins of Black Hawk
	Dennis of Black Hawk		Kurtenbach of Story
	Winckler of Scott		Davitt of Warren
	Greimann of Story		
H—1262	H.F.	595	Wise of Lee

On motion by Gipp of Winneshiek the House adjourned at 10:27 p.m., until 8:45 a.m., Thursday, April 3, 2003.



# JOURNAL OF THE HOUSE

Eightieth-first Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 3, 2003

The House met pursuant to adjournment at 8:43 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Sheryl Campbell, pastor of Ripley United Church of Christ, Traer, accompanied by House Page, Natalie Owens from Traer. She was the guest of Representative Horbach of Tama County.

The Journal of April 2, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## SENATE MESSAGE CONSIDERED

**Senate File 354**, by committee on human resources, a bill for an act implementing the federal Indian Child Welfare Act.

Read first time and referred to committee on **human resources**.

## ADOPTION OF HOUSE RESOLUTION 49

Shoultz of Black Hawk, Jenkins of Black Hawk and Berry of Black Hawk called up for consideration **House Resolution 49**, a resolution honoring the East Waterloo High School Boys' Basketball Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

Berry of Black Hawk introduced the East Waterloo High School Boys Basketball Team.

The House rose and expressed it welcome.

On motion by Gipp of Winneshiek, the House was recessed at 9:01 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 12:58 p.m., Speaker Rants in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

### SPECIAL PRESENTATION

Raecker of Polk introduced to the House, Julie Dwyer, the National Director of the Character Counts! Coalition, and Bambi Wagner from the Institute of Character Development from Drake University.

The House rose and expressed its welcome.

### SENATE AMENDMENT CONSIDERED

Raecker of Polk called up for consideration **House File 180**, a bill for an act relating to character education and service learning in Iowa's elementary and secondary schools, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-1211

- 1 Amend House File 180, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "condition" the following: "for the inclusion of a
- 5 service learning endorsement on a student's diploma or
- 6 as a condition".

The motion prevailed and the House concurred in the Senate amendment H-1211.

Raecker of Polk 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. 180)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Peterson
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Carroll	Hoffman	Upmeyer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that House File 180 be immediately messaged to the Senate.

## SPECIAL PRESENTATION

Myers of Johnson introduced to the House the Honorable former state representative Andra Atteberry from Delaware County.

The House rose and expressed it's welcome.

The House stood at ease at 1:12 p.m., until the fall of the gavel.

The House resumed session at 3:00 p.m., Speaker Rants in the chair.

## CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **House File 662**, a bill for an act 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 and including an effective date and retroactive applicability date provision, previously deferred, on April 2, 2003 and found on pages 931 through 933 of the House Journal.

Jenkins of Black Hawk offered the following amendment H-1261 filed by Jenkins, et al., and moved its adoption:

H-1261

- |    |   |                |
|----|---|----------------|
| 1  | Amend House File 662 as follows:                  |                |
| 2  | 1. Page 12, by striking line 20 and inserting the |                |
| 3  | following:  |                |
| 4  | ".....  | \$ 1,190,152"  |
| 5  | 2. Page 13, by striking line 6 and inserting the  |                |
| 6  | following:  |                |
| 7  | ".....  | \$ 108,673"    |
| 8  | 3. Page 13, by striking line 10 and inserting the |                |
| 9  | following:  |                |
| 10 | ".....  | \$ 79,940"     |
| 11 | 4. Page 13, by striking line 13 and inserting the |                |
| 12 | following:  |                |
| 13 | ".....  | \$ 161,173"    |
| 14 | 5. Page 13, by striking line 19 and inserting the |                |
| 15 | following:  |                |
| 16 | ".....  | \$232,423,103" |
| 17 | 6. Page 13, by striking line 35 and inserting the |                |
| 18 | following:  |                |
| 19 | ".....  | \$ 28,833,519" |

20	7. Page 15, by striking line 22, and inserting	
21	the following:	
22	" .....	\$ 7,442,887"
23	8. Page 15, by striking line 28 and inserting the	
24	following:	
25	" .....	\$ 6,724,505"
26	9. Page 16, by striking line 2 and inserting the	
27	following:	
28	" .....	\$ 2,808,191"
29	10. Page 16, by striking line 8 and inserting the	
30	following:	
31	" .....	\$ 4,018,388"
32	11. Page 16, by striking line 16 and inserting	
33	the following:	
34	" .....	\$ 2,193,798"
35	12. Page 16, by striking line 25 and inserting	
36	the following:	
37	" .....	\$ 685,914"
38	13. Page 16, by striking line 30 and inserting	
39	the following:	
40	" .....	\$ 188,886"
41	14. Page 17, by striking line 1 and inserting the	
42	following:	
43	" .....	\$ 68,553"
44	15. Page 17, by striking line 6 and inserting the	
45	following:	
46	" .....	\$ 931,420"
47	16. Page 17, by striking line 12 and inserting	
48	the following:	
49	" .....	\$ 803,013"
50	17. Page 17, by striking line 21 and inserting	

Page 2

1	the following:	
2	" .....	\$ 47,170"
3	18. Page 17, by striking line 28 and inserting	
4	the following:	
5	" .....	\$183,134,521"
6	19. Page 18, by striking line 5 and inserting the	
7	following:	
8	" .....	\$ 32,712,448"
9	20. Page 18, by striking line 12 and inserting	
10	the following:	
11	" .....	\$ 20,815,676"
12	21. Page 18, by striking line 18 and inserting	
13	the following:	
14	" .....	\$ 489,648"
15	22. Page 18, by striking line 29 and inserting	
16	the following:	
17	" .....	\$ 82,228,033"
18	23. Page 19, by striking line 6 and inserting the	

19 following:  
 20 " ..... \$ 217,290"  
 21 24. Page 19, by striking line 12 and inserting  
 22 the following:  
 23 " ..... \$ 8,107,934"  
 24 25. Page 19, by striking line 18 and inserting  
 25 the following:  
 26 " ..... \$ 4,537,514"  
 27 26. Page 19, by striking line 27 and inserting  
 28 the following:  
 29 " ..... \$ 15,103"

Amendment H-1261 was adopted, placing out of order amendment H-1208, previously deferred, filed by Greimann of Story, et al., on April 1, 2003.

Whitaker of Van Buren offered amendment H-1202 filed by Whitaker, et al., as follows:

#### H-1202

1 Amend House File 662, as follows:  
 2 1. Page 22, by inserting after line 23 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 261.86, Code 2003, is amended  
 5 by adding the following new subsection:  
 6 **NEW SUBSECTION.** 6. Notwithstanding section 8.33,  
 7 until one year after the date the president of the  
 8 United States or the Congress of the United States  
 9 declares a cessation of hostilities ending operation  
 10 Iraqi freedom, funds appropriated for purposes of this  
 11 section which remain unencumbered or unobligated at  
 12 the close of the fiscal year for which the funds were  
 13 appropriated shall not revert but shall be available  
 14 for expenditure for the following fiscal year for  
 15 purposes of this section."

Tymeson of Madison offered the following amendment H-1237, to amendment H-1202, filed by Tymeson, et al., and moved its adoption:

#### H-1237

1 Amend the amendment, H-1202, to House File 662 as  
 2 follows:  
 3 1. Page 1, by inserting after line 15 the  
 4 following:  
 5 " \_\_\_\_ Page 25, by inserting after line 32 the  
 6 following:  
 7 " \_\_\_\_ The section of this Act, amending section

- 8 261.86, being deemed of immediate importance, takes  
 9 effect upon enactment and applies retroactively to  
 10 July 1, 2002."  
 11 2. By renumbering, redesignating, and correcting  
 12 internal references as necessary.

Amendment H-1237 was adopted.

On motion by Whitaker of Van Buren, amendment H-1202, as amended, was adopted.

Speaker pro tempore Carroll in the chair at 3:17 p.m.

Winckler of Scott offered the following amendment H-1210, previously deferred, filed by her and moved its adoption:

H-1210

- 1 Amend House File 662 as follows:  
 2 1. By striking page 1, line 33 through page 2,  
 3 line 2.

Roll call was requested by Winckler of Scott and Shoultz of Black Hawk.

Rule 75 was invoked.

On the question "Shall amendment H-1210 be adopted?" (H.F. 662)

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heaton	Heddens	Hogg
Hunter	Huser	Jochum	Kuhn
Lensing	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Osterhaus
Petersen	Reasoner	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Chambers	De Boef

Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hansen
Hanson	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Manternach	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Carroll, Presiding

Absent or not voting, 1:

Quirk

Amendment H-1210 lost.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-1221, previously deferred, filed by him on April 1, 2003.

Dolecheck of Ringgold 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. 662)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Raecker	Rants, Spkr.	Rasmussen



Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Quirk

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Webster on request of Myers of Johnson; Quirk of Chickasaw on request of Stevens of Dickinson.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 662** be immediately messaged to the Senate.

### Regular Calendar

**House File 595**, a bill for an act relating to land use, by limiting condemnation of century farms, by modifying procedures pertaining to certain voluntary annexations and to involuntary annexations and providing an effective date, was taken up for consideration.

Tjepkes of Webster offered the following amendment H-1223 filed by him and moved its adoption:

H-1223

- 1 Amend House File 595 as follows:
- 2 1. Page 1, by striking lines 1 through 14.
- 3 2. Title page, by striking lines 1 and 2 and
- 4 inserting the following: "An Act relating to certain

5 voluntary".

6 3. By renumbering as necessary.

Roll call was requested by Myers of Johnson and Kuhn of Floyd.

Rule 75 was invoked.

On the question "Shall amendment H-1223 be adopted?" (H.F. 595)

The ayes were, 57:

Alons	Arnold	Berry	Boal
Boddicker	Chambers	Dandekar	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Gipp	Granzow
Greiner	Hahn	Hansen	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	McCarthy
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdye
Carroll,			
Presiding			

The nays were, 39:

Bell	Bukta	Cohoon	Connors
Davitt	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Huser
Jochum	Kuhn	Lensing	Lykam
Mascher	Mertz	Murphy	Myers
Oldson	Olson, D.	Osterhaus	Petersen
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 4:

Baudler	Boggess	Miller	Quirk
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Amendment H-1223 was adopted.

Wise of Lee asked and received unanimous consent to withdraw amendment H-1260 filed by him on April 2, 2003.

Wise of Lee offered amendment H-1262 filed by him as follows:

H-1262

1 Amend House File 595 as follows:

2 1. Page 1, by inserting before line 15, the  
3 following:

4 "Sec. \_\_\_\_ Section 331.303, Code 2003, is amended  
5 by adding the following new subsection:

6 **NEW SUBSECTION. 8A.** Upon petition of twenty  
7 percent of the eligible electors residing in the area  
8 outside the city limits over which the zoning  
9 jurisdiction is extended, approve or disapprove  
10 pursuant to section 414.23 a city zoning ordinance or  
11 regulation or an amendment to such an ordinance or  
12 regulation affecting such area."

13 2. Page 5, by inserting before line 30, the  
14 following:

15 "Sec. \_\_\_\_ Section 414.23, unnumbered paragraph 3,  
16 Code 2003, is amended to read as follows:

17 Property owners affected by such zoning regulations  
18 shall have the same rights of hearing, protest, and  
19 appeal as those within the municipality exercising  
20 this power. However, upon petition of twenty percent  
21 of the eligible electors residing in the area outside  
22 the city limits over which the zoning jurisdiction is  
23 extended, the city zoning ordinance or regulation, or  
24 amendment to such an ordinance or regulation, shall  
25 not take effect within such area unless the zoning  
26 ordinance or regulation, or the amendment to such an  
27 ordinance or regulation, is approved by the board of  
28 supervisors. The petition shall be submitted to the  
29 county auditor. The auditor shall notify the city of  
30 receipt of the petition."

31 3. Page 5, by inserting after line 31 the  
32 following:

33 "Sec. \_\_\_\_ **APPLICABILITY DATE.** The sections of  
34 this Act enacting section 331.303, subsection 8A, and  
35 amending section 414.23 apply to a city zoning  
36 ordinance or regulation or an amendment to a city  
37 ordinance or regulation affecting an unincorporated  
38 area of a county over which a city has extended its  
39 jurisdiction, which is adopted on or after the  
40 effective date of this Act".

41 4. Title page, line 3, by inserting after the  
42 words "involuntary annexations" the following: "and  
43 authorizing a county board of supervisors to approve  
44 or disapprove certain city zoning ordinances or

45 regulations."

46 5. Title page, line 4, by inserting after the  
47 word "date" the following: "and an applicability  
48 date".

49 6. By renumbering as necessary.

Tjepkes of Webster rose on a point of order that amendment H-1262 was not germane.

The Speaker ruled the point well taken and amendment H-1262 not germane.

Tjepkes of Webster offered amendment H-1224 filed by him as follows:

H-1224

1 Amend House File 595 as follows:

2 1. Page 1, by inserting after line 19, the  
3 following:

4 "Sec. \_\_\_\_ Section 368.4, Code 2003, is amended to  
5 read as follows:

6 368.4 ANNEXING MORATORIUM.

7 A city, following notice and hearing, may by  
8 resolution agree with another city or cities to  
9 refrain from annexing specifically described territory  
10 for a period not to exceed ten years and, following  
11 notice and hearing, may by resolution extend the  
12 agreement for subsequent periods not to exceed ten  
13 years each. Notice of a hearing shall be served by  
14 regular mail at least thirty days before the hearing  
15 on the city development board, and on the board of  
16 supervisors of the county in which the territory is  
17 located, ~~and on all persons owning land within the~~  
18 ~~area subject to the agreement and shall be published~~  
19 in an official county newspaper in each county  
20 containing a city conducting a hearing regarding the  
21 agreement, in any county within two miles of any such  
22 city, and in an official newspaper of each city  
23 conducting a hearing regarding the agreement. The  
24 notice shall include the time and place of the  
25 hearing, describe the territory subject to the  
26 proposed agreement, and the general terms of the  
27 agreement. After passage of a resolution by the  
28 cities approving the agreements, a copy of the  
29 agreement and a copy of any resolution extending an  
30 agreement shall be filed with the city development  
31 board within ten days of enactment. If such an  
32 agreement is in force, the board shall dismiss a

33 petition or plan which violates the terms of the  
34 agreement."

35 2. Page 2, by striking lines 3 through 8, and  
36 inserting the following: "~~hearing for all affected~~  
37 ~~property owners and the county. Public land may be~~  
38 ~~included in the~~".

39 3. Page 3, line 26, by inserting after the word  
40 "annexed" the following: "unless the adjoining  
41 property is in a city".

42 4. Page 4, by striking lines 17 and 18, and  
43 inserting the following: "considering such an  
44 annexation application, the board may request that the  
45 annexing city provide information on the amount of  
46 land located in the".

47 5. Page 4, by inserting after line 21, the  
48 following:

49 "Sec. \_\_\_\_ Section 368.11, Code 2003, is amended  
50 by adding the following new subsection:

Page 2

1 NEW SUBSECTION. 14. In the case of an annexation,  
2 a plan for extending municipal services to be provided  
3 by the annexing city to the annexed territory within  
4 three years of July 1 of the fiscal year in which city  
5 taxes are collected against property in the annexed  
6 territory."

7 6. Page 5, line 6, by striking the word "Before"  
8 and inserting the following: "Within thirty days  
9 after receiving notice that".

10 7. Page 5, line 7, by striking the words "may be  
11 submitted to" and inserting the following: "has been  
12 filed with".

13 8. Page 5, by inserting before line 20, the  
14 following:

15 "Sec. \_\_\_\_ Section 368.25, Code 2003, is amended  
16 to read as follows:

17 368.25 FAILURE TO PROVIDE MUNICIPAL SERVICES.

18 Prior to expiration of the three-year period  
19 established in section 368.11, subsection 14, the  
20 annexing city shall submit a report to the board  
21 describing the status of the provision of municipal  
22 services identified in the plan required in section  
23 368.11, subsection 14. If a city fails to provide  
24 municipal services, or fails to show substantial and  
25 continuing progress in the provision of municipal  
26 services, to territory involuntarily annexed,  
27 according to the plan for extending municipal services  
28 filed pursuant to section 368.11, subsection 14,  
29 within three years after city taxes are imposed in the  
30 annexed territory the time period specified in that  
31 subsection, the city development board shall may

32 initiate proceedings to sever the annexed territory  
33 from the city. The board shall notify the city of the  
34 severance proceedings and shall hold a public hearing  
35 on the proposed severance. The board shall give  
36 notice of the hearing in the same manner as notice of  
37 a public meeting in section 368.11. The board may  
38 order severance of all or a portion of the territory  
39 and the order to sever is not subject to approval at  
40 an election. However, a A city may appeal to request  
41 that the board for allow up to an additional three  
42 years to provide municipal services if good cause is  
43 shown. a petition for severance filed pursuant to  
44 this section shall be filed and acted upon in the same  
45 manner as a petition under section 368.11. As an  
46 alternative to severance of the territory, the board  
47 may impose a moratorium on additional annexation by  
48 the city until the city complies with its plan for  
49 extending municipal services. For purposes of this  
50 section, "municipal services" means services selected

Page 3

1 by a landowner to be provided by the city, including,  
2 but not limited to, water supply, sewage disposal,  
3 street and road maintenance, and police and fire  
4 protection, if the provision of such services is  
5 within the legal authority of the annexing city  
6 included in the plan required by section 368.11,  
7 subsection 14, for extending municipal services."  
8 9. Page 5, by striking lines 22 through 29 and  
9 inserting the following:  
10 "A city ordinance or regulation that regulates a  
11 condition or activity occurring on protected farmland  
12 or regulates a person who owns or operates protected  
13 farmland is unenforceable against the owner or  
14 operator of the protected farmland for a period of ten  
15 years from the effective date of the annexation, to  
16 the extent the city ordinance or regulation is more  
17 stringent than county legislation. Section 335.2  
18 shall apply to the protected farmland until the owner  
19 of the protected farmland determines that the land  
20 will no longer be operated as an agricultural  
21 operation. Any enforcement activity conducted in  
22 violation of this section is void.  
23 A "condition or activity occurring on protected  
24 farmland" includes but is not limited to the raising,  
25 harvesting, drying, or storage of crops; the marketing  
26 of products at roadside stands or farm markets; the  
27 creation of noise, odor, dust, or fumes; the  
28 production, care, feeding, or housing of animals  
29 including but not limited to the construction,  
30 operation, or management of an animal feeding

31 operation, an animal feeding operation structure, or  
32 aerobic structure, and to the storage, handling, or  
33 application of manure or egg washwater; the operation  
34 of machinery including but not limited to planting and  
35 harvesting equipment, grain dryers, grain handling  
36 equipment, and irrigation pumps; ground and aerial  
37 seeding and spraying; the application of chemical  
38 fertilizers, conditioners, insecticides, pesticides,  
39 and herbicides; and the employment and use of labor.  
40 For the purposes of this section, "protected  
41 farmland" means land that is part of a century farm as  
42 that term is defined in section 403.17, subsection 10.  
43 "County legislation" means any ordinance, motion,  
44 resolution, or amendment adopted by a county pursuant  
45 to section 331.302."  
46 10. By renumbering, redesignating, and correcting  
47 internal references as necessary.

Huser of Polk offered the following amendment H-1256, to amendment H-1224, filed by her and moved its adoption:

H-1256

1 Amend the amendment, H-1224, to House File 595, as  
2 follows:  
3 1. Page 3, line 12, by striking the word "or" and  
4 inserting the following: "and".  
5 2. Page 3, lines 13 and 14, by striking the words  
6 "or operator".

Amendment H-1256 was adopted.

D. Olson of Boone offered the following amendment H-1272, to amendment H-1224, filed by him from the floor and requested division as follows:

H-1272

1 Amend the amendment, H-1224, to House File 595 as  
2 follows:

H-1272A

3 1. Page 1, by inserting after line 1, the  
4 following:  
5 "\_\_\_ Page 1, by inserting before line 15; the  
6 following:  
7 "Sec. \_\_\_ Section 6A.21, Code 2003, is amended by  
8 adding the following new subsection:  
9 NEW SUBSECTION. 3. A county may adopt an

## H-1272A

10 ordinance restricting the county from exercising the  
11 right of eminent domain over a century farm. For  
12 purposes of this subsection, "century farm" means a  
13 farm in which at least forty acres of such farm have  
14 been held in continuous ownership by the same family  
15 for one hundred years or more."

## H-1272B

16 2. Page 1, by inserting after line 1, the  
17 following:  
18 "\_\_\_ Page 1, by inserting before line 15, the  
19 following:  
20 "Sec. \_\_\_. Section 6A.21, Code 2003, is amended by  
21 adding the following new subsection:  
22 **NEW SUBSECTION.** 4. A city may adopt an ordinance  
23 restricting the city from exercising the right of  
24 eminent domain over a century farm. For purposes of  
25 this subsection, "century farm" means a farm in which  
26 at least forty acres of such farm have been held in  
27 continuous ownership by the same family for one  
28 hundred years or more."

## H-1272C

29 3. Page 3, by inserting before line 46, the  
30 following:  
31 "\_\_\_ Title page, line 3, by inserting after the  
32 words "involuntary annexations" the following: "and  
33 condemnation of century farms"."

Tjepkes of Webster rose on a point of order that amendment H-1272A was not germane, to amendment H-1224.

The Speaker ruled the point well taken and amendment H-1272A to amendment H-1224 not germane.

D. Olson of Boone asked and received unanimous consent to withdraw amendments H-1272B, and H-1272C, to amendment H-1224.

On motion by Tjepkes of Webster amendment H-1224, as amended, was adopted, placing out of order amendments H-1133 and H-1134 filed by Huser of Polk on March 24, 2003.



Tjepkes of Webster 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. 595)

The ayes were, 88:

Arnold	Baudler	Bell	Boal
Boddicker	Bukta	Chambers	Cohoon
Connors	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Wilderdyke	Winckler	Wise	Carroll, Presiding

The nays were, 8:

Berry	Dandekar	Murphy	Shoultz
Smith	Thomas	Wendt	Whitead

Absent or not voting, 4:

Alons	Bogges	Miller	Quirk
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### HOUSE FILE 196 WITHDRAWN

Tjepkes of Webster asked and received unanimous consent to withdraw House File 196 from further consideration by the House.

**House File 617**, a bill for an act requiring that dealers of certain swine file a surety bond with the department of agriculture and land stewardship, was taken up for consideration.

Greiner of Washington offered the following amendment H-1255 filed by her and moved its adoption:

H-1255

1 Amend House File 617 as follows:

2 1. Page 1, line 24, by striking the words "an  
3 additional surety bond" and inserting the following:  
4 "evidence of financial responsibility".

5 2. Page 1, line 25, by inserting before the word  
6 "renewed" the following: "issued or".

7 3. Page 1, line 30, by inserting after the figure  
8 "163.30." the following: "However, a dealer does not  
9 include a person who operates a livestock market, as  
10 defined in section 459.102."

11 4. Page 1, by inserting after line 34, the  
12 following:

13 "\_\_\_\_. "Financial institution" means a bank or  
14 savings and loan association authorized by this state  
15 or by the laws of the United States, which is a member  
16 of the federal deposit insurance corporation or the  
17 federal savings and loan insurance corporation."

18 5. Page 2, by inserting after line 3, the  
19 following:

20 "\_\_\_\_. "Sales agreement" means an oral or written  
21 contract executed between a dealer and a purchaser for  
22 the sale of feeder pigs."

23 6. By striking page 2, line 4, through page 3,  
24 line 11, and inserting the following:

25 "Sec. \_\_\_\_ NEW SECTION. 202C.2 EVIDENCE OF  
26 FINANCIAL RESPONSIBILITY – REQUIREMENTS.

27 1. A dealer shall provide the department with  
28 evidence of financial responsibility as required by  
29 the department. The evidence of financial  
30 responsibility shall consist of a surety bond  
31 furnished by a surety or an irrevocable letter of  
32 credit issued by a financial institution.

33 2. The evidence of financial responsibility shall  
34 be provided to the department before the dealer's  
35 license is issued or renewed pursuant to section  
36 163.30.

37 3. The amount of the evidence of financial  
38 responsibility shall be established by rules which  
39 shall be adopted by the department. Unless the  
40 department otherwise has good cause, the rules shall  
41 be based upon the volume of sales reported by the

42 dealer to the United States packers and stockyards  
43 administration. However, the evidence of financial  
44 responsibility shall not be for less than fifty  
45 thousand dollars or for more than three hundred  
46 thousand dollars.  
47 4. The evidence of financial responsibility must  
48 be conditioned upon the dealer's faithful performance  
49 of the terms and conditions of the sales agreement.  
50 The surety's or issuer's liability extends to each

Page 2

1 such sales agreement executed while the surety bond or  
2 letter of credit is in force and until performance or  
3 the rescission of the sales agreement.

4 5. The evidence of financial responsibility shall  
5 be continuous in nature until canceled by the surety  
6 or issuer. The surety or issuer shall provide at  
7 least ninety days' notice in writing to the dealer and  
8 the department indicating the surety's or issuer's  
9 intent to cancel the surety bond or letter of credit  
10 and the effective date of the cancellation. The  
11 dealer shall have sixty days from the date of receipt  
12 of the surety's or issuer's notice of cancellation to  
13 file a replacement. However, the surety or issuer  
14 remains liable for damages arising from sales  
15 agreements which were executed during the effective  
16 period of the evidence of financial responsibility.  
17 Sec. \_\_. NEW SECTION. 202C.3 SURETY OR ISSUER  
18 - LIABILITY.

19 1. The purchaser may bring a legal action arising  
20 from the breach of a sales agreement against the  
21 surety on the bond or issuer on the irrevocable letter  
22 of credit in the purchaser's own name in district  
23 court to recover any damages as allowed by law. The  
24 purchaser may also be awarded interest as determined  
25 pursuant to section 668.13, beginning from the date  
26 that the sales agreement was executed. The purchaser  
27 may also be awarded court costs and reasonable  
28 attorney fees, which shall be taxed as part of the  
29 costs of the legal action.

30 2. The aggregate liability of the surety or issuer  
31 due to a breach of a sales agreement shall not exceed  
32 the amount of the evidence of financial  
33 responsibility.

34 Sec. \_\_. NEW SECTION. 202C.4 DEPARTMENTAL  
35 RULES.

36 The department shall adopt rules as required to  
37 administer this chapter, including but not limited to  
38 rules providing for amounts of evidence of financial  
39 responsibility, qualifications for a surety or  
40 financial institution, procedures for filing evidence

- 41 of financial responsibility, including replacement  
 42 bonds or letters of credit, requirements for the  
 43 cancellation of the evidence of financial  
 44 responsibility, and the liability of a surety or  
 45 issuer after cancellation."  
 46 7. Title page, line 1, by striking the words "a  
 47 surety bond" and inserting the following: "evidence  
 48 of financial responsibility".  
 49 8. By renumbering as necessary.

Amendment H-1255 was adopted.

Greiner of Washington 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. 617)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Miller

Quirk

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### HOUSE FILE 350 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House File 350 from further consideration by the House.

**House File 583**, a bill for an act relating to the ethics and campaign disclosure board, including reports of official misconduct, lobbyist and client reports, advisory opinions, campaign finance reporting, and making penalties applicable, was taken up for consideration.

Raecker of Polk offered the following amendment H-1196 filed by Raecker, et al., and moved its adoption:

H-1196

1 Amend House File 583 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 68B.22, subsection 4,  
5 paragraph e, Code 2003, is amended to read as follows:

6 e. Anything available or distributed free of  
7 charge to members of the general public without regard  
8 to the official status of the recipient. This  
9 paragraph shall not apply to receptions described  
10 under paragraph "r".

11 Sec. 2. Section 68B.22, subsection 4, Code 2003,  
12 is amended by adding the following new paragraph:

13 **NEW PARAGRAPH.** r. Gifts of food, beverage, and  
14 entertainment received by public officials or public  
15 employees at a reception where every member of the  
16 general assembly has been invited to attend, when the  
17 reception takes place during a regular session of the  
18 general assembly. A sponsor of a reception under this  
19 paragraph shall file a report disclosing the total  
20 amount expended, including in-kind expenditures, on  
21 food, beverage, and entertainment for the reception.  
22 The report shall be filed with the secretary of the  
23 senate, the chief clerk of the house, and the board  
24 within five business days following the date of the  
25 reception.

26 Sec. 3. Section 68B.38, Code 2003, is amended to  
27 read as follows:

28 68B.38 LOBBYIST'S CLIENT REPORTING.

29 1. a. On or before ~~January 31~~ and ~~July 31~~ 1 of  
30 each year, a lobbyist's client shall file with the  
31 general assembly or board a report that contains  
32 information on all salaries, fees, and retainers paid  
33 by the lobbyist's client to the lobbyist for lobbying  
34 purposes during the preceding ~~six~~ twelve calendar  
35 months.

36 b. Reports by a lobbyist's clients shall be filed  
37 with the same entity with which the lobbyist filed the  
38 lobbyist's registration.

39 2. a. The report ~~due January 31~~ shall include a  
40 cumulative total of all salaries, fees, retainers, and  
41 reimbursements of expenses paid to the lobbyist for  
42 lobbying activities during the preceding calendar  
43 year.

44 b. The secretary of the senate, chief clerk of the  
45 house, and the board shall develop forms to implement  
46 this section."

47 2. Title page, by striking lines 1 through 4 and  
48 inserting the following: "An Act relating to  
49 governmental ethics disclosure reports, including  
50 reports related to receptions for members of the

Page 2

1 general assembly during session detailing food,  
2 beverage, and entertainment received by public  
3 officials and public employees, and reports filed by  
4 clients of lobbyists before the general assembly and  
5 the executive branch pertaining to moneys paid for  
6 lobbying purposes."

Amendment H-1196 was adopted.

Raecker of Polk 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. 583)

The ayes were, 80:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege

Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Hoffman
Horbach	Hunter	Huseman	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Maddox
Manternach	Mascher	McCarthy	Mertz
Murphy	Myers	Olson, S.	Osterhaus
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Shoultz
Stevens	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wilderdike	Winckler	Wise	Carroll, Presiding

The nays were, 18:

Dandekar	Davitt	Fallon	Ford
Heddens	Hogg	Huser	Lykam
Oldson	Olson, D.	Petersen	Reasoner
Schickel	Smith	Struyk	Swaim
Whitaker	Whitead		

Absent or not voting, 2:

Miller	Quirk
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 502**, a bill for an act relating to damage disclosure statements required for transfer of ownership of motor vehicles, was taken up for consideration.

Hoffman of Crawford offered amendment H-1234 filed by him as follows:

H-1234

- 1 Amend House File 502 as follows:
- 2 1. Page 3, line 29, by inserting after the word
- 3 "homes." the following: "This section does not apply
- 4 to a vehicle with a certificate of title bearing a
- 5 designation that the vehicle was previously titled on
- 6 a salvage certificate of title pursuant to section
- 7 321.52, subsection 4, paragraph "b", or to vehicles
- 8 with a certificate of title bearing a "REBUILT" or

- 9 "SALVAGE" designation pursuant to section 321.24,  
10 subsection 4 or 5."

Hoffman of Crawford offered the following amendment H-1271, to amendment H-1234, filed by him from the floor and moved its adoption:

H-1271

- 1 Amend the amendment, H-1234, to House File 502 as  
2 follows:  
3 1. Page 1, line 3, by striking the words "This  
4 section" and inserting the following: "The  
5 requirement in subsection 1 that the new certificate  
6 of title and registration receipt shall state on the  
7 face of the title the total cumulative dollar amount  
8 of damage".  
9 2. Page 1, line 7, by striking the word  
10 "vehicles" and inserting the following: "a vehicle".

Amendment H-1271 was adopted.

On motion by Hoffman of Crawford amendment H-1234, as amended, was adopted.

Hoffman of Crawford offered the following amendment H-1048 filed by him and moved its adoption:

H-1048

- 1 Amend House File 502 as follows:  
2 1. Title page, line 2, by inserting after the  
3 word "vehicles" the following: "and providing a  
4 penalty".

Amendment H-1048 was adopted.

Hoffman of Crawford 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. 502)

The ayes were, 98:

Alons  
Berry

Arnold  
Boal

Baudler  
Boddicker

Bell  
Boggess



Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevort	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller                      Quirk

The bill having received a constitutional majority was declared to have passed the House, and the title, as amended, 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 502, 583, 595 and 617.**

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 3, 2003. Had I been present, I would have voted "aye" on House File 180.

CARROLL of Poweshiek

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifth grade students from Ar-We-Va Community School District, (Arcadia Center), Carroll, Iowa, accompanied by Carmen Thiedeman. By Roberts of Carroll.

## 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

- |           |   |
|-----------|---|
| 2003\1072 | Letha Dodge, Rockwell – For celebrating her 95 <sup>th</sup> birthday.  |
| 2003\1073 | Betty Kobes, Belmond – For receiving the Iowa State Water Resources Research Institute 'Outstanding Educator Award'.  |
| 2003\1074 | Christina Nugent, Dubuque – For receiving the 2002 Presidential Award for Excellence in Math and Science.   |
| 2003\1075 | Hazel Halversen Fitzgerald, Fort Dodge – For celebrating her 90 <sup>th</sup> birthday.   |
| 2003\1076 | Colleen Pagg, Fort Dodge – For celebrating her 80 <sup>th</sup> birthday.   |
| 2003\1077 | June Algoe, Fort Dodge – For celebrating her 80 <sup>th</sup> birthday.   |
| 2003\1078 | Paul Ivory, Fort Dodge – For celebrating his 80 <sup>th</sup> birthday.   |
| 2003\1079 | Sarah Weirather, Central Lee High School – For being chosen for the third team of three all-state girls basketball teams: the Iowa Newspaper Association, the Iowa Girls Coaches Association and the Des Moines Register. |
| 2003\1080 | Jennifer Goetz, Cardinal Stritch High School – For receiving first team all-state honors in Class 1-A for the third consecutive year from the Iowa Newspaper Association.   |
| 2003\1081 | Bryce Ricketts, Blue Grass – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.  |
| 2003\1082 | Cleo Raffety, Chariton – For celebrating her 90 <sup>th</sup> birthday.   |

- 2003\1083 Dean and Leah White, Chariton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1084 Don Willis, Chariton – For celebrating his 80<sup>th</sup> birthday.
- 2003\1085 Ronald and Lois Fogle, Chariton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1086 Leander Kubu, Toledo – For celebrating his 90<sup>th</sup> birthday.
- 2003\1087 Donna and Bill Moulton, Toledo – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1088 Gertrude Christensen, Denison – For celebrating her 90<sup>th</sup> birthday.
- 2003\1089 Bob and Garnet Arnold, Denison – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\1090 Lourine Kluver, Mapleton – For celebrating her 80<sup>th</sup> birthday.
- 2003\1091 Wayne and Joyce Ray, Greenfield – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1092 Fred Kesler, Panora – For celebrating his 80<sup>th</sup> birthday.
- 2003\1093 Lloyd and Helen Wine, Panora – For celebrating their 71<sup>st</sup> wedding anniversary.
- 2003\1094 Cleo Lewis, Bayard – For celebrating her 85<sup>th</sup> birthday.
- 2003\1095 Delmar Frank Gifford, Boone – For celebrating his 83<sup>rd</sup> birthday.
- 2003\1096 Maynard Darwin Lind, Boone – For celebrating his 81<sup>st</sup> birthday.
- 2003\1097 Sarah Elizabeth Akers, Exira – For celebrating her 100<sup>th</sup> birthday.
- 2003\1098 Joshua Stokes, Sioux City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1099 James and Helen Martens, Conroy – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\1100 Edna McKenna, North English – For celebrating her 90<sup>th</sup> birthday.
- 2003\1101 Mary Jane and Maynard Danker, Minden – For celebrating their 50<sup>th</sup> wedding anniversary.

## SUBCOMMITTEE ASSIGNMENTS

## House File 33

Ways and Means: Lukan, Chair; J. Drake and Kuhn.

**House File 399**

Ways and Means: Lukan, Chair; Lalk and Winckler.

**House File 620**

Ways and Means: Lukan, Chair; Hogg and Jones.

**House File 645**

Ways and Means: J. Drake, Chair; Lalk and Shoultz.

**House File 657**

Appropriations: Alons, Chair; Jenkins and Thomas.

**Senate File 344**

Commerce, Regulation and Labor: Horbach, Chair; Connors and B. Hansen.

**Senate File 368**

Commerce, Regulation and Labor: Dix, Chair; B. Hansen and Wise.

**Senate File 380**

Transportation: S. Olson, Chair; Bukta and Chambers.

**Senate File 383**

Education: Tymeson, Chair; Schickel and Stevens.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT****House Study Bill 310**

Government Oversight: Alons, Chair; Baudler and Oldson.

**COMMITTEE RECOMMENDATIONS**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 309), relating to and making appropriations for health and human services to the department of elder affairs, the Iowa department of public health, the department of inspections and appeals, the department of human services, and the commission of veterans affairs, and providing effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 3, 2003.

## COMMITTEE ON EDUCATION

**Senate File 173**, a bill for an act authorizing school districts to deduct and pay fees for membership in not-for-profit professional education associations.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 2003.

## COMMITTEE ON ENVIRONMENTAL PROTECTION

**Senate File 343**, a bill for an act relating to operation permits for public disposal systems and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 2003.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 15), relating to property taxation of certain lands leased to others by the department of corrections or department of human services and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 2003.

**Committee Bill** (Formerly House File 157), creating a university-based research utilization program, providing tax credits, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 3, 2003.

**Committee Bill** (Formerly House File 546), creating a sales tax exemption for certain equipment sold for use in a warehouse or distribution center.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 2003.

## AMENDMENTS FILED

H—1263	H.F.	598	Jenkins of Black Hawk
H—1264	S.F.	433	Thomas of Clayton
H—1265	H.F.	598	Heaton of Henry
			Horbach of Tama
			Shoultz of Black Hawk
H—1266	H.F.	598	Swaim of Davis
H—1267	H.F.	598	Swaim of Davis
H—1268	H.F.	598	Baudler of Adair
H—1269	H.F.	598	Swaim of Davis
H—1270	H.F.	598	Swaim of Davis
H—1273	S.F.	433	Murphy of Dubuque
			Ford of Polk
			Hogg of Linn
H—1274	H.F.	628	Thomas of Clayton
			Gaskill of Wapello
			Boddicker of Cedar
			Murphy of Dubuque
H—1275	H.F.	611	Kuhn of Floyd

On motion by Gipp of Winneshiek the House adjourned at 5:27 p.m., until 8:45 a.m., Friday, April 4, 2003.

# JOURNAL OF THE HOUSE

Eighty-second Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 4, 2003

The House met pursuant to adjournment at 8:45 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Chuck Gipp, Majority Leader of the House.

The Journal of Thursday, April 3, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 665**, by committee on ways and means, a bill for an act relating to property taxation of certain lands leased to others by the department of corrections or department of human services and providing for the Act's applicability.

Read first time and placed on the **ways and means calendar**.

**House File 666**, by committee on ways and means, a bill for an act creating a sales tax exemption for certain equipment sold for use in a warehouse or distribution center.

Read first time and placed on the **ways and means calendar**.

**House File 667**, by committee on appropriations, a bill for an act relating to and making appropriations for health and human services to the department of elder affairs, the Iowa department of public health, the department of inspections and appeals, the department of human services, and the commission of veterans affairs, and providing effective dates.

Read first time and placed on the **appropriations calendar**.

## AMENDMENT FILED

H—1276

S.F.

433

Struyk of Pottawattamie

On motion by Paulsen of Linn the House adjourned at 8:46 a.m., until 1:00 p.m., Monday, April 7, 2003.



# JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Sixtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 7, 2003

The House met pursuant to adjournment at 1:05 p.m., Jacobs of Polk in the chair.

Prayer was offered by the Honorable Linda Upmeyer, state representative from Hancock County.

The Journal of Friday, April 4, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Libby Jacobs of Polk County.

On motion by Klemme of Plymouth, the House was recessed at 1:09 p.m., until 3:00 p.m.

## AFTERNOON SESSION

The House reconvened at 3:00 p.m., Speaker Rants in the chair.

## INTRODUCTION OF BILL

**House File 668**, by committee on ways and means, a bill for an act creating a university-based research utilization program, providing tax credits, and making appropriations.

Read first time and placed on the **ways and means calendar**.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Quirk of Chickasaw on request of T. Taylor of Linn; S. Olson of Clinton on request of Jacobs of Polk.

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 394**, a bill for an act relating to the purposes of the community attraction and tourism program, was taken up for consideration.

Wilderdyke of Harrison 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. 394)

The ayes were, 93

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Paulsen	Petersen	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 7:

Chambers  
Sands

Lukan  
Tjepkes

Olson, S.  
Upmeyer

Quirk

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Unfinished Business Calendar

**House File 553**, a bill for an act relating to the procedure for reducing the number of members of a city council from five to three in certain cities and providing an effective date, was taken up for consideration.

Maddox of Polk offered amendment H-1089 filed by him as follows:

H-1089

- 1 Amend House File 553 as follows:
- 2 1. Page 2, by striking lines 27 and 28 and
- 3 inserting the following: "meeting the same
- 4 requirements specified in section 362.4 for petitions
- 5 authorized by city code may be filed with the clerk
- 6 within thirty days following the effective date of
- 7 the".

Maddox of Polk offered the following amendment H-1241, to amendment H-1089, filed by him and moved its adoption:

H-1241

- 1 Amend the amendment, H-1089, to House File 553 as
- 2 follows:
- 3 1. Page 1, by inserting after line 7 the
- 4 following:
- 5 "\_\_\_ Page 3, by striking lines 10 and 11.
- 6 \_\_\_ Title page, line 3, by striking the words
- 7 "and providing an effective date"."

Amendment H-1241 was adopted.

On motion by Maddox of Polk, amendment H-1089, as amended, was adopted.

## SENATE FILE 230 SUBSTITUTED FOR HOUSE FILE 553

Maddox of Polk asked and received unanimous consent to substitute Senate File 230 for House File 553.

**Senate File 230**, a bill for an act relating to the procedure for reducing the number of members of a city council from five to three in certain cities, was taken up for consideration.

Maddox of Polk offered the following amendment H-1091 filed by him and moved its adoption:

H-1091

- 1 Amend Senate File 230, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 10, the
- 4 following:
- 5 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. Title page, line 3, by inserting after the
- 8 word "cities" the following: "and providing an
- 9 effective date".
- 10 3. By renumbering as necessary.

Amendment H-1091 was adopted.

Maddox of Polk 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. 230)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme

Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Paulsen	Petersen	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 7:

Chambers	Lukan	Olson, S.	Quirk
Sands	Tjepkes	Upmeyer	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### Regular Calendar

**House File 401**, a bill for an act relating to the procedures for certificates of completion of property rehabilitation projects for which tax credits may be available, was taken up for consideration.

Dandekar of Linn 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. 401)

The ayes were, 91:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser

Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tymeson
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 9:

Chambers	Hanson	Heaton	Lukan
Olson, S.	Quirk	Sands	Tjepkes
Upmeyer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 553 WITHDRAWN

Maddox of Polk asked and received unanimous consent to withdraw House File 553 from further consideration by the House.

### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 394, 401 and Senate File 230.**

The House stood at ease at 3:32 p.m., until the fall of the gavel.

The House resumed session at 5:21 p.m., Speaker Rants in the chair.

## 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 April 7, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 456, a bill for an act relating to contract choice-of-law provisions referring to the uniform computer information transactions Act, and related matters and providing an effective date.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 601, a bill for an act relating to campaign finance, including political party committees, campaign disclosure reports, independent expenditures, and income tax checkoff provisions.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 237, a bill for an act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 399, a bill for an act establishing a criminalistics laboratory surcharge and creating a criminalistics laboratory fund, making an appropriation of surcharge moneys, and making related changes.

MICHAEL E. MARSHALL, Secretary

## SENATE AMENDMENT CONSIDERED

Boal of Polk called up for consideration **House File 636**, a bill for an act relating to legislative branch consolidation of functions by combining the legislative service bureau, legislative fiscal bureau, and legislative computer support bureau into a single central legislative staff agency, providing for legislative publications procedures, modifying the sales tax exemption for items sold or services provided by the new agency, including related matters, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-1213:

H-1213

1 Amend House File 636 as follows:

2 1. Page 7, by inserting after line 12 the  
3 following:

4 "2A. The legislative services agency shall compile  
5 for publication and distribute in odd-numbered years  
6 the Iowa official register. The register shall  
7 contain historical, political, and other information  
8 and statistics of general value but shall not contain  
9 information or statistics of a partisan character.  
10 The print and electronic versions of the register need  
11 not contain the same information and statistics but  
12 shall be published to provide the greatest access to  
13 such information and statistics at the most reasonable  
14 cost as determined by the legislative services agency.  
15 The different versions of the register may be  
16 distributed free of charge, may be distributed free of  
17 charge except for postage and handling charges, or may  
18 be sold at a price to be established by the  
19 legislative services agency."

20 2. Page 24, by inserting after line 11 the  
21 following:

22 "Sec. \_\_. Section 7D.6, Code 2003, is amended to  
23 read as follows:

24 7D.6 REPORT FOR \_ OFFICIAL REGISTER.

25 The secretary shall, as soon as practicable after  
26 January 1 of each odd-numbered year, prepare a report  
27 of the proceedings of the executive council for the  
28 two preceding calendar years. ~~Said The~~ report shall  
29 include a statement of:

30 1. The official canvass of the votes cast at the  
31 last general election.

32 2. Other acts of ~~said the~~ council that are of  
33 general interest.

34 ~~Said The~~ report shall may be published in the Iowa  
35 official register as provided in section 2E.5."

36 3. Page 24, by inserting after line 20 the  
37 following:

38 "Sec. \_\_. Section 9F.4, Code 2003, is amended to  
39 read as follows:

40 9F.4 PUBLICATION IN \_ OFFICIAL REGISTER.

41 ~~The state printing administrator shall legislative~~  
42 ~~services agency may publish said the federal census~~  
43 ~~report and certificate aforesaid in full in each copy~~  
44 ~~of the Iowa official register as provided in section~~  
45 2E.5.

46 Sec. \_\_. Section 9F.5, Code 2003, is amended to  
47 read as follows:

48 9F.5 EVIDENCE.

49 ~~Said The~~ certified census records in the office of  
50 the secretary of state, ~~and said authorized~~



Page 2

- 1 publications, including the certificates attached  
 2 thereto, shall be competent evidence of all matters  
 3 therein contained."  
 4 4. Page 32, line 10, by inserting after the  
 5 figure "7A.19," the following: "7A.20,".  
 6 5. Page 32, line 11, by inserting after the  
 7 figure "7A.26," the following: "9.6,".  
 8 6. Page 32, by inserting after line 13 the  
 9 following:  
 10 "Sec. \_\_\_\_ PREVAILING PROVISIONS. The provisions  
 11 of this Act regarding the publication and distribution  
 12 of the Iowa official register shall prevail over any  
 13 conflicting provisions of any other Act enacted by the  
 14 Eightieth General Assembly, 2003 Regular Session."  
 15 7. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1213.

Boal of Polk 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. 636)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frévert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Connors	Olson, S.	Quirk
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Appropriations Calendar

**Senate File 425**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, with report of committee recommending passage, was taken up for consideration.

De Boef of Keokuk 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. 425)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Ford	Freeman
Frevort	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Osterhaus
Paulsen	Petersen	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands

Schickel	Shoultz	Smith	Stevens
Struyk	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 3:

Fallon	Huser	Swaim
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Absent or not voting, 3:

Connors	Olson, S.	Quirk
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### 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 April 7, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 319, a bill for an act permitting written demand via regular mail prior to an action under the uniform commercial code for recovery of civil damages for a dishonored check, draft, or order, when supported by an affidavit of service.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 438, a bill for an act relating to the establishment of the office of grants enterprise management in the department of management to assist the state in receiving more nonstate funds and providing a standing limited appropriation.

MICHAEL E. MARSHALL, Secretary

### IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 636** be immediately messaged to the Senate.

MOTION TO RECONSIDER  
(Senate File 425)

I move to reconsider the vote by which Senate File 425 passed the House on April 7, 2003.

GIPP of Winneshiek

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 7, 2003. Had I been present, I would have voted "aye" on House Files 394, 401 and Senate File 230.

UPMEYER of Hancock

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 7<sup>th</sup> day of April, 2003: House Files 175, 216, 240, 249, 254, 289, 341, 342, 479, 503 and 615.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nine first, second and third grade students from Compass Academy, West Des Moines, Iowa, accompanied by Mrs. Jodi Conrad and Mrs. Beth McCoy. By Representative Maddox of Polk.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 354**

Human Resources: Boddicker, Chair; Carroll and Foegen.

**Senate File 372**

Commerce, Regulation and Labor: Sands, Chair; Osterhaus and Raecker.

**Senate File 386**

Commerce, Regulation and Labor: Hoffman, Chair; Petersen and Wilderdyke.

**Senate File 392**

Agriculture: Manternach, Chair; Kuhn and Lalk.

**Senate File 412**

Human Resources: Smith, Chair; Boddicker and Upmeyer

## 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

**Senate File 236**, a bill for an act relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date.

Fiscal note is not required.

Recommended **Do Pass** April 7, 2003.

**Senate File 344**, a bill for an act concerning regulatory and statutory requirements impacting business relating to liability reform, unemployment compensation benefits eligibility and employer contributions, workers' compensation, occupational safety and health, financial services, environmental regulatory requirements, public project contractor requirements, and economic development.

Fiscal note is not required.

Recommended **Do Pass** April 7, 2003.

## COMMITTEE ON JUDICIARY

**Senate File 221**, a bill for an act relating to the criminal offense of sexual exploitation of a minor

Fiscal note is not required.

Recommended **Do Pass** April 7, 2003.

**Senate File 402**, a bill for an act relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses.

Fiscal note is not required.

Recommended **Do Pass** April 7, 2003.

## RESOLUTION FILED

**HR 52**, by Kuhn, Schickel, Quirk, Upmeyer, Mertz, Rayhons, Frevert and Stevens, a resolution honoring the Nora Springs-Rock Falls High School Peacemakers Program.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1277	H.F.	665	Horbach of Tama
H—1278	H.F.	663	Wendt of Woodbury
H—1279	H.F.	666	Jochum of Dubuque
			Shoultz of Black Hawk
H—1280	H.F.	358	Kuhn of Floyd
			Swaim of Davis
			Stevens of Dickinson
			Quirk of Chickasaw
			Struyk of Pottawattamie
H—1281	H.F.	654	Wise of Lee
			Huser of Polk
			J.K. Van Fossen of Scott
			Van Engelenhoven of Marion
H—1282	S.F.	359	Paulsen of Linn
			Struyk of Pottawattamie

On motion by Jacobs of Polk the House adjourned at 5:40 p.m., until 8:45 a.m., Tuesday, April 8, 2003.

# JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Sixty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 8, 2003

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Orville Erickson, pastor of Greenhill Baptist Church, Cedar Falls. He was the guest of Representative Ervin Dennis of Black Hawk County.

The Journal of Monday, April 7, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Heaton of Henry on request of Gipp of Winneshiek.

## SENATE MESSAGES CONSIDERED

**Senate File 237**, by committee on natural resources and environment, a bill for an act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

Read first time and **passed on file**.

**Senate File 399**, by committee on judiciary, a bill for an act establishing a criminalistics laboratory surcharge and creating a criminalistics laboratory fund, making an appropriation of surcharge moneys, and making related changes.

Read first time and referred to committee on **judiciary**

**Senate File 438**, by committee on appropriations, a bill for an act relating to the establishment of the office of grants enterprise management in the department of management to assist the state in receiving more nonstate funds and providing a standing limited appropriation.

Read first time and **passed on file**.

### 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 April 8, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 85, a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 472, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Also: That the Senate has on April 7, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 612, a bill for an act relating to the exemption from land ownership restrictions for nonresident aliens under the new jobs and income program.

Also: That the Senate has on April 7, 2003, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 8, a concurrent resolution supporting the completion of U.S. Highway 20 across northern Iowa and requesting federal assistance.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 8:57 a.m., until 3:00 p.m.

### AFTERNOON SESSION

The House reconvened at 3:12 p.m., Speaker Rants in the chair.



## 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 April 8, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 381, a bill for an act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the anatomical gift public awareness and transplantation fund.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 396, a bill for an act relating to disaster preparedness and providing an effective date.

Also: That the Senate has on April 8, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 548, a bill for an act relating to tribal law enforcement officer training at the Iowa law enforcement academy.

Also: That the Senate has on April 8, 2003, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 8, a concurrent resolution relating to a biennial memorial session.

Also: That the Senate has on April 8, 2003, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 9, a concurrent resolution relating to Pioneer Lawmakers.

Also: That the Senate has on April 8, 2003, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 4, a joint resolution proposing redesign of the Medicaid system.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 260, a bill for an act relating to certain leaves of absence for local civil service employees and providing for the Act's applicability.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 439, a bill for an act relating to and making appropriations to the justice system and providing an effective date.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 3:12 p.m., until the fall of the gavel.

The House resumed session at 4:06 p.m., Speaker Rants in the chair.

### CONSIDERATION OF BILLS Appropriations Calendar

**House File 429**, a bill for an act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account, was taken up for consideration.

#### SENATE FILE 237 SUBSTITUTED FOR HOUSE FILE 429

Chambers of O'Brien asked and received unanimous consent to substitute Senate File 237 for House File 429.

**Senate File 237**, a bill for an act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account, was taken up for consideration.

Chambers of O'Brien 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. 237)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heddens

Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson,	D. Olson,	S. Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Heaton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILES 255 and 429 WITHDRAWN

Chambers of O'Brien asked and received unanimous consent to withdraw House Files 255 and 429 from further consideration by the House.

### Regular Calendar

**House File 628**, a bill for an act relating to physician assistant licensure, and providing an effective date, was taken up for consideration.

Boddicker of Cedar offered amendment H 1274 filed by him and Murphy of Dubuque as follows:

H-1274

- 1 Amend House File 628 as follows:
- 2 1. Page 1, lines 34 and 35, by striking the words
- 3 "~~after consultation with the board of medical~~
- 4 ~~examiners and the board of pharmacy-examiners~~", and.

- 5 inserting the following: ", after consultation with  
6 the board of medical examiners and the board of  
7 pharmacy examiners".  
8 2. Page 2, by striking lines 18 and 19 and  
9 inserting the following:  
10 "Sec. . Section 148.13, subsection 1, Code  
11 2003, is amended to read as follows:  
12 1. The board of medical examiners shall adopt  
13 rules setting forth in detail its criteria and  
14 procedures for determining the ineligibility of a  
15 physician to serve as a supervising physician under  
16 chapter 148C. The rules shall be adopted as soon as  
17 possible after the effective date of this Act and in  
18 ~~no event later than December 31, 1988~~ provide that a  
19 physician may serve as a supervising physician under  
20 chapter 148C until such time as the board determines,  
21 following normal disciplinary procedures, that the  
22 physician is ineligible to serve in that capacity."  
23 3. Page 4, line 10, by inserting after the word  
24 "training" the following: "or not prohibited by the  
25 board".  
26 4. Page 4, by inserting after line 16 the  
27 following:  
28 "6. The board shall adopt rules pursuant to this  
29 section after consultation with the board of medical  
30 examiners."  
31 5. Page 5, line 33, by inserting after the figure  
32 "148C" the following: ", after consultation with the  
33 board of medical examiners,".  
34 6. By renumbering as necessary.

Boddicker of Cedar offered the following amendment H 1288, to amendment H 1274, filed by him from the floor and moved its adoption:

H-1288

- 1 Amend the amendment, H-1274, to House File 628, as  
2 follows:  
3 1. Page 1, by inserting after line 22 the  
4 following:  
5 ". Page 4, by striking lines 1 through 4 and  
6 inserting the following: "chapter requiring a  
7 licensed physician assistant to be supervised by  
8 physicians. The rules shall provide that not more  
9 than two physician assistants shall be supervised by a  
10 physician at one time. The rules shall also provide  
11 that a"."

Amendment H-1288 was adopted.

On motion by Boddicker of Cedar, amendment H 1274, as amended, was adopted.

Boddicker of Cedar 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. 628)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson,	D. Olson,	S. Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Heaton

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 File 628** and **Senate File 237**.

## Appropriations Calendar

**Senate File 435**, a bill for an act relating to and making appropriations to the judicial branch, with report of committee recommending passage, was taken up for consideration.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment H-1242 filed by him on April 2, 2003.

Eichhorn of Hamilton offered the following amendment H 1243 filed by him and moved its adoption:

H-1243

- 1 Amend Senate File 435, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by striking lines 32 through 34, and
- 4 inserting the following:
- 5 "Sec. . APPOINTMENT OF CLERK OF COURT. The
- 6 district judges shall not begin the appointment
- 7 process of a clerk of the district court pursuant to
- 8 section 602.1215 until the state court administrator
- 9 approves filling the clerk of the district court
- 10 vacancy."

Amendment H-1243 was adopted.

Horbach of Tama 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. 435)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cphoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake

Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson,	D. Olson,	S. Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Heaton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MOTION TO RECONSIDER (Senate File 435)

I move to reconsider the vote by which Senate File 435 passed the House on April 8, 2003.

GIPP of Winneshiek

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 7, 2003. Had I been present, I would have voted "aye" on House Files 394, 401 and Senate File 230.

LUKAN of Dubuque.

I was necessarily absent from the House chamber on April 7, 2003. Had I been present, I would have voted "aye" on House Files 394, 401, 636, Senate Files 230 and 425.

S. OLSON of Clinton

I was necessarily absent from the House chamber on April 7, 2003. Had I been present, I would have voted "aye" on House Files 394, 401 and Senate File 230.

TJEPKES of Webster

### BILLS 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 bills 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 8th day of April, 2003: House Files 180, 339 and 659.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Seven Boy Scouts from Pack 88, Den 3 from St. Francis Church West Des Moines, Iowa, accompanied by Beth McCoy. By Jacobs of Polk

### 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.



- 2003\1102 Emma Pauline Pestotnik, Boone – For celebrating her 80<sup>th</sup> birthday.
- 2003\1103 Helen Marie Nelson, Boone – For celebrating her 80<sup>th</sup> birthday.
- 2003\1104 Darlene Elizabeth Nolan, Perry – For celebrating her 80<sup>th</sup> birthday.
- 2003\1105 George Donald Nieman, Perry – For celebrating his 87<sup>th</sup> birthday.
- 2003\1106 Merle Thomas Buchan, Perry – For celebrating his 85<sup>th</sup> birthday.
- 2003\1107 Maurice Harry Sandholm, Boone – For celebrating his 82<sup>nd</sup> birthday.
- 2003\1108 Nadine Eilbert, Boone – For celebrating her 83<sup>rd</sup> birthday.
- 2003\1109 Florence Grace Lundberg, Pilot Mound – For celebrating her 86<sup>th</sup> birthday.
- 2003\1110 Florence Hornsby, Perry – For celebrating her 90<sup>th</sup> birthday.
- 2003\1111 Josephine Anita Schall, Ogden – For celebrating her 90<sup>th</sup> birthday.
- 2003\1112 John and Grace Schuurman, Rock Rapids – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1113 Hazel Honeck, Marshalltown – For celebrating her 83<sup>rd</sup> birthday.
- 2003\1114 Richard and Lila Amonson, Clarion – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1115 George and Milly Wenzel, Belmond – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1116 Roger and Carol Halfpop, Belmond – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1117 Orlan and Franie Osboe, Webster City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1118 Betty Nearing, Eagle Grove – For celebrating her 100<sup>th</sup> birthday.
- 2003\1119 Dimple Raven, Webster City – For celebrating her 90<sup>th</sup> birthday.
- 2003\1120 Bob and Rita Rosacker, Guttenberg – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1121 Frances Kruse, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2003\1122 Irwin and Laura Westendorf, Alpha – For celebrating their 65<sup>th</sup> wedding anniversary.

- 2003\1123      Freyda Schneekloth, Shenandoah – For celebrating her 90<sup>th</sup> birthday.
- 2003\1124      Kay Lucas, Bedford – For being named the 2003 Mother of the Year.
- 2003\1125      Kenneth Arch, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2003\1126      Marcella Scott, Sioux City – For celebrating her 81<sup>st</sup> birthday.
- 2003\1127      Ruth Pfeil, Sioux City – For celebrating her 83<sup>rd</sup> birthday.
- 2003\1128      Robert Joy, Sioux City – For celebrating his 86<sup>th</sup> birthday.
- 2003\1129      Mr. and Mrs. Herbert Wilson, Bloomfield – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1130      Mr. and Mrs. Kenneth Harsh, Ottumwa – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1131      Sarah Hendred, Ottumwa – For having her book "Nuture Bear's Treasure Hunt" published at age 13.
- 2003\1132      Helen Ranard, Fairfield – For celebrating her 90<sup>th</sup> birthday.
- 2003\1133      Jeane (Coventry) Hookom, Independence – For celebrating her 80<sup>th</sup> birthday.
- 2003\1134      Nancy White, Independence – For winning the Iowa Service Award.
- 2003\1135      Rev. Charles and Esther Hewlett, Independence – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1136      Ray Cook, Winthrop – For celebrating his 80<sup>th</sup> birthday.
- 2003\1137      Delbert and Shirley Stadlander, Mason City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1138      Filomeno Sr. and Juanita Castillo, Mason City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1139      Joe Dorrell, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1140      Joel L. Kiesey, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1141      Doris Hennings, Fort Dodge – For celebrating her 80<sup>th</sup> birthday.
- 2003\1142      John and Shirley Woodbeck, Fort Dodge – For celebrating their 50<sup>th</sup> wedding anniversary.

2003\1143	Loretta Hotek, Fort Dodge – For celebrating her 90 <sup>th</sup> birthday.
2003\1144	Charlotte Belmer, Fort Dodge – For celebrating her 105 <sup>th</sup> birthday.
2003\1145	Ethel Hutter, Dubuque – For celebrating her 90 <sup>th</sup> birthday.
2003\1146	William and Betty McKechnie, Atkins – For celebrating their 50 <sup>th</sup> wedding anniversary.
2003\1147	Ruth Haberkamp, Garner – For celebrating her 100 <sup>th</sup> birthday.
2003\1148	Alfred and Mary McDonald, Iowa City – For celebrating their 60 <sup>th</sup> wedding anniversary.
2003\1149	Wayne Gardner, Iowa City – For celebrating his 80 <sup>th</sup> birthday.
2003\1150	Alvin and Shirley Schroeder, Iowa City – For celebrating their 50 <sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 643

Appropriations: Eichhorn, Chair; Bell and Heaton.

##### Senate File 399

Judiciary: J.R. Van Fossen, Chair; Hutter and Swaim.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### House Study Bill 308

Appropriations: Jacobs, Chair; Boggess and Thomas.

#### 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 JUDICIARY

**Senate File 375**, a bill for an act relating to enforcement enhancements relative to certain tobacco product manufacturers, providing appropriations and penalties, and providing effective dates.

Fiscal note is not required.

Recommended **Do Pass** April 8, 2003.

**Pursuant to Rule 31.7, Senate File 375 was referred to the committee on appropriations.**

#### COMMITTEE ON NATURAL RESOURCES

**Senate File 397**, a bill for an act relating to the issuance of hunting licenses for antlerless deer, providing for the disposition of harvested deer meat to public institutions, requiring a report, and providing a penalty.

Fiscal note is not required.

Recommended **Amend and Do Pass with amendment H-1287** on April 8, 2003.

#### COMMITTEE ON WAY AND MEANS

**Committee Bill** (Formerly House File 99), relating to the recycling property exemption from property tax and including an applicability date.

Fiscal note is not required.

Recommended **Amend and Do Pass** April 8, 2003.

**Committee Bill** (Formerly House File 554), relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision.

Fiscal note is not required.

Recommended **Do Pass** April 8, 2003.

**Committee Bill** (Formerly House File 620), relating to new capital investment for businesses and new jobs by creating a new capital investment program, creating tax incentives, and amending the new jobs and income program.

Fiscal note is not required.

Recommended **Amend and Do Pass** April 8, 2003.

**Committee Bill** (Formerly House Study Bill 271), relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision.

Fiscal note is not required.

Recommended **Do Pass** April 8, 2003.

**Committee Bill** (Formerly House Study Bill 306), exempting from state individual income tax the active duty pay of a member of the Iowa national guard or armed forces.

reserve units for service performed during Operation Iraqi Freedom and including effective and applicability date provisions.

Fiscal note is not required.

Recommended **Amend and Do Pass** April 8, 2003.

### RESOLUTION FILED

**SCR 8**, by Hosch, Beall, Quirmbach, Warnstadt, Hatch, Dotzler, Gronstal, Stewart, Connolly, Kibbie, Veenstra, Houser, Wieck, Seymour, Johnson, Rehberg, Ziemann, Brunkhorst, Putney, Lundby, Kettering, Schuerer, Behn, Sievers, Gaskill, Redfern, McKibben, and Iverson, a concurrent resolution supporting the completion of U.S. Highway 20 across northern Iowa and requesting federal Assistance.

**Passed on File.**

### AMENDMENTS FILED

H—1283	H.F.	319	Senate Amendment
H—1284	H.F.	548	Senate Amendment
H—1285	S.F.	359	Eichhorn of Hamilton
H—1286	H.F.	663	Hogg of Linn
H—1287	S.F.	397	Committee on Natural Resources
H—1289	S.F.	297	Hogg of Linn
H—1290	S.F.	433	Boggess of Page
			Hansen of Pottawattamie
			Hoffman of Crawford
			Dolecheck of Ringgold
			Wilderdye of Harrison
			Struyk of Pottawattamie
			Reasoner of Union
			Jones of Mills
			Roberts of Carroll
H—1291	S.F.	343	Fallon of Polk
H—1292	S.F.	433	Struyk of Pottawattamie

On motion by Gipp of Winneshiek the House adjourned at 4:46 p.m., until 8:45 a.m., Wednesday, April 9, 2003.

# JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day - Sixty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 9, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Nick Adam, pastor of St. Alphonsus Catholic Church, Mt. Pleasant. He was the guest of Representative Dave Heaton of Henry County.

The Journal of Tuesday, April 8, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

Prior to convening the House was entertained by the Okoboji High School Jazz Band. They were the guests of Representative Greg Stevens from Dickinson County.

## INTRODUCTION OF BILLS

**House File 669**, by committee on ways and means, a bill for an act relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision.

Read first time and placed on the **ways and means calendar**.

**House File 670**, by committee on ways and means, a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision.

Read first time and placed on the **ways and means calendar**.

**House File 671**, by committee on ways and means, a bill for an act relating to the recycling property exemption from property tax and including an applicability date.

Read first time and placed on the **ways and means 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 April 8, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 623, a bill for an act relating to registration with the United States selective service system by application for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 652, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and providing for the nonreversion of certain moneys.

Also: That the Senate has on April 8, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 655, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 300, a bill for an act relating to the registration and regulation of off-highway vehicles, providing fees, and making penalties applicable.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 384, a bill for an act relating to the taxation of activities involving out-of-state qualified state tuition programs and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 393, a bill for an act relating to the agricultural development authority by providing for its organization and administration.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 405, a bill for an act relating to the authority of a city to acquire equity interests in business entities for the purpose of participating in electric energy transmission service.

Also: That the Senate has on April 8, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 422, a bill for an act relating to the criminal sentencing and procedure by modifying the penalties for certain offenses related to controlled substances, by creating a criminal offense of robbery in the third degree, modifying dissemination of sex offender registry information and residence restrictions for a sex offender, repealing certain determinate sentences, changing the parole and work release eligibility of a person serving a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement and by permitting the reopening of such a sentence, providing a penalty, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

### SENATE MESSAGES CONSIDERED

**Senate Joint Resolution 4**, by M. Kramer, a joint resolution proposing redesign of the Medicaid system.

Read first time and referred to committee on **human resources**.

**Senate File 260**, by Larson, a bill for an act relating to certain leaves of absence for local civil service employees and providing for the Act's applicability.

Read first time and referred to committee on **local government**.

**Senate File 393**, by committee on agriculture, a bill for an act relating to the agricultural development authority by providing for its organization and administration.

Read first time and referred to committee on **agriculture**.



**Senate File 439**, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system and providing an effective date.

Read first time and referred to committee on **appropriations**.

On motion by Gipp of Winneshiek, the House was recessed at 9:03 a.m., until 2:00 p.m.

### AFTERNOON SESSION

The House reconvened at 2:04 p.m., Speaker Rants in the chair.

### COMMITTEE TO NOTIFY THE SENATE

Greiner of Washington moved that a committee of four be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Alons of Sioux, Lykam of Scott and Mertz of Kossuth.

Greiner of Washington, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported the committee had performed its duty. The report was received and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station and the members of the Senate were seated in the House chamber.

### JOINT CONVENTION PIONEER LAWMAKERS FIFTY-SEVENTH BIENNIAL SESSION

In accordance with House Concurrent Resolution 9 duly adopted, the joint convention was called to order, President Kramer presiding.

President Kramer announced a quorum present and the joint convention duly organized.

Iverson of Wright moved that a committee of eight be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee Boettger of Shelby, Putney of Tama, Courtney of Des Moines and Connolly of Dubuque on the part of the Senate, and Greiner of Washington, Alons of Sioux, Lykam of Scott and Mertz of Kossuth on the part of the House.

The committee escorted the Pioneer Lawmakers into the House chamber.

President Kramer presented Senator Angelo, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kramer presented Representative Christopher Rants, Speaker of the House, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kramer presented the Honorable Richard F. Drake, member of the House who responded to the welcome.

The Honorable Richard F. Drake announced the 1983 class of legislators who were eligible to become members of the Pioneer Lawmakers.

Honorary members of the 2003 class were the following:

Elizabeth (Liz) Isaacson, Dennis Prouty, David Scott, John (Jack) Soener, Robert (Bob) Schulz and William (Bill) Wimmer.

The Honorable Richard F. Drake presented the Director of the Department of Economic Development, Michael Blouin, who addressed the joint convention as follows:

This has got to be from Cal Hultman. Those who can't see this, it's a fish drawn on a piece of paper. Cal and I, years ago used to go at it in committees and on the floor and one time he cornered me and he said "you know you're making that argument so often it's starting to smell like dead fish." And from that point on, you have to know me; I

did make the arguments quite often. From that point on Cal and I used to slip each other a fish when we got tired of listening to what the other was saying.

Cal, I haven't said a word yet and you're already giving me a fish.

This is a very heady place to stand. I am deeply honored to be here. One of your previous speakers from a few years ago mentioned to me the other day when he heard I was going to speak that it was a great opportunity. All the old folks start stumbling back in here limping down the isle and reminiscing about how great things were. And I said to myself, you know, I'm one of those old folks. And I'm not limping yet. Although by the time this session is over I might well be.

It is an honor honestly to be here, to be asked to be a speaker to this assembly. When Senator Drake invited me several weeks ago I assumed it was just to give a few comments at the luncheon. I had no idea until later that it was an invitation to speak to this joint session. And I was first humbled and secondly scared because there is, frankly, nothing more petrifying than to attempt to speak to former colleagues and peers. Especially when I realize that those so many years ago, we all may have been colleagues, but I was far from a peer.

As some of you might recall I was the ripe old age of twenty-two when I was first elected and twenty-three when I took that first oath of office. I was so wet behind the ears; I didn't even know I was wet behind the ears. And to this day, it still amazes me that the people of Dubuque were so willing to take a chance on someone this young. And not only young, but Dubuque had the reputation as being somewhat provincial and I wasn't even a native. Yet, they sent me here anyway. Probably to get me out of town.

I spent the six shortest years of my life in this beautiful building. Short because the time just flew by. This building where the past meets up with the present and always seems to create reasons for hope for the future.

My memories of those years are too many and for some, probably too boring to relate to you in total, but I'd like to try to share some of those thoughts with you anyway. And share them in no particular order.

When I first arrived here I was so naive, I actually thought I could live well on the pay that we were given. Forty dollars a day including expenses for a hundred days, not a day more and one round trip home a year at ten cents a mile. It was the best reason that I could think of for being from Dubuque. A 400 mile round trip equaled forty dollars and it was like receiving another day of session pay free. I soon realized how poor I was and when the session ended, the realities became clearer.

As a Catholic schoolteacher my job was gone as of January and I had to find other work. We adjourned, if I remember rightly that year, May 23, 1969. The earliest exit of our years here and two days later our twin daughters were born. And life changed again. But as tough as we thought things were then and to our own circumstances, they were nothing compared to the problems that others who came those same years faced in their own situations. People who came here with successful business only to see their client base erode as the weeks of absence from home began to take a toll on their business. Some actually lost their companies in just a few years of serving the same people that they were trying to represent and serving them, frankly, for peanuts.

1968 some of you might recall was the year of the constitutional amendments. Annual sessions were approved, annual salaries and expenses, restructuring and resizing of the legislature to one hundred members of the House and fifty members of the Senate and home rule was approved for our cities and towns that year. We acted quickly in those days and implemented the major changes mandated by our fellow Iowans and became known nationally as one of the most progressive legislatures in the country. As some of you might recall, I quickly earned the well-deserved reputation as someone who would enter nearly any debate for almost any reason. Single-handedly adding days to the length of each session.

In 1970, on one occasion, on the occasion actually of our daughter's birthday, we brought them to the floor for a look-see. One of them grabbed the microphone and began gabbing away, prompting the Speaker of the House Bill Harbor, at that point, to comment that they clearly were their fathers daughters.

Suzanne and I developed many lasting friendships from our six years here. And we gained some valuable life lessons as well. I gained a lot of insight into the geniuses of personal beliefs and personal feelings from guys like Senator George Milligan on the abortion issues. George and I came at it from very different sides, but both of us, in talking about it, learned that our beliefs were deeply rooted in our own personal faith.

I learned about the deep seated integrity of legislators who put their jobs here ahead of their personal business, their own personal wealth. Most vividly taught to me by two guys in the Senate, Gene Kennedy and Chuck Laferty.

I learned to argue with Cal Hultman over committee during the day and at night spend a lot of time playing bridge without any sign of the clash that took place just hours before.

I watched Bill Gannon and Grumpy Fisher sit across the aisle from each other and fight like two mad cats. Yet wink when it was over like they were family.

I watched Dewey Good who sat over here and was a throw back from the turn of the century who was as street smart and as savvy a legislator as there was. Changed minds in the heat of a debate with fewer words than anyone in the chamber.

I learned also what it meant to really be in the minority. As I recall, our hundred plus House members had only twenty-four of us who were democrats and we were so few that one particular day the House passed three bills while we were in caucus before they realized we were gone. Bill Harbor ruled that it was in order and Bill Kendrick, the Clerk of the House, found a rule somewhere that backed him up.

Back in those days neither chamber was air conditioned and tools like funnels hadn't been invented yet. So sessions would last well into June. And things would get rather heated, both figuratively and literally. Well, the Senate had a coat rule. Members were required to wear a coat whenever the Senate was in session. I was never one to really follow rules and wasn't really good at doing what I was told. So, one particular day, with the help of some misguided and almost unemployed pages, I made my own coat out of a copy of the Des Moines Register. Art Neu was Lieutenant Governor and was sitting in the chair and when I walked in I'd never seen him get so angry so quick. The coat disappeared, never to be seen again and the only comment I heard afterwards

was from someone to the effect that it was the preferred use for that paper. I don't believe that anymore if anybody's listening.

Those years came and went all too fast. In the midst of rather extensive change of the state. They were learning years for me. They contributed greatly to my ability to find gainful employment in the years ahead and to a great degree those years helped me become the person that I am today, good or bad. And for that I am personally, extremely grateful. Politics is an honorable profession, an honorable calling and let no one tell you anything different. It's filled with honorable people, men and women who clearly are not in it for the money, but who truly wish to make Iowa an ever better place to live. We are fortunate; you and I, each one for being able to call this beautiful land our home. Some by birth, some by chance, all by choice.

I've had an over forty year long love affair with this place. In my brief time on this earth, I've had the opportunity to visit all fifty states and over three dozen countries. Honestly, I can find some reason why I'd be able to live, even enjoy living, in every one of those places. But nothing compares to Iowa. And I often find myself asking why, what is it that makes Iowa, in at least my mind, so special. It's not the winters, which can be brutal, but at the same time, can be incredibly beautiful. It's not the summers which can be hot as an oven, yet as inviting as any place on earth I've ever been. And we don't have the mountains and oceans of a lot of states. So what is it? Why do I love this place so much? I've come to believe that it's the people. The genius of those who call Iowa their home. It's the concern we share for one another, for our past, our present, our future. It's the care we share for the land and for all our natural resources. And it's the way we dig in and fight for what we believe in. How we can stand touching noses, as Meredith Wilson said, for a week at a time and never see eye to eye. He had to have this place in mind when he wrote those words. While at the same time each of us will put out our hearts, our souls, our own possessions to lend a hand to anyone in need. It's no wonder why groups like United Way set records year after year all across Iowa. We're a people of faith, diverse faiths who seek guidance each in our own way and who try to live our lives in response to the guidance we receive. We're a people of hope who, while playing to the past, reach out to the future with the knowledge that somehow, some way, what lies ahead of us will be better than what has already come. We're people of love who care deeply about our country, our state, our family, our friends, our neighbors and our God. All this is what I believe brought all of you to public service. You care about what happens in your collective careers. And in your collective caring you care about what happens to Iowa, because Iowa is a treasure worth preserving.

All this is what brought this current legislature together this January. To deal with some of the toughest issues this state may ever face. And to do it in the most bipartisan fashion I've ever seen in my thirty-five years of following this process. All this is what allowed me to say yes to the governor when he called this past winter and asked me to head up the Department of Economic Development. It wasn't sanity, it was a belief in this state. And a desire to want to make a difference.

The problems we face as a people are huge. But the spirit of Iowa, Republicans and Democrats, rural and urban, east, west, north, south, will lead us to solutions which will make life better for all of us and our children. Why do I believe this? Because we always have and we always will. It's what we do best as Iowans.

Gipp of Winneshiek moved the joint session dissolve at 2:40 p.m.

The House stood at ease at 2:40 p.m., until the fall of the gavel.

The House resumed session at 2:56 p.m., Speaker Rants in the chair.

### INTRODUCTION OF BILLS

**House File 672**, by committee on appropriations, a bill for an act relating to the regulation of adult day services, providing for appropriations and penalties, and providing an effective date.

Read first time and placed on the **appropriations calendar**

**House File 673**, by Freeman, a bill for an act providing for limitations on the liability of guest farms.

Read first time and referred to committee on **agriculture**.

### SENATE MESSAGES CONSIDERED

**Senate File 300**, by Rehberg, a bill for an act relating to the registration and regulation of off-highway vehicles, providing fees, and making penalties applicable.

Read first time and referred to committee on **ways and means**.

**Senate File 384**, by committee on education, a bill for an act relating to the Iowa education savings plan trust and to the taxation of activities involving out-of-state qualified state tuition programs and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

**Senate File 405**, by committee on commerce, a bill for an act relating to the authority of a city to acquire equity interests in business entities for the purpose of participating in electric energy transmission service.

Read first time and referred to committee on **commerce, regulation and labor**.

**Senate File 422**, by committee on judiciary, a bill for an act relating to the criminal sentencing and procedure by modifying the penalties for certain offenses relating to controlled substances, modifying dissemination of sex offender registry information and residence restrictions for a sex offender, repealing certain determinate sentences, changing the parole and work release eligibility of a person serving a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement and by permitting the reopening of such a sentence, providing a penalty, and providing an effective date.

Read first time and **passed on file**.

The House stood at ease at 2:58 p.m., until the fall of the gavel.

The House resumed session at 5:04, Klemme of Plymouth in the chair.

### INTRODUCTION OF BILLS

**House File 674**, by committee on ways and means, a bill for an act relating to income tax deductions and exemptions for military service personnel and organizations, and including effective and applicability date provisions.

Read first time and placed on the **ways and means calendar**.

**House File 675**, by committee on appropriations, a bill for an act relating to the regulation of elder family homes, elder group homes, and assisted living programs, providing for appropriation of fees, and providing penalties.

Read first time and placed on the **appropriations calendar**.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 597**, a bill for an act relating to conflicts of interest in public contracts, was taken up for consideration.

### SENATE FILE 272 SUBSTITUTED FOR HOUSE FILE 597

Schickel of Cerro Gordo asked and received unanimous consent to substitute Senate File 272 for House File 597.

**Senate File 272**, a bill for an act relating to conflicts of interest in public contracts, was taken up for consideration.

Schickel of Cerro Gordo 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. 272)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Klemme,			
Presiding			



The nays were, none.

Absent or not voting, 3:

Fallon

Hoffman

Myers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 597 WITHDRAWN

Schickel of Cerro Gordo asked and received unanimous consent to withdraw House File 597 from further consideration by the House.

### Appropriations Calendar

**Senate File 433**, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, department of workforce development, and the public employment relations board and related matters, with report of committee recommending passage, was taken up for consideration.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment H-1235 filed by Wendt of Woodbury, et al., on April 2, 2003.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-1264 filed by him on April 3, 2003, placing out of order amendment H-1303 filed by Shoultz of Black Hawk and Jochum of Dubuque from the floor.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-1276 filed by him on April 4, 2003.

Boggess of Page offered amendment H-1290 filed by Boggess, et al., as follows:

H-1290

- 1 Amend Senate File 433, as passed by the Senate, as
- 2 follows:
- 3 1. Page 5, by inserting after line 28 the
- 4 following:

- 5 "1A. Of the moneys appropriated in subsection 1,  
 6 Iowa state university shall allocate at least \$550,000  
 7 for purposes of funding small business development  
 8 centers. Small business development centers shall be  
 9 located equally throughout the different regions of  
 10 the state. Iowa state university may allocate moneys  
 11 appropriated in subsection 1 to the various small  
 12 business development centers in any manner necessary  
 13 to achieve the purposes of this subsection."  
 14 2. By renumbering as necessary.

Greimann of Story offered the following amendment H-1296, to amendment H-1290, filed by Greimann, Heddens of Story, Lensing of Johnson, Mertz of Kossuth and Davitt of Warren from the floor and moved its adoption:

H-1296

- 1 Amend the amendment, H-1290, to Senate File 433 as  
 2 passed by the Senate as follows:  
 3 1. Page 1, by inserting after line 2 the  
 4 following:  
 5 "\_\_\_, Page 5, by striking line 27 and inserting  
 6 the following:  
 7 "..... \$ 2,500,064"

Roll call was requested by Myers of Johnson and T. Taylor of Linn.

On the question "Shall amendment H-1296 to amendment H-1290 be adopted?" (S.F. 433)

The ayes were, 45:

Bell	Berry	Bukta	Cohoon
Connors	Davitt	Foege	Ford
Frevert	Gaskill	Greimann	Heddens
Hogg	Hunter	Huser	Jochum
Kuhn	Kurtenbach	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
Dandekar	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Hahn	Hansen	Hanson	Heaton
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Kramer	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Wilderdyke	Klemme, Presiding

Absent or not voting, 3:

Fallon	Hoffman	Watts
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Amendment H-1296 lost.

Bogges of Page asked and received unanimous consent that amendment H-1290 be deferred.

Murphy of Dubuque offered amendment H-1273 filed by Murphy, et al., as follows:

H-1273

1 Amend Senate File 433, as passed by the Senate, as  
2 follows:

3 1. Page 10, by inserting after line 33 the  
4 following:

5 "Sec. \_\_\_\_ UNEMPLOYMENT TRUST FUND. There is  
6 appropriated from moneys transferred to the state on  
7 March 13, 2002, pursuant to section 903(d) of the  
8 federal Social Security Act, as amended, to the  
9 department of workforce development, the following  
10 amount, to be deposited, under the direction of the  
11 department of workforce development, in the  
12 unemployment trust fund for the payment of  
13 unemployment benefits for the first year of the  
14 unemployment compensation reserve fund, and temporary  
15 suspension of the base period wage requirement of one  
16 and one-quarter times the base period quarter with the  
17 highest wages:  
18 ..... \$ 40,000,000

19 Sec. \_\_\_\_ UNEMPLOYMENT TAX AND CLAIM SYSTEM.

20 There is appropriated from moneys transferred to the  
21 state on March 13, 2002, pursuant to section 903(d) of

22 the federal Social Security Act, as amended, to the  
 23 department of workforce development, the following  
 24 amount, for purposes of automation and technology for  
 25 the unemployment tax and claim system:  
 26 ..... \$ 20,000,000  
 27 Sec. \_\_\_\_ ENHANCED SERVICES TO CLAIMANTS. There  
 28 is appropriated from moneys transferred to the state  
 29 on March 13, 2002, pursuant to section 903(d) of the  
 30 federal Social Security Act, as amended, to the  
 31 department of workforce development, the following  
 32 amount, for purposes of infrastructure improvements  
 33 and the administrative and technology costs associated  
 34 with enhanced services to unemployment benefit  
 35 claimants for workforce and labor exchange services:  
 36 ..... \$ 20,700,000"  
 37 2. Page 12, by inserting after line 25 the  
 38 following:  
 39 "Sec. \_\_\_\_ Section 96.4, subsection 4, unnumbered  
 40 paragraph 1, Code 2003, is amended to read as follows:  
 41 The individual has been paid wages for insured work  
 42 during the individual's base period in an amount at  
 43 least one and one-quarter times the wages paid to the  
 44 individual during that quarter of the individual's  
 45 base period in which the individual's wages were  
 46 highest except for unemployment benefit claims with an  
 47 effective date of July 7, 2003, through June 30, 2007;  
 48 provided that the individual has been paid wages for  
 49 insured work totaling at least three and five-tenths  
 50 percent of the statewide average annual wage for

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1 insured work, computed for the preceding calendar year  
 2 if the individual's benefit year begins on or after  
 3 the first full week in July and computed for the  
 4 second preceding calendar year if the individual's  
 5 benefit year begins before the first full week in  
 6 July, in that calendar quarter in the individual's  
 7 base period in which the individual's wages were  
 8 highest, and the individual has been paid wages for  
 9 insured work totaling at least one-half of the amount  
 10 of wages required under this subsection in the  
 11 calendar quarter of the base period in which the  
 12 individual's wages were highest, in a calendar quarter  
 13 in the individual's base period other than the  
 14 calendar quarter in which the individual's wages were  
 15 highest. The calendar quarter wage requirements shall  
 16 be rounded to the nearest multiple of ten dollars."  
 17 3. Page 12, by inserting after line 25 the  
 18 following:  
 19 "Sec. 501. Section 96.7, subsection 12, paragraph  
 20 a, Code 2003, is amended to read as follows:

21 a. An employer other than a governmental entity or  
22 a nonprofit organization, subject to this chapter,  
23 shall pay an administrative contribution surcharge  
24 equal in amount to one-tenth of one percent of federal  
25 taxable wages, as defined in section 96.19, subsection  
26 37, paragraph "b", subject to the surcharge formula to  
27 be developed by the department under this paragraph.  
28 The department shall develop a surcharge formula that  
29 provides a target revenue level of no greater than six  
30 million five hundred twenty-five thousand dollars  
31 annually. The department shall reduce the  
32 administrative contribution surcharge established for  
33 any calendar year proportionate to any federal  
34 government funding that provides an increased  
35 allocation of moneys for workforce development  
36 offices, under the federal employment services  
37 financing reform legislation. Any administrative  
38 contribution surcharge revenue that is collected in  
39 any calendar year 2002 in excess of six million five  
40 hundred twenty-five thousand dollars shall be deducted  
41 from the amount to be collected in the subsequent  
42 calendar year 2003 before the department establishes  
43 the administrative contribution surcharge. The  
44 department shall recompute the amount as a percentage  
45 of taxable wages, as defined in section 96.19,  
46 subsection 37, and shall add the percentage surcharge  
47 to the employer's contribution rate determined under  
48 this section. The percentage surcharge shall be  
49 capped at a maximum of seven dollars per employee.  
50 The department shall adopt rules prescribing the

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1 manner in which the surcharge will be collected.  
2 Interest shall accrue on all unpaid surcharges under  
3 this subsection at the same rate as on regular  
4 contributions and shall be collectible in the same  
5 manner. Interest accrued and collected under this  
6 paragraph and interest earned and credited to the fund  
7 under paragraph "b" shall be used by the department  
8 only for the purposes set forth in paragraph "c".

9 Sec. 502. Section 96.7, subsection 12, paragraph  
10 d, Code 2003, is amended to read as follows:

11 d. This subsection is repealed July 1, 2003 2008,  
12 and the repeal is applicable to contribution rates for  
13 calendar year 2004 2009 and subsequent calendar  
14 years."

15 4. Page 12, by inserting after line 25 the  
16 following:

17 "Sec. \_\_\_\_\_. Section 96.9, Code 2003, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 8. UNEMPLOYMENT COMPENSATION

## 20 RESERVE FUND.

21 a. A special fund to be known as the unemployment  
22 compensation reserve fund is created in the state  
23 treasury. The reserve fund is separate and distinct  
24 from the unemployment compensation fund. All moneys  
25 collected as reserve contributions, as defined in  
26 paragraph "b", shall be deposited in the reserve fund.  
27 The moneys in the reserve fund may be used for the  
28 payment of unemployment benefits and shall remain  
29 available for expenditures in accordance with the  
30 provisions of this subsection. The treasurer of state  
31 shall be the custodian of the reserve fund and shall  
32 disburse the moneys in the reserve fund in accordance  
33 with this subsection and the directions of the  
34 director of the department of workforce development.  
35 b. If the balance in the reserve fund on July 1 of  
36 the preceding calendar year for calendar year 2004 and  
37 each year thereafter is less than one hundred million  
38 dollars, a percentage of contributions, as determined  
39 by the director, shall be deemed to be reserve  
40 contributions for the following calendar year. If the  
41 percentage of contributions, termed the reserve  
42 contribution tax rate, is not zero percent as  
43 determined pursuant to this subsection, the combined  
44 tax rate of contributions to the unemployment  
45 compensation fund and to the unemployment compensation  
46 reserve fund shall be divided so that a maximum of  
47 ninety percent of the combined tax rate equals the  
48 unemployment contribution tax rate and ten percent of  
49 the combined tax rate equals the reserve contribution  
50 tax rate except for employers who are assigned a

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1 combined tax rate of five and four-tenths or greater.  
2 For those employers, the reserve contribution tax rate  
3 shall equal zero and their combined tax rate shall  
4 equal their unemployment contribution rate. When the  
5 reserve contribution tax rate is determined to be zero  
6 percent, the unemployment contribution rate for all  
7 employers shall equal one hundred percent of the  
8 combined tax rate. The reserve contributions  
9 collected in any calendar year shall not exceed twenty  
10 million dollars. The provisions for collection of  
11 contributions under section 96.14 are applicable to  
12 the collection of reserve contributions. Reserve  
13 contributions shall not be deducted in whole or in  
14 part by any employer from the wages of individuals in  
15 its employ. All moneys collected as reserve  
16 contributions shall not become part of the  
17 unemployment compensation fund but shall be deposited  
18 in the reserve fund created in this subsection.

19 c. Moneys in the reserve fund shall only be used  
20 to pay unemployment benefits to the extent moneys in  
21 the unemployment compensation fund are insufficient to  
22 pay benefits during a calendar quarter.

23 d. The interest earned on the moneys in the  
24 reserve fund shall be deposited in and credited to the  
25 reserve fund.

26 e. Moneys from interest earned on the unemployment  
27 compensation reserve fund shall be used by the  
28 department only upon appropriation by the general  
29 assembly and only for purposes contained in section  
30 96.7, subsection 12, for department of workforce  
31 development rural satellite offices, and for  
32 administrative costs to collect the reserve  
33 contributions."

34 5. Page 12, by inserting after line 25 the  
35 following:

36 "Sec. 503. 2001 Iowa Acts, First Extraordinary  
37 Session, chapter 2, section 2, unnumbered paragraph 4,  
38 is amended to read as follows:

39 The department shall submit a report of its annual  
40 departmental offices review to the governor and  
41 general assembly by December 21, 2001, by December 21,  
42 2002, and by December 21, ~~2003~~ of each subsequent  
43 calendar year through December 21, 2008.

44 Sec.     . EFFECTIVE DATE. Sections 501, 502, and  
45 503 of this Act, being deemed of immediate importance,  
46 take effect upon enactment."

47 6. Title page, by striking line 4 and inserting  
48 the following: "relations board, making related  
49 statutory changes, and providing an effective date."

50 7. By renumbering as necessary.

Murphy of Dubuque offered the following amendment H-1299, to amendment H-1273, filed by him from the floor and moved its adoption:

H-1299

1 Amend the amendment, H-1273, to Senate File 433, as  
2 passed by the Senate, as follows:

3 1. Page 3, line 11, by striking the figure  
4 "2008", and inserting the following: "2006".

5 2. Page 3, line 13, by striking the figure  
6 "2009", and inserting the following: "2007".

7 3. Page 3, line 46, by striking the word  
8 "maximum" and inserting the following: "minimum".

9 4. Page 3, line 47, by striking the word  
10 "ninety", and inserting the following: "eighty".

11 5. Page 3, line 48, by striking the word "ten",  
12 and inserting the following: "twenty".

- 13 6. Page 4, line 9, by striking the word "twenty",  
 14 and inserting the following: "thirty-three".  
 15 7. Page 4, line 10, by inserting after the word  
 16 "million" the following: "four hundred thousand".  
 17 8. Page 4, line 43, by striking the figure  
 18 "2008", and inserting the following: "2006".

Amendment H-1299 was adopted.

Murphy of Dubuque moved the adoption of amendment H-1273, as amended.

Roll call was requested by Myers of Johnson and Bell of Jasper.

On the question "Shall amendment H-1273, as amended, be adopted?" (S.F. 433)

The ayes were, 44:

Bell	Berry	Bukta	Cohoon
Connors	Davitt	Foege	Ford
Frevert	Gaskill	Greimann	Heddens
Hogg	Hunter	Huser	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Osterhaus
Petersen	Quirk	Reasoner	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	Wise

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carrroll	Chambers
Dandekar	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Hahn	Hansen	Hanson	Heaton
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Roberts	Sands
Schickel	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdye	Klemme, Presiding		



Absent or not voting, 2:

Fallon

Hoffman

Amendment H-1273 lost.

Boggess of Page moved the adoption of amendment H-1290, previously deferred and found on pages 1047 through 1048, of the House Journal.

A non-record roll call was requested.

The ayes were 51, nays 43.

Amendment H-1290 was adopted.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-1292, previously deferred, filed by him on April 8, 2003.

Boggess of Page 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. 433)

The ayes were, 65:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	Chambers
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Gipp
Granzow	Greiner	Hahn	Hansen
Hanson	Heaton	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jones	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	McCarthy
Olson, S.	Paulsen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Roberts
Sands	Schickel	Smith	Struyk
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitead	Wildurdyke	Wise
Klemme,			
Presiding			

The nays were, 33:

Bell	Berry	Bukta	Cphoon
Connors	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Jochum	Kuhn	Lensing	Lykam
Mascher	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Osterhaus
Petersen	Reasoner	Shoultz	Stevens
Swaim	Taylor, D.	Taylor, T.	Whitaker
Winckler			

Absent or not voting, 2:

Fallon Hoffman

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: **Senate Files 272 and 433.**

### MOTION TO RECONSIDER WITHDRAWN (Senate File 435)

Gipp of Winneshiek asked and received unanimous consent to withdraw the motion to reconsider **Senate File 435**, a bill for an act relating to and making appropriations to the judicial branch, filed by him on April 8, 2003.

### REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

#### House File 636

1. Page 21, line 35 – Underscore colon after the word may.

MARGARET A. THOMSON  
Chief Clerk of the House

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 8, 2003. Had I been present, I would have voted "aye" on House File 628, Senate Files 237 and 435.

HEATON of Henry

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty students from Marion, Cedar Rapids, Ely, Mt. Vernon and Alburnett, Iowa, accompanied by 4-H sponsors. By Dandekar of Linn.

## 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

- |           |  |
|-----------|--|
| 2003\1151 | Shelby Duggan, Dubuque – For organizing Operation Support Our Troops.                              |
| 2003\1152 | Clarence and Lillian Selken, Dubuque – For celebrating their 50 <sup>th</sup> wedding anniversary. |
| 2003\1153 | Mr. and Mrs. Lloyd Clark, Albia – For celebrating their 60 <sup>th</sup> wedding anniversary.      |
| 2003\1154 | Mr. and Mrs. Sam Kool, Eddyville – For celebrating their 50 <sup>th</sup> wedding anniversary.     |
| 2003\1155 | Arnold (Nick) Andersen, Coon Rapids – For celebrating his 80 <sup>th</sup> birthday.               |
| 2003\1156 | Emma Hansen, Audubon – For celebrating her 90 <sup>th</sup> birthday.                              |
| 2003\1157 | Morris Trimble, Clear Lake – For celebrating his 80 <sup>th</sup> birthday.                        |
| 2003\1158 | Charlotte Lavonne Lyon, Boone – For celebrating her 80 <sup>th</sup> birthday.                     |
| 2003\1159 | Russell David Eldridge Jr., Perry – For celebrating his 81 <sup>st</sup> birthday.                 |

- 2003\1160 James Louis Bowman, Perry – For celebrating his 83<sup>rd</sup> birthday.
- 2003\1161 Carl John Berstrom, Perry – For celebrating his 84<sup>th</sup> birthday.
- 2003\1162 Richard John Nelley, Perry – For celebrating his 87<sup>th</sup> birthday.
- 2003\1163 Norman Gustaf Bergstrom, Ogden – For celebrating his 87<sup>th</sup> birthday.
- 2003\1164 Ellis Mueller, Calamus – For celebrating her 95<sup>th</sup> birthday.
- 2003\1165 Bea Donald, Story City – For celebrating her 90<sup>th</sup> birthday.
- 2003\1166 Ina Picht, Nevada – For celebrating her 100<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENT

##### Senate File 297.

Ways and Means: Lukan, Chair; Huser and Kurtenbach.

#### 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 APPROPRIATIONS

**House File 657**, a bill for an act relating to the establishment of the office of grants enterprise management in the department of management to assist the state in receiving more nonstate funds and providing a standing limited appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1293** April 8, 2003.

**Committee Bill** (Formerly House File 582), relating to the regulation of elder family homes, elder group homes, and assisted living programs, providing for appropriation of fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2003.

**Committee Bill** (Formerly House File 596), relating to the regulation of adult day services, and providing for appropriations and penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2003.

#### COMMITTEE ON EDUCATION

**Senate File 383**, a bill for an act authorizing the establishment of an Iowa virtual academy, authorizing the board of educational examiners to license instructors of internet courses, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 2003.

#### COMMITTEE ON ENVIRONMENTAL PROTECTION

**Senate File 203**, a bill for an act relating to the installation of certain aboveground petroleum storage tanks.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 2003.

#### COMMITTEE OF GOVERNMENT OVERSIGHT

**Committee Bill** (Formally House Study Bill 310), establishing a veterans trust fund under the control of the commission of veterans affairs and making an appropriation.

Fiscal note is not required.

Recommended **Do Pass** April 9, 2003.

#### COMMITTEE ON HUMAN RESOURCES

**Senate File 3**, a bill for an act relating to the inclusion of certain information in a termination of pregnancy report.

Fiscal note is not required.

Recommended **Do Pass** April 9, 2003.

**Senate File 353**, a bill for an act requiring establishment of county child protection assistance teams.

Fiscal note is not required.

Recommended **Do Pass** April 9, 2003.

**Senate File 354**, a bill for an act implementing the federal Indian Child Welfare Act.

Fiscal note is not required.

Recommended **Do Pass** April 9, 2003.

**Senate File 416**, a bill for an act relating to the emergency shelter and support services demonstration project relating to dependent adults.

Fiscal note is not required.

Recommended **Amend and Do Pass with amendment H-1300** April 9, 2003.

#### COMMITTEE ON LOCAL GOVERNMENT

**Senate File 371**, a bill for an act relating to formatting standards for recording documents or instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date.

Fiscal note is not required.

Recommended **Do Pass** April 9, 2003.

#### RESOLUTION FILED

**HR 53**, by Upmeyer, a resolution congratulating the Peace Reformed Church of Garner, Iowa, on its 125<sup>th</sup> anniversary.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—1293	H.F.	657	Committee on Appropriations
H—1294	H.F.	655	Senate Amendment
H—1295	H.F.	488	Fallon of Polk
H—1297	H.F.	541	Horbach of Tama
H—1298	H.F.	666	Hogg of Linn
H—1300	S.F.	416	Committee on Human Resources
H—1301	H.F.	667	Whitaker of Van Buren
H—1302	H.F.	667	Heaton of Henry
H—1304	S.F.	172	Carroll of Poweshiek
H—1305	H.F.	667	Heaton of Henry
H—1306	H.F.	667	Osterhaus of Jackson
H—1307	H.F.	667	Osterhaus of Jackson
H—1308	H.F.	667	Heaton of Henry
H—1309	H.F.	667	Petersen of Polk
Heaton of Henry			Granzow of Hardin
Oldson of Polk			Greimann of Story

H—1310	H.F.	667	Heddens of Story
H—1311	H.F.	667	Dix of Butler
H—1312	H.F.	667	Hansen of Pottawattamie
H—1313	H.F.	667	Kurtenbach of Story

On motion by Gipp of Winneshiek the House adjourned at 6:26 p.m., until 8:45 a.m., Thursday, April 10, 2003.

**MEMORIAL SERVICE  
EIGHTIETH GENERAL ASSEMBLY  
SENATE CHAMBER  
WEDNESDAY, APRIL 9, 2003**

**PROGRAM**

Senator John P. Kibbie, Presiding

Prelude ..... Flautist, Kristin Irwin  
 "Iowa, My Iowa" ..... Memorial Choir  
 Invocation ..... Senator John P. Kibbie

**MEMORIALS**

Readers: Senator Houser, Senator Kibbie, Senator Zieman

Hon. Bass (S)	Hon. Denman (H & S)	Hon. Keith (S)
Hon. Campbell (S)	Hon. Holden (H & S)	Hon. Zieman (S)
Hon. Coleman (S)		

"Amazing Grace" ..... Memorial Choir

**MEMORIALS**

Readers: Representative Rayhons, Senator Tinsman,  
 Representative Hutter, Representative Winckler

Hon. Baker (H)	Hon. Freeman (H)	Hon. Hoegh (H)
Hon. Broers (H)	Hon. Gilson (H)	Hon. Kinzer (H)
Hon. Crabb (H)	Hon. Hanna (H)	Hon. Miller (H)
Hon. Freed (H)	Hon. Hermann (H)	

"Precious Lord, Take My Hand" ..... Memorial Choir

**MEMORIALS**

Readers: Representative Todd Taylor, Representative Maddox,  
 Representative Dolecheck, Representative Heaton

Hon. Naden (H)	Hon. Petersen, Leroy (H)	Hon. Sickels (H)
Hon. Norrgard (H)	Hon. Peterson, Louis (H)	Hon. Vetter (H)
Hon. Oxley (H)	Hon. Platt (H)	Hon. Walter (H)
Hon. Parker (H)	Hon. Rapson (H)	

**IN MEMORIAM**

**SERVED IN THE SENATE**



**Honorable Earl G. Bass** (Mills County): 2<sup>nd</sup> half of 63<sup>rd</sup> and 64<sup>th</sup> (1970-1972)

**Honorable John L. Campbell** (Mahaska County): 60<sup>th</sup> and 60<sup>th</sup> X (1963-1964)

**Honorable C. Joseph Coleman** (Webster County): 57<sup>th</sup>, 58<sup>th</sup>, 59<sup>th</sup>, 60<sup>th</sup>, 60<sup>th</sup> X, 61<sup>st</sup>, 62<sup>nd</sup>, 63<sup>rd</sup>, 64<sup>th</sup>, 65<sup>th</sup>, 66<sup>th</sup>, 67<sup>th</sup>, 67<sup>th</sup> X, 68<sup>th</sup>, 69<sup>th</sup>, 69<sup>th</sup> X, 69<sup>th</sup> XX, 70<sup>th</sup>, 71<sup>st</sup>, 72<sup>nd</sup>, 72<sup>nd</sup> X, 72<sup>nd</sup> XX, and 73<sup>rd</sup> (1957-1990)

**Honorable Wayne D. Keith** (Kossuth County): 63<sup>rd</sup> and 64<sup>th</sup> (1969-1972)

**Honorable Lyle E. Zieman** (Allamakee County): 75<sup>th</sup>, 76<sup>th</sup>, 77<sup>th</sup>, and 78<sup>th</sup> (1993-2000)

#### SERVED IN THE HOUSE OF REPRESENTATIVES AND THE SENATE

**Honorable William F. Denman** (Polk County): **House** – 56<sup>th</sup>, 59<sup>th</sup>, 60<sup>th</sup>, and 60<sup>th</sup> X (1955-1956 and 1961-1964); **Senate** – 61<sup>st</sup> and 62<sup>nd</sup> (1965-1968)

**Honorable Edgar H. Holden** (Scott County): **House** – 62<sup>nd</sup>, 63<sup>rd</sup>, 64<sup>th</sup>, and 65<sup>th</sup> (1967-1974); **Senate** – 2<sup>nd</sup> half of 67<sup>th</sup>, 68<sup>th</sup>, 69<sup>th</sup>, 70<sup>th</sup>, 71<sup>st</sup>, and 72<sup>nd</sup> (1977-1988)

#### SERVED IN THE HOUSE OF REPRESENTATIVES

**Honorable Donald E. Baker** (Boone County): 61<sup>st</sup>, 62<sup>nd</sup>, and 63<sup>rd</sup> (1965-1970)

**Honorable Roger A. Broers** (Cerro Gordo County): 79<sup>th</sup>, 79<sup>th</sup> X, and 79<sup>th</sup> XX (2001-2002)

**Honorable Helen Margaret Crabb** (Guthrie County): 53<sup>rd</sup> and 54<sup>th</sup> (1949-1952)

**Honorable Willard M. Freed** (Webster County): 56<sup>th</sup>, 57<sup>th</sup>, 58<sup>th</sup>, and 59<sup>th</sup> (1955-1962)

**Honorable Lester M. Freeman** (Dickinson County): 62<sup>nd</sup> and 63<sup>rd</sup> (1967-1970)

**Honorable Ernest W. Gilson** (Guthrie County): 67<sup>th</sup> and 67<sup>th</sup> X (1977-1978)

**Honorable Leo B. Hanna** (Adams County): 53<sup>rd</sup> and 54<sup>th</sup> (1949-1952)

**Honorable Donald F. Hermann** (Scott County): 70<sup>th</sup>, 71<sup>st</sup>, 72<sup>nd</sup>, 72<sup>nd</sup> X, 72<sup>nd</sup> XX, and 73<sup>rd</sup> (1983-1990)

**Honorable Leo A. Hoegh** (Lucas County): 47<sup>th</sup>, 48<sup>th</sup>, and 49<sup>th</sup> (1937-1942)

**Honorable Ronald J. Kinzer** (Scott County): 77<sup>th</sup> (1997-1998)

**Honorable Thomas H. Miller** (Cherokee County): 71<sup>st</sup>, 72<sup>nd</sup>, 72<sup>nd</sup> X, 72<sup>nd</sup> XX, 73<sup>rd</sup>, 74<sup>th</sup>, 74<sup>th</sup> X, 74<sup>th</sup> XX, and 75<sup>th</sup> (1985-1994)

**Honorable Robert W. Naden** (Hamilton County): 56<sup>th</sup>, 57<sup>th</sup>, 58<sup>th</sup>, 59<sup>th</sup>, 60<sup>th</sup>, and 60<sup>th</sup> X (1955-1964)

**Honorable Clyde L. Norrgard** (Des Moines County): 72<sup>nd</sup>, 72<sup>nd</sup> X, and 72<sup>nd</sup> XX (1987-1988)

**Honorable Myron B. "Mike" Oxley** (Linn County): 61<sup>st</sup>, 67<sup>th</sup>, 67<sup>th</sup> X, 68<sup>th</sup>, 69<sup>th</sup>, 69<sup>th</sup> X, 69<sup>th</sup> XX, 70<sup>th</sup>, and 71<sup>st</sup> (1965-1966 and 1977-1986)

**Honorable Paul L. Parker** (Polk County): 55<sup>th</sup> (1953-1954)

**Honorable Leroy H. Petersen** (Dallas County): 59<sup>th</sup>, 60<sup>th</sup>, 60<sup>th</sup> X, and 62<sup>nd</sup> (1961-1964 and 1967-1968)

**Honorable Louis A. Peterson** (Woodbury County): 59<sup>th</sup>, 60<sup>th</sup>, 60<sup>th</sup> X, 63<sup>rd</sup>, and 65<sup>th</sup> (1961-1964, 1969-1970, and 1973-1974)

**Honorable Donald R. Platt** (Muscatine County): 71<sup>st</sup>, 72<sup>nd</sup>, 72<sup>nd</sup> X, and 72<sup>nd</sup> XX (1985-1988)

**Honorable George P. Rapson** (Cherokee County): 58<sup>th</sup> and 59<sup>th</sup> (1959-1962)

**Honorable Lester Sickels** (Ringgold County): 58<sup>th</sup> and 59<sup>th</sup> (1959-1962)

**Honorable Keith L. Vetter** (Washington County): 60<sup>th</sup>, 60<sup>th</sup> X, and 62<sup>nd</sup> (1963-1964 and 1967-1968)

**Honorable Paul M. Walter** (Hardin County): 53<sup>rd</sup>, 54<sup>th</sup>, 55<sup>th</sup>, 56<sup>th</sup>, 57<sup>th</sup>, 58<sup>th</sup>, 59<sup>th</sup>, 60<sup>th</sup>, and 60<sup>th</sup> X (1949-1964)

Candle Lighters

Senator Gene Fraise  
Senator John Putney  
Representative Jack E. Drake  
Representative Jodi S. Tymeson

Senate Memorial Committee

Senator Richard F. Drake  
Senator Julie M. Hosch  
Senator E. Thurman Gaskill  
Senator Michael W. Connolly  
Senator John P. Kibbie  
Senator Daryl Beall

Hosts

Senator Julie M. Hosch  
Representative Vicki S. Lensing  
Representative Robert M. Hogg  
Representative Pam Jochum  
Representative John H. Connors

House Memorial Committee

Representative Sandra H. Greiner  
Representative Dwayne A. Alons  
Representative Jim Lykam  
Representative Dolores M. Mertz

Flowers Arranged by The Bloomin' Greenery, Indianola, Iowa  
Piano Furnished by Rieman Music

# JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day - Sixty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 10, 2003

The House met pursuant to adjournment at 8:44 a.m., Speaker Rants in the chair.

Prayer was offered by Allan Thoreson, Retired ELCA Pastor and visitation pastor of Memorial Lutheran Church, Nevada. He was the guest of Representative Mark Smith of Marshall County.

The Journal of Wednesday, April 9, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## INTRODUCTION OF BILL

**House File 676**, by committee on government oversight, a bill for an act establishing a veterans trust fund under the control of the commission of veterans affairs and making an appropriation.

Read first time and referred to committee on **appropriations**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Webster on request of Myers of Johnson.

On motion by Gipp of Winneshiek, the House was recessed at 8:50 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 12:58 p.m., Baudler of Adair in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-eight members present, forty-two absent.

## SPECIAL PRESENTATION

Watts of Dallas introduced to the House, Jill Martin, the winner of the Prudential Spirit of Community Award for outstanding service in volunteering. She was accompanied by her parents, Paul and Sara Martin, brother Kyle and friend of the family Bettie Nixon.

Jenkins of Black Hawk introduced to the House, Justin Peters, also a winner of the Prudential Spirit of Community Award for outstanding service in volunteering. He was accompanied by his parents, Tony and Pat Peters.

The House rose and expressed its welcome and appreciation.

The House stood at ease at 1:14 p.m., until the fall of the gavel.

The House resumed session at 2:45 p.m., Jacobs of Polk in the chair.

## CONSIDERATION OF BILLS

### Appropriations Calendar

House File 667, a bill for an act relating to and making appropriations for health and human services to the department of elder affairs, the Iowa department of public health, the department of inspections and appeals, the department of human services, and the commission of veterans affairs, and providing effective dates, was taken up for consideration.

Heaton of Henry offered the following amendment H-1308 filed by him and moved its adoption:

H-1308

- 1 Amend House File 667 as follows:
- 2 1. Page 4, line 34, by striking the figure "7.05"

- 3 and inserting the following: "7.75".
- 4 2. Page 5, line 8, by striking the figure
- 5 "147.10" and inserting the following: "149.10".
- 6 3. Page 7, line 34, by striking the figure
- 7 "51.15" and inserting the following: "53.15".
- 8 4. Page 29, by inserting after line 13, the
- 9 following:
- 10 "\_\_\_ The department may either continue or
- 11 reprocure the contract existing on June 30, 2003, with
- 12 the department's fiscal agent."
- 13 5. Page 52, line 8, by striking the figure "5.17"
- 14 and inserting the following: "4.26".
- 15 6. Page 66, line 17, by striking the figure
- 16 "7,180,814" and inserting the following: "7,480,814".
- 17 7. Page 66, line 18, by striking the word "It"
- 18 and inserting the following: "1. It".
- 19 8. Page 66, by inserting after line 21, the
- 20 following:
- 21 "2. Notwithstanding section 249H.7, the department
- 22 of elder affairs shall distribute up to \$300,000 of
- 23 the funds appropriated in this section in a manner
- 24 that will supplement and maximize federal funds under
- 25 the federal Older Americans Act and shall not use the
- 26 amount distributed for any administrative purposes of
- 27 either the department of elder affairs or the area
- 28 agencies on aging."
- 29 9. By renumbering as necessary.

Amendment H-1308 was adopted.

Osterhaus of Jackson offered the following amendment H-1306 filed by him and moved its adoption:

H-1306

- 1 Amend House File 667 as follows:
- 2 1. Page 7, line 33, by striking the figure
- 3 "666,717" and inserting the following: "766,717".

Amendment H-1306 lost.

Carroll of Poweshiek offered amendment H-1313 filed by Kurtenbach of Story as follows:

H-1313

- 1 Amend House File 667 as follows:
- 2 1. Page 15, by inserting after line 6, the
- 3 following:

4 "14A. To be credited to the Iowa marriage  
5 initiative grant fund created in section 234.35:  
6 ..... \$ 85,000  
7 a. Moneys credited to the Iowa marriage initiative  
8 grant fund under this subsection are appropriated to  
9 the department for the fiscal year beginning July 1,  
10 2003, and ending June 30, 2004, to be used in  
11 accordance with this section.  
12 b. The department shall establish an Iowa  
13 fatherhood and family initiative grant program  
14 utilizing funds credited to the Iowa marriage  
15 initiative grant fund created in section 234.35 to  
16 fund services to support fatherhood and to encourage  
17 the formation and maintenance of two-parent families  
18 that are secure and nurturing. The department of  
19 human services shall adopt rules pursuant to chapter  
20 17A to administer the grant fund and to establish  
21 procedures for awarding of grants.  
22 c. The program shall require that a grantee be a  
23 nonprofit organization incorporated in this state with  
24 demonstrated successful experience in facilitating  
25 fatherhood promotion activities, marriage and family  
26 promotion activities, in using media resources to  
27 promote fatherhood and marriage and family formation,  
28 in making presentations to service or faith-based  
29 organizations, and in raising private funding for  
30 activities that support fatherhood, marriage, and  
31 families.  
32 d. Preference in awarding grants may be given to  
33 those nonprofit organizations working with faith-based  
34 groups and those groups targeting young fathers.  
35 e. The program activities funded by a grant shall  
36 include but are not limited to all of the following:  
37 (1) Working with individuals who have a  
38 demonstrated ability in working with at-risk fathers  
39 or working with those who may solemnize marriages  
40 pursuant to section 598.10 to utilize premarital  
41 diagnostic tools, to implement marriage agreements  
42 developed by the individuals who may solemnize  
43 marriages pursuant to section 595.10 that provide for  
44 an appropriate engagement period and premarital and  
45 post marital counseling, and to use volunteer mentors  
46 in program activities.  
47 (2) Provision of a series of meetings sharing best  
48 practices that encourage young fathers to fulfill  
49 their responsibilities to the expectant mother of the  
50 child during the pregnancy, and to the mother of the

Page 2

1 child following the birth of the child, that promote  
2 happy and healthy marriages, and that offer counseling

- 3 to determine the father's level of commitment to the  
4 child and the child's mother.
- 5 f. The program activities funded by a grant shall  
6 be privately funded at no less than fifty percent of  
7 the grant amount.
- 8 g. Grants shall be awarded in a manner that  
9 results in provision of services throughout the state  
10 in an equal number of urban and rural geographic  
11 areas.
- 12 h. The department shall implement the grant  
13 program so that the initial request for proposals is  
14 issued on or before October 1, 2003, and so that any  
15 grants are awarded on or before January 1, 2004.
- 16 i. A grantee shall submit a quarterly financial  
17 report to the department and to the legislative fiscal  
18 bureau and shall be subject to an annual independent  
19 evaluation to assess accomplishment of the purposes of  
20 the program.
- 21 j. The department shall provide a copy of the  
22 request for proposals and shall submit a report  
23 concerning the proposals received and grants awarded  
24 to those persons designated by this division of this  
25 Act to receive reports.
- 26 k. The department may adopt emergency rules to  
27 implement the provisions of this subsection."
- 28 2. By renumbering as necessary.

Carroll of Poweshiek offered the following amendment H-1316, to amendment H-1313, filed by him from the floor and moved its adoption:

H-1316

- 1 Amend the amendment, H-1313, to House File 667 as  
2 follows:
- 3 1. Page 1, line 5, by striking the figure  
4 "234.35" and inserting the following: "234.45".
- 5 2. Page 1, line 15, by striking the figure  
6 "234.35" and inserting the following: "234.45".

Amendment H-1316 was adopted.

Jochum of Dubuque offered the following amendment H-1317, to amendment H-1313, filed by her from the floor and moved its adoption:

H-1317

- 1 . Amend the amendment, H-1313, to House File 667 as  
2 follows:



- 3 1. By striking page 1, line 22 through page 2,  
4 line 4.  
5 2. By renumbering as necessary.

Amendment H-1317 lost.

Carroll of Poweshiek moved the adoption of amendment H-1313, as amended.

A non-record roll call was requested.

The ayes were 50, nays 35.

Amendment H-1313 was adopted.

Heaton of Henry offered amendment H-1302 filed by him as follows:

H-1302

- 1 Amend House File 667 as follows:  
2 1. Page 19, line 9, by striking the word  
3 "reducing" and inserting the following: "in order to  
4 increase".  
5 2. Page 20, by striking lines 26 through 29.  
6 3. Page 27, by striking lines 4 and 5, and  
7 inserting the following: "community-based waivers,  
8 the total number of openings at any one time".  
9 4. Page 29, by striking lines 1 through 5.  
10 5. Page 32, by striking lines 3 through 12.  
11 6. Page 32, by inserting after line 16 the  
12 following:  
13 " \_\_\_\_\_. If the department receives additional  
14 funding from the federal government designated for  
15 purposes of improving child care quality, the funding  
16 shall be used for additional child care consultant  
17 positions within the department's field operations."  
18 7. Page 32, line 26, by striking the figure  
19 "5,750,338" and inserting the following: "6,160,878".  
20 8. Page 32, by striking lines 28 through 30.  
21 9. Page 32, line 34, by striking the figure  
22 "9,046,469" and inserting the following:  
23 "10,285,696".  
24 10. Page 33, by striking lines 14 through 18.  
25 11. Page 33, line 26, by striking the figure  
26 "109,285,212" and inserting the following:  
27 "107,091,253".  
28 12. Page 34, line 2, by striking the figure

29 "31,909,683" and inserting the following:  
30 "30,154,516".  
31 13. Page 35, by striking lines 13 through 32.  
32 14. Page 36, lines 7 and 8, by striking the words  
33 and figure "at least \$1,135,288" and inserting the  
34 following: "up to \$915,892".  
35 15. Page 38, line 25, by striking the figure  
36 "3,281,589" and inserting the following: "3,062,193".  
37 16. Page 39, line 17, by inserting after the word  
38 "Act" the following: "or the federal Social Security  
39 Act is amended to allow Title IV-E funding to be used  
40 for subsidized guardianship,".  
41 17. Page 39, by striking lines 24 through 26 and  
42 inserting the following:  
43 " \_\_\_\_\_. The department shall develop a plan for  
44 privatizing the administration of the foster care and  
45 adoption programs. The plan shall be submitted to the  
46 governor and the general assembly on or before  
47 December 15, 2003."  
48 18. Page 42, line 7, by striking the figure  
49 "16,368,110" and inserting the following:  
50 "16,912,302".

## Page 2

1 19. Page 47, by inserting after line 5 the  
2 following:  
3 " \_\_\_\_\_. The state resource centers shall develop a  
4 proposal providing options for addressing the service  
5 needs of persons with developmental disabilities who  
6 behave in a manner that presents a danger to  
7 themselves or to others. The proposal shall be  
8 submitted to the governor and general assembly on or  
9 before December 15, 2003."  
10 20. Page 50, line 7, by striking the words  
11 "recoupment of" and inserting the following:  
12 "recoupment of at least".  
13 21. Page 50, by striking lines 12 and 13 and  
14 inserting the following: "a contract shall be  
15 considered to be repayment receipts and used".  
16 22. Page 50, line 24, by striking the figure  
17 "1,771.50" and inserting the following: "1,800.00".  
18 23. Page 57, by inserting after line 20 the  
19 following:  
20 "Sec. \_\_\_\_\_. VEHICLE DEPRECIATION. The following  
21 facilities and institutions administered by the  
22 department of human services are exempt from the  
23 depreciation requirement in section 18.120, subsection  
24 1, and the appropriations for the facilities,  
25 institutions, and the department shall not be charged  
26 for vehicle depreciation otherwise attributable to the  
27 facilities and institutions during the fiscal year

28 beginning July 1, 2003:

- 29 1. The state juvenile institutions.
- 30 2. The state resource centers.
- 31 3. The state mental health institutes.
- 32 4. The unit for commitment of sexually violent
- 33 predators located at the state mental health institute
- 34 at Cherokee."
- 35 24. Page 58, lines 9 and 10, by striking the
- 36 words "state laws, regulations, policies, and".
- 37 25. Page 58, lines 13 and 14, by striking the
- 38 words "and child support systems" and inserting the
- 39 following: "system".
- 40 26. Page 58, by inserting after line 17 the
- 41 following:
- 42 "(2A) Continuation of child support program
- 43 efforts to assist fathers in providing for their
- 44 children and remaining engaged in their children's
- 45 lives while complying with federal requirements. The
- 46 efforts may include continuing the fatherhood internet
- 47 site, seeking additional federal access and visitation
- 48 grants, and applying for other federal funds that
- 49 become available, for the purpose of actively engaging
- 50 fathers in the lives of their children."

Page 3

- 1 27. Page 59, by striking line 1.
- 2 28. Page 65, by inserting after line 29 the
- 3 following:
- 4 "\_\_\_\_. The provision under the appropriation for
- 5 child and family services, relating to the
- 6 requirements in section 237.5A involving a foster
- 7 parent unable to complete annual training due to being
- 8 engaged in active duty in the military service."
- 9 29. By renumbering as necessary.

Heaton of Henry offered the following amendment H-1314, to amendment H-1302; filed by him from the floor and moved its adoption:

H-1314

- 1 Amend the amendment, H-1302, to House File 667 as
- 2 follows:
- 3 1. Page 1, by striking line 10.
- 4 2. By renumbering as necessary.

Amendment H-1314 was adopted.

Division of amendment H-1302, as amended, was requested as follows:

- Page 1 – Lines 3 through 50, Division A
- Page 2 – Lines 1 through 17, Division A
- Page 2 – Lines 18 through 34, Division B
- Page 3 – Lines 1 through 9, Division A

On motion by Heaton of Henry, amendment H-1302A, as amended, was adopted.

Osterhaus of Jackson offered the following amendment H-1307 filed by him and moved its adoption:

H-1307

- 1 Amend House File 667 as follows:
- 2 1. Page 22, line 11, by striking the figure
- 3 "5,482,793" and inserting the following: "5,912,793".

Amendment H-1307 lost.

Heaton of Henry offered the following amendment H-1305 filed by him and moved its adoption:

H-1305

- 1 Amend House File 667 as follows:
- 2 1. Page 28, by inserting after line 16 the
- 3 following:
- 4 "\_\_\_ . The department shall implement the
- 5 elimination of hospital crossover claims for dually
- 6 eligible federal Medicare and medical assistance
- 7 program beneficiaries for hospitals licensed under
- 8 chapter 135B, only if approval of a medical assistance
- 9 state plan amendment is received from the centers for
- 10 Medicare and Medicaid services of the United States
- 11 department of health and human services that protects
- 12 hospitals from financial losses specifically due to
- 13 the hospital crossover claims process under the
- 14 medical assistance program or the Medicare cost
- 15 reports."
- 16 2. By renumbering as necessary.

Amendment H-1305 was adopted.

Petersen of Polk offered amendment H-1309 filed by Petersen, et al., as follows:

H-1309

1 Amend House File 667 as follows:

2 1. Page 32, by inserting after line 16, the  
3 following:

4 " \_\_\_\_\_. a. The department shall develop consumer  
5 information material to assist parents in selecting a  
6 child care provider. In developing the material, the  
7 department shall consult with department of human  
8 services staff, department of education staff, the  
9 state child care advisory council, the Iowa  
10 empowerment board, and child care resource and  
11 referral services. In addition, the department may  
12 consult with other entities at the local, state, and  
13 national level.

14 b. The consumer information material developed by  
15 the department for parents and other consumers of  
16 child care services shall include but is not limited  
17 to all of the following:

18 (1) A pamphlet or other printed material  
19 containing consumer-oriented information on locating a  
20 quality child care provider.

21 (2) Information explaining important  
22 considerations a consumer should take into account in  
23 selecting a licensed or registered child care  
24 provider.

25 (3) Information explaining how a consumer can  
26 identify quality services, including what questions to  
27 ask of providers and what a consumer might expect or  
28 demand to know before selecting a provider.

29 (4) An explanation of the applicable laws and  
30 regulations written in layperson's terms.

31 (5) An explanation of what it means for a provider  
32 to be licensed, registered, or unregistered.

33 (6) An explanation of the information considered  
34 in registry and record background checks.

35 (7) Other information deemed relevant to  
36 consumers.

37 c. The department shall implement and publicize an  
38 internet page or site that provides all of the  
39 following:

40 (1) The written information developed pursuant to  
41 paragraphs "a" and "b".

42 (2) Regular informational updates, including when  
43 a child care provider was last subject to a state  
44 quality review or inspection and, based upon a final  
45 score or review, the results indicating whether the  
46 provider passed or failed the review or inspection.

47 (3) Capability for a consumer to be able to access  
48 information concerning child care providers, such as  
49 informational updates, identification of provider  
50 location, name, and capacity, and identification of

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1 providers participating in the state child care  
2 assistance program, by sorting the information or  
3 employing other means that provide the information in  
4 a manner that is useful to the consumer.  
5 (4) Other information deemed appropriate by the  
6 department."  
7 2. By renumbering as necessary.

Petersen of Polk offered the following amendment H-1315, to amendment H-1309, filed by her from the floor and moved its adoption:

H-1315

1 Amend the amendment, H-1309, to House File 667 as  
2 follows:  
3 1. Page 2, line 2, by inserting after the word  
4 "program" the following: "and those participating in  
5 the child care food program".

Amendment H-1315 was adopted.

Petersen of Polk offered the following amendment H-1319, to amendment H-1309, filed by her from the floor and moved its adoption:

H-1319

1 Amend the amendment, H-1309, to House File 667 as  
2 follows:  
3 1. Page 2, line 4, by inserting after the word  
4 "consumer." the following: "Information regarding  
5 provider location shall identify providers located in  
6 the vicinity of an address selected by a consumer and  
7 provide contact information without listing the  
8 specific addresses of the providers."

Amendment H-1319 was adopted.

On motion by Petersen of Polk, amendment H-1309, as amended, was adopted.

Heddens of Story offered the following amendment H-1310 filed by her and moved its adoption:

H-1310

- 1 Amend House File 667 as follows:
- 2 1. Page 50, line 23, by striking the figure
- 3 "50,657,828" and inserting the following:
- 4 "50,875,728".
- 5 2. Page 51, line 13, by striking the figure
- 6 "10,803,626" and inserting the following:
- 7 "11,203,626".

Amendment H-1310 lost.

On motion by Heaton of Henry, amendment H-1302B was adopted.

Hansen of Pottawattamie offered the following amendment H-1312 filed by him and moved its adoption:

H-1312

- 1 Amend House File 667 as follows:
- 2 1. Page 59, by inserting before line 25 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 514I.4, Code 2003, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 1A. The director, with the
- 7 approval of the board, may contract with participating
- 8 insurers to provide dental only services.
- 9 Sec. \_\_\_\_ Section 514I.5, Code 2003, is amended by
- 10 adding the following new subsection:
- 11 NEW SUBSECTION. 9. The hawk-i board may provide
- 12 approval to the director to contract with
- 13 participating insurers to provide dental only
- 14 services. In determining whether to provide such
- 15 approval to the director, the board shall take into
- 16 consideration the impact on the overall program of
- 17 single source contracting for dental services."
- 18 2. By renumbering as necessary.

Amendment H-1312 was adopted.

Dix of Butler offered the following amendment H-1311 filed by him and moved its adoption:

H-1311

1 Amend House File 667 as follows:

2 1. Page 69, by inserting after line 20, the  
3 following:

4 "DIVISION VI

5 MEDICAL ASSISTANCE PROGRAM SUPPLEMENTATION

6 Sec. \_\_\_\_ MEDICAL ASSISTANCE APPROPRIATION

7 SUPPLEMENTATION – FISCAL YEAR 2002-2003. There is

8 appropriated from the following sources, to the

9 department of human services, for the fiscal year

10 beginning July 1, 2002, and ending June 30, 2003, the

11 following amounts, or so much thereof as is necessary,

12 to supplement the appropriations made for the medical

13 assistance program for that fiscal year:

14 1. From the general fund of the state:

15 ..... \$ 41,535,000

16 2. From the senior living trust fund created in

17 section 249H.4:

18 ..... \$ 9,465,000

19 3. From the hospital trust fund created in section

20 249I.4:

21 ..... \$ 7,000,000"

22 Sec. \_\_\_\_ MEDICAL ASSISTANCE PROGRAM – REVERSION

23 TO SENIOR LIVING TRUST FUND FOR FY 2002-2003.

24 Notwithstanding section 8.33, if moneys appropriated

25 in this division for supplementation of the medical

26 assistance program appropriation for the fiscal year

27 beginning July 1, 2002, and ending June 30, 2003, from

28 the general fund of the state, the senior living trust

29 fund, and the hospital trust fund are in excess of

30 actual expenditures for the medical assistance program

31 and remain unencumbered or unobligated at the close of

32 the fiscal year, the excess moneys shall not revert

33 but shall be transferred to the senior living trust

34 fund created in section 249H.4.

35 Sec. \_\_\_\_ EFFECTIVE DATE. This division of this

36 Act, being deemed of immediate importance, takes

37 effect upon enactment."

Amendment H-1311 was adopted.

Whitaker of Van Buren offered amendment H-1301 filed by him as follows:

H-1301

1 Amend House File 667 as follows:

2 1. Page 72, by inserting after line 7 the  
3 following:



## "DIVISION VII

- 4  
5 Sec. \_\_\_\_ STATE WORKERS – ACTIVE DUTY –  
6 EMPLOYMENT RETENTION. If a state employee employed by  
7 the department of elder affairs, the Iowa department  
8 of public health, the department of inspections and  
9 appeals, the department of human services, or the  
10 commission of veterans affairs is called to engage in  
11 active duty in the military service, in addition to  
12 complying with the requirements of section 29A.28, the  
13 position of the state employee shall be retained for  
14 the employee until the employee's return from active  
15 duty. Following completion of the active duty the  
16 employee shall be allowed to return to the same  
17 position as that which the employee left to engage in  
18 active duty, and the employee's engagement in active  
19 duty shall not affect the employee's classification,  
20 pay, or benefits.  
21 Sec. \_\_\_\_ EFFECTIVE DATE. This division of this  
22 Act, being deemed of immediate importance, takes  
23 effect upon enactment."  
24 2. By renumbering as necessary.

Murphy of Dubuque offered the following amendment H-1318, to amendment H-1301, filed by him from the floor and moved its adoption:

## H-1318

- 1 Amend the amendment, H-1301, to House File 667 as  
2 follows:  
3 1. Page 1, line 17, by inserting after the word  
4 "position" following: "in the same county".

Amendment H-1318 was adopted.

Whitaker of Van Buren asked and received unanimous consent that amendment H-1301, as amended, be deferred.

Gipp of Winneshiek asked and received unanimous consent that House File 667 be deferred and that the bill retain its place on the calendar.

## Regular Calendar

House File 541, a bill for an act relating to the fee and use of fee for a certificate of birth, was taken up for consideration.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-1110 filed by him on March 19, 2003.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1297 filed by him on April 9, 2003.

Wilderdyke of Harrison 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. 541)

The ayes were, 78:

Alons	Arnold	Baudler	Bell
Boddicker	Bogges	Chambers	Cohoon
Connors	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Hunter	Huseman
Hutter	Jenkins	Jochum	Jones
Klemme	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	Murphy	Myers	Oldson
Olson, S.	Osterhaus	Petersen	Quirk
Rants, Spkr.	Rasmussen	Reasoner	Roberts
Schickel	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Jacobs,		
	Presiding		

The nays were, 20:

Berry	Boal	Carroll	Dandekar
Eichhorn	Elgin	Fallon	Greiner
Horbach	Huser	Kramer	Manternach
McCarthy	Mertz	Olson, D.	Paulsen
Raecker	Rayhons	Sands	Shoultz

Absent or not voting, 2:

Bukta	Miller
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 541** be immediately messaged to the Senate.

The House resumed consideration of **House File 667**, found on pages 1067 through 1079 of the House Journal and amendment H-1301, as amended, previously deferred.

Whitaker of Van Buren asked and received unanimous consent to withdraw amendment H-1301, as amended and previously deferred.

Heaton of Henry 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. 667)

The ayes were, 60:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Hahn	Hansen	Hanson	Heaton
Hoffman	Horbach	Huseman	Hutter
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Maddox
Manternach	Myers	Olson, S.	Paulsen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Smith	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Whitead	Wildurdyke	Jacobs,
			Presiding

The nays were, 37:

Bell	Berry	Cohoon	Connors
Dandekar	Fallon	Foege	Ford
Frevert	Gaskill	Greimann	Heddens
Hogg	Hunter	Huser	Jochum
Kuhn	Lensing	Lykam	McCarthy

Mertz	Murphy	Oldson	Olson, D.
Osterhaus	Petersen	Reasoner	Shoultz
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Wendt	Whitaker	Winckler
Wise			

Absent or not voting, 3:

Bukta	Mascher	Miller
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### INTRODUCTION OF BILL

**House File 677**, by committee on ways and means, a bill for an act relating to new capital investment for businesses and new jobs by creating a new capital investment program, creating tax incentives, and amending the new jobs and income program.

Read first time and placed on the **ways and means calendar**.

### HOUSE FILE 263 WITHDRAWN

Wilderdyke of Harrison asked and received unanimous consent to withdraw House File 263 from further consideration by the House.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 667** be immediately messaged to the Senate.

### HOUSE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Gipp of Winneshiek asked and received unanimous consent that the following House Files be placed on the unfinished business calendar:

House File 169  
House File 211  
House File 358  
House File 598  
House File 660

## BILLS 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 bills have 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 10<sup>th</sup> day of April, 2003: House Files 85, 381, 396, 472, 612 and 636.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 9, 2003, he approved and transmitted to the Secretary of State the following bills:

House File 175, an Act relating to the use of physical plant and equipment levy revenue, and providing an effective date.

House File 216, an Act relating to intelligence data and intelligence assessment dissemination to an agency, organization, or person, and providing an effective date.

House File 240, an Act relating to the composition of the Iowa Egg Council.

House File 249, an Act relating to the manufacture, delivery, possession with the intent to manufacture or deliver, or conspiring to manufacture, deliver, or possess with the intent to manufacture or deliver flunitrazepam, and providing a penalty.

House File 254, an Act providing that revenues deposited in the state Conservation Fund are temporarily exempt from reversion and providing an effective date.

House File 289, an Act relating to electronic financial transactions with county treasurers.

House File 341, an Act relating to personnel and instructors employed by community colleges.

House File 342, an Act relating to the use of sick leave by certain members of the Iowa Department of Public Safety Peace Officers' Retirement, Accident, and Disability System who are temporarily incapacitated for duty and providing an effective date.

House File 479, an Act designating advanced registered nurse practitioners as providers of health care services pursuant to managed care or prepaid services contracts under the medical assistance program.

House File 503, an Act relating to the authorization of podiatrists to administer anesthesia.

House File 615, an Act to legalize the proceedings of the City Council of the City of Urbandale relating to the approval of a partial exemption from property taxation of actual value added to industrial real estate, and providing for effective and applicability dates.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 8, 2003. Had I been present, I would have voted "aye" on Senate File 272, 433; and "nay" amendments H-1296 and H-1273 to Senate File 433.

HOFFMAN of Crawford

### 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

- |           |   |
|-----------|---|
| 2003\1167 | Floris M. Waller, Cedar Falls – For celebrating her 80 <sup>th</sup> birthday.                          |
| 2003\1168 | Robert and Elizabeth Smith, Springville – For celebrating their 64 <sup>th</sup> wedding anniversary.   |
| 2003\1169 | Larry and Shirley Geske, Marion – For celebrating their 50 <sup>th</sup> wedding anniversary.           |
| 2003\1170 | Lloyd and Martha McDonald, New Providence – For celebrating their 50 <sup>th</sup> wedding anniversary. |
| 2003\1171 | Bernice Bangasser, Ackley – For celebrating her 80 <sup>th</sup> birthday.                              |
| 2003\1172 | Ernest Barz, Eldora – For celebrating his 80 <sup>th</sup> birthday.                                    |
| 2003\1173 | Irma Schwarck, Eldora – For celebrating her 98 <sup>th</sup> birthday.                                  |
| 2003\1174 | Vernon and Joann Katzer, Le Grand – For celebrating their 50 <sup>th</sup> wedding anniversary.         |
| 2003\1175 | Mary and Norman Holmes, Gilman – For celebrating their 60 <sup>th</sup> wedding anniversary.            |

- 2003\1176 Darlene and George Konicek, Clutier – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\1177 Edna Mixdorf, Independence – For celebrating her 95<sup>th</sup> birthday.
- 2003\1178 Lulu Schau, Charter Oak – For celebrating her 90<sup>th</sup> birthday.
- 2003\1179 Hattie Susie, Battle Creek – For celebrating her 90<sup>th</sup> birthday.
- 2003\1180 Melvin and Marion Quandt, Schleswig – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1181 Frances and Henrietta Dick, Sigourney – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\1182 H. Elaine Grobe, Oakland – For celebrating her 90<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENT

##### **Senate File 393 (Committee of the Whole)**

Agriculture: Greiner, Chair; Alons, Baudler, Davitt, De Boef, Dolecheck, J. Drake, Frevert, Huseman, Klemme, Kuhn, Lalk, Manternach, Mertz, S. Olson, Quirk, Rayhons, Stevens, Struyk, Swaim, Whitaker.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 311 Ways and Means**

Relating to the transfer of certain property-related tax credits.

##### **H.S.B. 312 Ways and Means**

Relating to taxation of property and income and including effective date and applicability date provisions.

##### **H.S.B. 313 Ways and Means**

Relating to urban renewal and tax increment financing and including effective and retroactive applicability date provisions.

#### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation 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

**Senate File 341**, a bill for an act regulating the balance of competitive forces in swine and beef production by enhancing the welfare of the farming community and by preventing processors from gaining control of beef or swine production, providing for the transfer of provisions, making a penalty applicable, and providing for an effective date.

Fiscal note is not required.

Recommended **Do Pass** April 9, 2003.

**Senate File 392**, a bill for an act relating to the animal agriculture compliance Act, providing for penalties, and providing an effective date.

Fiscal note is not required.

Recommended **Do Pass** April 9, 2003

**Senate File 393**, a bill for an act relating to the agricultural development authority by providing for its organization and administration.

Fiscal note is not required.

Recommended **Do Pass** April 9, 2003.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 33), relating to licenses for bait dealers by creating resident and nonresident wholesale bait dealer licenses, providing reciprocity, and providing effective and applicability dates.

Fiscal note is not required.

Recommended **Do Pass** April 10, 2003.

**Committee Bill** (Formerly House File 399), relating to the new jobs and income program and providing a tax credit.

Fiscal note is not required.

Recommended **Do Pass** April 10, 2003.

**Committee Bill** (Formerly House File 491), relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability.

Fiscal note is not required.

Recommended **Do Pass** April 10, 2003.



**Committee Bill** (Formerly House File 620), relating to new capital investment for businesses and new jobs by creating a new capital investment program, creating tax incentives, and amending the new jobs and income program.

Fiscal note is not required.

Recommended **Amend and Do Pass** April 8, 2003.

### AMENDMENT FILED

H—1320      H.F.      169      Drake of Pottawattamie

On motion by Gipp of Winneshiek the House adjourned at 4:52 p.m., until 8:45 a.m., Friday, April 11, 2003.

# JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 11, 2003

The House met pursuant to adjournment at 8:54 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Chuck Gipp, Majority Leader of the House.

The Journal of Thursday, April 10, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 678**, by committee on commerce, regulation and labor, a bill for an act relating to the imposition of a tax on certain credit unions and including an applicability provision.

Read first time and referred to committee on **appropriations**.

**House File 679**, by committee on ways and means, a bill for an act relating to the new jobs and income program and providing a tax credit.

Read first time and placed on the **ways and means calendar**.

**House File 680**, by committee on ways and means, a bill for an act relating to licenses for bait dealers by creating resident and nonresident wholesale bait dealer licenses, providing reciprocity, and providing effective and applicability dates.

Read first time and placed on the **ways and means calendar**.

**House File 681**, by committee on ways and means, a bill for an act relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability.

Read first time and placed on the **ways and means calendar**.

**House File 682**, by committee on appropriations, a bill for an act relating to wine by providing for native wine permits, providing wine gallonage tax revenue to support grape and wine development, providing for fees, and providing an effective date and retroactive applicability.

Read first time and placed on the **appropriations 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 April 10, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 404, a bill for an act authorizing a sentencing court to issue no-contact orders against persons arrested for any public offense.

Also: That the Senate has on April 10, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 411, a bill for an act providing resident license fees for hunting, fishing, trapping, and related activities to certain persons in the armed forces of the United States.

Also: That the Senate has on April 10, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 412, a bill for an act relating to the amount of mussels and shells which may be taken pursuant to a sport fishing license.

Also: That the Senate has on April 10, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 505, a bill for an act to prohibit unauthorized computer access to operational or support data of a rural water district and a municipal utility and providing a penalty.

Also: That the Senate has on April 10, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 516, a bill for an act relating to composition and responsibilities of the Iowa comprehensive petroleum underground storage tank fund board.

Also: That the Senate has on April 10, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 567, a bill for an act relating to powers of county environmental health specialists and providing a penalty.

MICHAEL E. MARSHALL, Secretary

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 311

Ways and Means: Boal, Chair; Jochum and Kurtenbach.

##### House Study Bill 312

Ways and Means: Carroll, Chair; K. Kramer, Kuhn, Kurtenbach and Shoultz.

##### House Study Bill 313

Ways and Means: K. Kramer, Chair; Hogg, Kurtenbach, Sands and Wendt.

#### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

#### COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House File 651), providing wine gallonage tax revenue to support grape and wine development, and providing an effective date and retroactive applicability.

Fiscal note is not required.

Recommended **Amend and Do Pass** April 10, 2003.

#### RESOLUTION FILED

**HR 54**, by Kuhn, a resolution honoring the city of St. Ansgar and the First Lutheran Church on their sesquicentennial year.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1321	H.F.	567	Senate Amendment
H—1322	H.F.	516	Senate Amendment
H—1323	H.F.	404	Senate Amendment

On motion by Dandekar of Linn the House adjourned at 8:56 a.m., until 1:00 p.m., Monday, April 14, 2003.

# JOURNAL OF THE HOUSE

Ninety-second Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 14, 2003

The House met pursuant to adjournment at 1:09 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Douglas B. Haviland, pastor of Saint John's by the Campus Church, Ames. He was the guest of Representative Lisa Heddens of Story County and Representative Jane Greimann of Story County.

The Journal of Friday, April 11, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by fifty-one Girl Scouts ranging from Daisies to Senior Girl Scouts from Garner, accompanied by their leader, Carmen Ostrem. They were the guests of Representative Henry Rayhons of Hancock County.

## ADOPTION OF HOUSE RESOLUTION 35

Wilderdyke of Harrison, Drake of Pottawattamie and Baudler of Adair called up for consideration **House Resolution 35**, a resolution honoring Bob and Sheila Everhart for their efforts to preserve and promote folk, country, and bluegrass music in the Midwest, and moved its adoption.

The motion prevailed and the resolution was adopted.

## HOUSE FILES REREFERRED TO COMMITTEE

Under the provision of House Rule 45, the following House Files were rereferred to the committees listed:

House File 8  
House File 22  
House File 156

State Government  
Human Resources  
Human Resources

House File 213	Economic Growth
House File 259	Judiciary
House File 330	Human Resources
House File 402	State Government
House File 421	Natural Resources
House File 448	Commerce, Regulation and Labor
House File 481	Human Resources
House File 488	Local Government
House File 513	Natural Resources
House File 519	Natural Resources
House File 527	Human Resources
House File 532	Transportation
House File 533	Environmental Protection
House File 552	Public Safety
House File 566	Judiciary
House File 568	Education
House File 573	Judiciary
House File 579	Education
House File 580	Judiciary
House File 581	Judiciary
House File 587	Judiciary
House File 589	State Government
House File 590	State Government
House File 591	Economic Growth
House File 605	State Government
House File 606	State Government
House File 610	Human Resources
House File 611	Economic Growth
House File 621	Economic Growth
House File 627	Human Resources
House File 630	Human Resources
House File 635	Judiciary
House File 638	Public Safety
House File 649	Public Safety

On motion by Gipp of Winneshiek, the House was recessed at 1:19 p.m., until 3:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 3:05 p.m., Speaker Rants in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Gipp of Winneshiek.

The House stood at ease at 3:05 p.m., until the fall of the gavel.

The House resumed session at 4:09 p.m., Klemme of Plymouth in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

## CONSIDERATION OF BILLS

## Ways and Means Calendar

**House File 654**, a bill for an act relating to the exemption of sand handling and core and mold making equipment and materials used in the mold making process from sales and use taxes, providing refunds, and including effective and retroactive applicability date provisions, was taken up for consideration.

Wise of Lee offered the following amendment H-1281 filed by Wise, et al., and moved its adoption:

H-1281

- 1 Amend House File 654 as follows:
- 2 1. Page 1, line 5, by striking the words ", sand,
- 3 and chemicals".
- 4 2. Page 1, by striking lines 15 through 26.
- 5 3. Title page, line 2, by striking the words "and
- 6 materials".

Division was requested as follows:

Page 1 Lines 2 through 3 – Division A.

Page 1 Lines 4 through 6 – Division B.

On motion by Wise of Lee amendment H-1281A was adopted.



Hogg of Linn offered the following amendment H-1238 filed by him and moved its adoption:

H-1238

- 1 Amend House File 654 as follows:
- 2 1. Page 1, by inserting after line 6 the
- 3 following:
- 4 "This exemption does not apply to a foundry unless
- 5 all of the following conditions are met:
- 6 a. The foundry pays a median wage for hourly,
- 7 nonmanagement employees working at the foundry of at
- 8 least twelve dollars per hour.
- 9 b. The foundry provides at least eighty percent of
- 10 the cost of a standard medical and dental insurance
- 11 plan for all full-time employees working at the
- 12 foundry."

Amendment H-1238 lost.

Jochum of Dubuque offered the following amendment H-1226 filed by her and Shoultz of Black Hawk and moved its adoption:

H-1226

- 1 Amend House File 654 as follows:
- 2 1. Page 1, lines 13 and 14, by striking the words
- 3 and figures "prior to October 1, 2003," and inserting
- 4 the following: "within one hundred twenty days
- 5 following the effective date of this Act".
- 6 2. Page 1, line 21, by striking the words and
- 7 figures "prior to October 1, 2003," and inserting the
- 8 following: "within one hundred twenty days following
- 9 the effective date of this Act".
- 10 3. Page 1, by striking lines 28 through 30 and
- 11 inserting the following: "PROVISION. This Act takes
- 12 effect on the date the general assembly notifies the
- 13 department of revenue and finance of a reduction in or
- 14 the elimination of a specific service or program
- 15 funded by an appropriation from the general fund of
- 16 the state that will at least offset the estimated
- 17 future revenue loss to the general fund of the state
- 18 as a result of the implementation of this Act. If
- 19 this Act takes effect, this Act applies retroactively
- 20 to July 1, 1997."

Amendment H-1226 lost.

Jochum of Dubuque offered the following amendment H-1222 filed by her and moved its adoption:

H-1222

- 1 Amend House File 654 as follows:
- 2 1. Page 1, by striking lines 8 through 14.
- 3 2. Page 1, line 15, by striking the figure "2."
- 4 3. Page 1, lines 17 and 18, by striking the words
- 5 "of sand and chemicals".

Amendment H-1222 lost.

On motion by Wise of Lee amendment H-1281B was adopted.

Hahn of Muscatine 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. 654)

The ayes were, 67:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Carroll	Chambers	Cohoon	Dandekar
De Boef	Dennis	Dolecheck	Drake
Eichhorn	Elgin	Gipp	Granzow
Greiner	Hahn	Hansen	Hanson
Heaton	Hoffman	Horbach	Huser
Hutter	Jacobs	Jenkins	Jones
Kramer	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Manternach	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Smith	Stevens	Struyk	Swaim
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Wilderdye	Wise	Klemme,	
		Presiding	

The nays were, 31:

Connors	Davitt	Dix	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Jochum	Kuhn	Lensing
Mascher	McCarthy	Mertz	Miller •

Murphy  
Shoultz  
Wendt

Myers  
Taylor, D.  
Whitead

Oldson  
Taylor, T.  
Winckler

Osterhaus  
Thomas

Absent or not voting, 2:

Bukta

Huseman

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### HOUSE FILE 26 WITHDRAWN

Hahn of Muscatine asked and received unanimous consent to withdraw House File 26 from further consideration by the House.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 654** be immediately messaged to the Senate.

### 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 April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 170, a bill for an act relating to the criminal offense of identity theft by making changes in the elements of the offense.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 344, a bill for an act allowing a refund of motor fuel taxes paid by a benefited fire district.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 349, a bill for an act relating to the representation of indigent persons and indigent defense claims.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 440, a bill for an act providing for an annual increase in specified state aid to nonpublic schools under prescribed circumstances.

MICHAEL E. MARSHALL, Secretary

### Regular Calendar

**Senate File 155**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Struyk of Pottawattamie 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. 155)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt

Whitaker  
Wise

Whitead  
Klemme,  
Presiding

Wilderdyke

Winckler

The nays were, none.

Absent or not voting, 2:

Bukta

Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 172**, a bill for an act relating to the establishment of a public charter school pilot program and providing effective and applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-1034 filed by the committee on education and moved its adoption:

H-1034

- 1 Amend Senate File 172, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 30, the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 256F.11, as enacted by 2002
- 6 Iowa Acts, chapter 1124, section 11, is amended to
- 7 read as follows:
- 8 SEC. 11. NEW SECTION. 256F.11 FUTURE REPEAL.
- 9 This chapter is repealed effective July 1, 2010
- 10 2011."
- 11 2. By renumbering as necessary.

The committee amendment H-1034 was adopted.

Carroll of Poweshiek offered the following amendment H-1304 filed by him and moved its adoption:

H-1304

- 1 Amend Senate File 172, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 10, by striking the words "Upon
- 4 receipt of such a grant, the" and inserting the
- 5 following: "The."
- 6 2. Page 2, by striking lines 33 and 34, and
- 7 inserting the following: "application procedure for

- 8 ~~the fiscal year beginning not later than July 1, 2002~~  
 9 2004, for purposes of receiving distributing federal  
 10 planning funds".

Amendment H-1304 was adopted.

Carroll of Poweshiek 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. 172)

The ayes were, 71:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Bogges	Carroll
Chambers	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gaskill
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Hoffman
Hogg	Horbach	Hutter	Jacobs
Jenkins	Jones	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
McCarthy	Myers	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Wilderdyke	Wise	Klemme,	
		Presiding	

The nays were, 27:

Berry	Cohoon	Connors	Fallon
Foege	Ford	Frevert	Greimann
Heddens	Hunter	Huser	Jochum
Kuhn	Lensing	Lykam	Mascher
Mertz	Miller	Murphy	Osterhaus
Shoultz	Smith	Taylor, D.	Taylor, T.
Wendt	Whitead	Winckler	

Absent or not voting, 2:

Bukta                      Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## 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 April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 389, a bill for an act providing for miscellaneous technical and substantive changes relating to controlled and precursor substances.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 397, a bill for an act relating to community development block grants to the department of economic development and including effective and retroactive applicability dates.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 502, a bill for an act relating to damage disclosure statements required for transfer of ownership of motor vehicles and providing a penalty.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 509, a bill for an act relating to deer and elk chronic wasting disease by establishing a task force and requiring departmental cooperation in the implementation of a chronic wasting disease administrative strategy, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

**Senate File 397**, a bill for an act relating to the issuance of hunting licenses for antlerless deer, providing for the disposition of harvested deer meat to public institutions, requiring a report, and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Baudler of Adair offered amendment H-1287 filed by the committee on natural resources as follows:

H-1287

- 1 Amend Senate File 397, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:

5 "Section 1. Section 483A.8, Code 2003, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 6. The commission shall provide,  
8 by rule, for the issuance to a nonresident, of a  
9 nonresident antlerless deer hunting license that is  
10 valid for use only during the period beginning on  
11 December 24, 2003, and ending at sunset on January 2,  
12 2004, and costs fifty dollars. A nonresident hunting  
13 deer with a license issued under this subsection shall  
14 be otherwise qualified to hunt deer in this state and  
15 shall have a nonresident hunting license and pay the  
16 wildlife habitat fee. Pursuant to this subsection,  
17 the commission shall make available for issuance only  
18 the remaining nonresident antlerless deer hunting  
19 licenses allocated under subsection 3 that have not  
20 yet been issued for the 2003-2004 antlerless deer  
21 hunting seasons."  
22 2. By renumbering as necessary.

Alons of Sioux offered the following amendment H-1328, to the committee amendment H-1287, filed by him from the floor and moved its adoption:

#### H-1328

1 Amend the amendment, H-1287, to Senate File 397, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting before line 3, the  
5 following:  
6 "\_\_\_ Page 1, by inserting before line 1 the  
7 following:  
8 "Section 1. Section 481A.38, Code 2003, is amended  
9 by adding the following new subsection:  
10 NEW SUBSECTION. 4. The commission shall not adopt  
11 a rule which restricts a person who has been issued an  
12 early muzzleloader season license for deer, and does  
13 not take a deer during that season, from eligibility  
14 to purchase a deer hunting license for the second  
15 regular gun season.""  
16 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 28, nays 50.

Amendment H-1328 lost.



On motion by Baudler of Adair the committee amendment H-1287 was adopted.

Boddicker of Cedar 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. 397)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Klemme, Presiding			

The nays were, none.

Absent or not voting, 3:

Berry	Bukta	Huseman
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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: **Senate Files 155, 172 and 397.**

## 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 April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 390, a bill for an act relating to economic development programs for targeted small businesses.

Also: That the Senate has on April 14, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 391, a bill for an act establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 395, a bill for an act relating to the extension of credit without discrimination under the consumer credit code.

Also: That the Senate has on April 14, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 547, a bill for an act providing for evidence of financial responsibility filed by commercial pesticide applicators.

MICHAEL E. MARSHALL, Secretary

## HOUSE FILE 678 REREFERRED

The Speaker announced that House File 678, previously referred to committee on **appropriations** was rereferred to committee on **ways and means**.

## BILLS 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 bills have 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 14<sup>th</sup> day of April, 2003 : House Files 456, 601, 623 and 652.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 11, 2003, he approved and transmitted to the Secretary of State the following bills:

House File 180, an Act relating to character education and service learning in Iowa's elementary and secondary schools.

House File 339, an Act relating to snowmobile franchises by requiring the repurchase of certain inventory upon termination of a franchise and providing effective and retroactive applicability dates.

House File 659, an Act relating to ownership of alternate energy production facilities by public utilities, making related changes, and providing an effective date.

Senate Joint Resolution 1, a Joint Resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Senate File 134, an Act relating to the various duties of the county treasurer and providing an effective date.

Senate File 224, an Act relating to appeals filed in child in need of assistance and termination of parental rights proceedings.

Senate File 401, an Act relating to tobacco retailers and providing penalties and providing applicability provisions and an effective date.

Senate File 436, an Act making a supplemental appropriation to the Environment First Fund from the cash reserve fund and including an effective date.

### SUBCOMMITTEE ASSIGNMENT

#### Senate File 375

Appropriations: Horbach, Chair; Heaton and Smith.

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 APPROPRIATIONS

**Senate File 439**, a bill for an act relating to and making appropriations to the justice system and providing an effective date.

Fiscal note is not required.

Recommended **Do Pass** April 14, 2003.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

**Senate File 180**, a bill for an act relating to the procedures for handling abandoned property and property presumed to be abandoned.

Fiscal note is not required.

Recommended **Do Pass** April 8, 2003.

**Senate File 313**, a bill for an act concerning public employee collective bargaining.

Fiscal note is not required.

Recommended **Amend and Do Pass with Amendment H-1326** April 10, 2003.

**Senate File 368**, a bill for an act relating to advanced telecommunications services, including modification of rate provisions, economic development promotional certification, and a study of competition and access charges by the utilities board.

Fiscal note is not required.

Recommended **Amend and Do Pass with Amendment H-1327** April 10, 2003.

**Senate File 372**, a bill for an act relating to the licensing of persons providing money transmission and currency exchange services, providing penalties, and providing an effective date.

Fiscal note is not required.

Recommended **Do Pass** April 10, 2003.

**Senate File 386**, a bill for an act requiring the insurance division of the department of commerce to establish a school health insurance reform team study and to make recommendations to the general assembly.

Fiscal note is not required.

Recommended **Amend and Do Pass with Amendment H-1325** April 10, 2003.

**Senate File 405**, a bill for an act relating to the authority of a city to acquire equity interest in business entities for the purpose of participating in electric energy transmission service.

Fiscal note is not required.

Recommended **Do Pass** April 10, 2003.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 275**, a bill for an act relating to the taxation of utilities, including establishment of a natural gas delivery tax rate for new electric power generating plants, establishment of a replacement transmission tax for certain municipal utilities, methods of allocation of replacement generation tax incurred by certain new stand-alone electric power generating plants, a formula for determining taxable value for property generating replacement tax annually, extending the task force, and providing for applicability.

Fiscal note is not required.

Recommended **Do Pass** April 14, 2003.

#### AMENDMENTS FILED

H-1324	H.F.	674	Boddicker of Cedar Tymeson of Madison
H-1325	S.F.	386	Committee on Commerce, Regulation and Labor
H-1326	S.F.	313	Committee on Commerce, Regulation and Labor
H-1327	S.F.	368	Committee on Commerce, Regulating and Labor
H-1329	H.F.	677	Lukan of Dubuque
H-1330	S.F.	366	Eichhorn of Hamilton
H-1331	S.F.	396	Lalk of Fayette
H-1332	S.F.	393	Stevens of Dickinson Greiner of Washington
H-1333	S.F.	275	Baudler of Adair
H-1334	H.F.	547	Senate Amendment
H-1335	H.F.	391	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned at 6:04 p.m., until 8:45 a.m., Tuesday, April 15, 2003.

# JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 15, 2003

The House met pursuant to adjournment at 8:47 a.m., Speaker Rants in the chair.

Prayer was offered by Bishop Alan Scarfe, Bishop of the Episcopal Church of Iowa, Des Moines. He was the guest of Representative Rob Hogg of Linn County.

The Journal of Monday, April 14, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

Prior to convening the House was entertained by the singing of Paul Olson, Jeff Kessler, Ayron Hyatt, John Sankey and Zach Edge of the Ankeny High School singers, "Skim Milk".

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Gipp of Winneshiek.

## 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 April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 380, a bill for an act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 446, a bill for an act relating to dealership agreements, and providing for the Act's applicability.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 480, a bill for an act relating to the shelter assistance fund.

Also: That the Senate has on April 14, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 534, a bill for an act providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, and providing an effective date.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 619, a bill for an act relating to health care including reimbursement of health care facilities based on resident program eligibility and providing effective dates and a contingent effective date.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGE CONSIDERED

**Senate File 440**, by committee on appropriations, a bill for an act providing for an annual increase in specified state aid to nonpublic schools under prescribed circumstances.

Read first time and referred to committee on **appropriations**.

The House stood at ease at 8:52 a.m., until the fall of the gavel.

The House resumed session at 11:12 a.m., Roberts of Carroll in the chair.

## ADOPTION OF HOUSE RESOLUTION 9

Bell of Jasper called up for consideration **House Resolution 9**, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meetings of the World Health Assembly as an observer, and moved its adoption.

The motion prevailed and the resolution was adopted.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 19

Bell of Jasper called up for consideration **House Concurrent Resolution 19**, a concurrent resolution urging a congressional adoption of a free trade agreement between Taiwan and the United States. .

Bell of Jasper offered the following amendment H-1185 filed by him as follows:

H-1185

- 1 Amend House Concurrent Resolution 19 as follows:
- 2 1. Page 1, line 15, by striking the word
- 3 "imports" and inserting the following: "exports".

Amendment H-1185 was adopted.

On motion by Bell of Jasper, House Concurrent Resolution 19, as amended, was adopted.

## 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 April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 392, a bill for an act relating to economic growth strategic planning.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 557, a bill for an act relating to liability for certain health care facilities and health care providers participating in the volunteer health care provider program.

Also: That the Senate has on April 15, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 584, a bill for an act providing for exceptions to municipal tort liability for certain activities.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:



House File 634, a bill for an act relating to the conversion of cooperative associations originally organized as business corporations.

MICHAEL E. MARSHALL, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 3**, a bill for an act relating to the inclusion of certain information in a termination of pregnancy report, with report of committee recommending passage, was taken up for consideration.

Carroll of Poweshiek 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. 3)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Cohon	Connors
Dan Iekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	McCarthy	Mertz
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Roberts,			
Presiding			

The nays were, 5:

Fallon  
Taylor, T.

Foege

Mascher

Miller

Absent or not voting, 2:

Bukta

Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 119**, a bill for an act relating to real estate appraiser certification, with report of committee recommending passage, was taken up for consideration.

Sands of Louisa 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. 119)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts

Wendt  
Winckler

Whitaker  
Wise

Whitead  
Roberts,  
Presiding

Wilderdyke

The nays were, none.

Absent or not voting, 1:

Huseman

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 Concurrent Resolution 19** and **Senate Files 3 and 119**.

**Senate File 201**, a bill for an act relating to a review of statistical information compiled by the board of educational examiners from Praxis II examinations administered to initial, provisional teaching license applicants, with report of committee recommending passage, was taken up for consideration.

Chambers of O'Brien 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. 201)

The ayes were, 64:

Alons	Baudler	Bell	Berry
Boal	Boddicker	Bogges	Carroll
Chambers	Dandekar	De Boef	Dennis
Dix	Drake	Eichhorn	Elgin
Freeman	Gaskill	Granzow	Greiner
Hahn	Hansen	Hanson	Heaton
Hoffman	Horbach	Huser	Hutter
Jacobs	Jenkins	Jones	Klemme
Kurtenbach	Lalk	Lukan	Lykam
Maddox	Manternach	Oldson	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Smith	Struyk
Swaim	Thomas	Tjepkes	Tymeson

Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Whitaker	Wilderdyke	Roberts, Presiding

The nays were, 33:

Arnold	Bukta	Cohoon	Connors
Davitt	Dolecheck	Fallon	Foege
Ford	Frevert	Greimann	Heddens
Hogg	Hunter	Jochum	Kuhn
Lensing	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Olson, D.
Osterhaus	Shoultz	Stevens	Taylor, D.
Taylor, T.	Wendt	Whitead	Winckler
Wise			

Absent or not voting, 3:

Gipp	Huseman	Kramer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 236**, a bill for an act relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Jacobs of Polk 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. 236)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kuhn	Kurtenbach

Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Roberts,	
		Presiding	

The nays were, 2:

Eichhorn                      McCarthy

Absent or not voting, 3:

Gipp                              Huseman                      Kramer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 201 and 236.**

On motion by Klemme of Plymouth, the House was recessed at 11:45 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Horbach of Tama in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

## 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 April 15, 2003, amended and passed the following bill in which the concurrence of the House was asked:

House File 529, a bill for an act directing the mental health and developmental disabilities commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults and children and providing an effective date.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate is asked:

House File 551, a bill for an act providing for a fee for transporting an inmate for medical or dental care.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 604, a bill for an act requiring state government annual reports made to the general assembly to include certain financial information.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 616, a bill for an act prohibiting a cancellation penalty upon cancellation of a purchase agreement for cemetery merchandise, funeral merchandise, and funeral services.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 648, a bill for an act relating to the consolidation of the management of state archives and records and making conforming changes.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 352, a bill for an act relating to the training of an individual who intends to become certified as a law enforcement officer.

MICHAEL E. MARSHALL, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 303**, a bill for an act relating to the contents of certain child abuse assessment reports, with report of committee recommending passage, was taken up for consideration.

Roberts of Carroll in the chair at 1:09 p.m.

Boddicker of Cedar 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. 303)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevort	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Roberts,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Drake

Huseman

Kramer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 303** be immediately messaged to the Senate.

**Senate File 351**, a bill for an act relating to child care requirements involving prohibitions against involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Granzow of Hardin offered the following amendment H-1245 filed by the committee on human resources and moved its adoption:

H-1245

- 1 Amend Senate File 351, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 31, by striking the words "~~may~~"
- 4 shall" and inserting the following: "may".

The committee amendment H-1245 was adopted.

Granzow of Hardin 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. 351)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton



Heddens	Hoffman	Hogg	Horbach
Hunter	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Huseman                      Kramer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 379**, a bill for an act relating to certain agricultural liens, with report of committee recommending amendment and passage, was taken up for consideration.

Rayhons of Hancock offered the following amendment H-1246 filed by the committee on agriculture and moved its adoption:

H-1246

1 Amend Senate File 379, as passed by the Senate, as  
2 follows:

3 1. Page 4, line 33, by inserting after the word  
4 "perfected," the following: "However, a landlord's  
5 lien that is perfected pursuant to section 570.1 shall  
6 have priority over a conflicting agricultural supply  
7 dealer's lien as provided in section 570.1, and a  
8 harvester's lien that is perfected pursuant to section  
9 571.3 shall have priority over a conflicting  
10 agricultural supply dealer's lien as provided in  
11 section 571.3A."

12 2. Page 5, by striking lines 5 through 20.

13 3. Page 7, by striking lines 11 through 21, and

14 inserting the following: "is perfected. A perfected  
 15 harvester's lien shall have priority over a  
 16 conflicting landlord's lien as provided in chapter  
 17 570, regardless of when such landlord's lien is  
 18 perfected."  
 19 4. By striking page 8, line 20, through page 9,  
 20 line 1, and inserting the following: "interest or  
 21 lien in livestock treated by a veterinarian,  
 22 regardless of when such security interest or lien is  
 23 perfected."

The committee amendment H-1246 was adopted.

Rayhons of Hancock 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. 379)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Roberts,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Huseman

Huser

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: **Senate Files 351 and 379.**

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk, until her return, on request of T. Taylor of Linn.

**Senate File 340**, a bill for an act relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations, with report of committee recommending passage, was taken up for consideration.

Raecker of Polk 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. 340)

The ayes were, 95:

Arnold	Baudler	Bell	Berry
Boddicker	Bogges	Bukta	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Hutter	Jacobs

Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Roberts, Presiding	

The nays were, 1:

Frevert

Absent or not voting, 4:

Alons

Boal

Huseman

Huser

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk, until his return, on request of Gipp of Winneshiek.

**Senate File 395**, a bill for an act relating to assistance services provided to the department of agriculture and land stewardship, including for the filing of documents and the payment of fees and civil penalties, and the authorization to assess additional charges, with report of committee recommending passage, was taken up for consideration.

Struyk of Pottawattamie 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. 395)

The ayes were, 94:

Arnold	Baudler	Bell	Berry
Boddicker	Bogges	Bukta	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdye	Winckler
Wise	Roberts,		
	Presiding		

The nays were, 1:

Fallon

Absent or not voting, 5:

Alons	Boal	Huseman	Huser
Raecker			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **Senate File 395** be immediately messaged to the Senate.

**Senate File 394**, a bill for an act relating to the regulation of the grain industry, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Rayhons of Hancock 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. 394)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boguess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Roberts,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Huseman                      Huser

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 396**, a bill for an act providing for the animal unit capacity of pullets for purposes of regulation under the animal agriculture compliance Act, with report of committee recommending amendment and passage, was taken up for consideration.

Lalk of Fayette offered the following amendment H-1247 filed by the committee on agriculture and moved its adoption:

H-1247

- 1 Amend Senate File 396, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 7, the
- 4 following:
- 5 "Sec. \_\_. EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. Title page, line 1, by striking the word
- 8 "pullets" and inserting the following: "fowl".
- 9 3. Title page, line 3, by inserting after the
- 10 word "Act" the following: ", and providing an
- 11 effective date".
- 12 4. By renumbering as necessary.

The committee amendment H-1247 was adopted.

Lalk of Fayette offered the following amendment H-1331 filed by him and moved its adoption:

H-1331

- 1 Amend Senate File 396, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the word "sixty-
- 4 eight" and inserting the following: "one hundred
- 5 twelve".
- 6 2. Page 1, line 4, by striking the word "sixty-
- 7 eight" and inserting the following: "one hundred
- 8 twelve".
- 9 3. Page 1, line 6, by striking the word "twenty"
- 10 and inserting the following: "forty-eight".
- 11 4. Page 1, line 7, by striking the word "twenty"
- 12 and inserting the following: "forty-eight".

Amendment H-1331 was adopted.

Lalk of Fayette 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. 396)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Roberts,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Huseman                      Huser

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 416**, a bill for an act relating to an emergency shelter and support services demonstration project relating to dependent adults, with report of committee recommending amendment and passage, was taken up for consideration.

Upmeyer of Hancock offered the following amendment H-1300 filed by the committee on human resources and moved its adoption:

H-1300

- 1 Amend Senate File 416, as amended, passed, and
- 2 reprinted by the Senate, as follows: •



3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. **NEW SECTION. 231.56A ELDER ABUSE**  
6 **EMERGENCY SHELTER AND SUPPORT SERVICES PROJECTS.**  
7 1. Through the state's service contract process  
8 adopted pursuant to section 8.47, the department shall  
9 identify area agencies on aging that have demonstrated  
10 the ability to provide a collaborative response to the  
11 immediate needs of elders in the area agency on aging  
12 service area for the purpose of implementing elder  
13 abuse emergency shelter and support services projects.  
14 The projects shall be implemented only in the counties  
15 within an area agency on aging service area that have  
16 a multidisciplinary team established pursuant to  
17 section 235B.1.  
18 2. The target population of the projects shall be  
19 any elder residing in the service area of an area  
20 agency on aging who meets both of the following  
21 conditions:  
22 a. Is the subject of a report of suspected  
23 dependent adult abuse pursuant to chapter 235B.  
24 b. Is not receiving assistance under a county  
25 management plan approved pursuant to section 331.439.  
26 3. The area agencies on aging implementing the  
27 projects shall identify allowable emergency shelter  
28 and support services, state funding, outcomes,  
29 reporting requirements, and approved community  
30 resources from which services may be obtained under  
31 the projects. The area agency on aging shall identify  
32 at least one provider of case management services for  
33 the project area.  
34 4. The area agencies on aging shall implement the  
35 projects and shall coordinate the provider network  
36 through the use of referrals or other engagement of  
37 community resources to provide services to elders.  
38 5. The department shall award funds to the area  
39 agencies on aging in accordance with the state's  
40 service contract process. Receipt and expenditures of  
41 moneys under the projects are subject to examination,  
42 including audit, by the department.  
43 6. This section shall not be construed and is not  
44 intended as, and shall not imply, a grant of  
45 entitlement for services to individuals who are not  
46 otherwise eligible for the services or for utilization  
47 of services that do not currently exist or are not  
48 otherwise available.  
49 Sec. 2. Section 235B.3, subsection 5, Code 2003,  
50 is amended to read as follows:

Page 2

1 5. Following the reporting of suspected dependent

2 adult abuse, the department of human services or an  
3 agency approved by the department shall complete an  
4 assessment of necessary services and shall make  
5 appropriate referrals for receipt of these services.  
6 The assessment shall include interviews with the  
7 dependent adult, and, if appropriate, with the alleged  
8 perpetrator of the dependent adult abuse and with any  
9 person believed to have knowledge of the circumstances  
10 of the case. The department may provide necessary  
11 protective services and may establish a sliding fee  
12 schedule for those persons able to pay a portion of  
13 the protective services.

14 Sec. 3. Section 235B.6, subsection 2, paragraph c,  
15 Code 2003, is amended by adding the following new  
16 subparagraph:

17 NEW SUBPARAGRAPH. (8) An employee of an agency  
18 requested by the department to provide case management  
19 or other services to the dependent adult.

20 Sec. 4. Section 235B.6, subsection 2, paragraph e,  
21 Code 2003, is amended by adding the following new  
22 subparagraph:

23 NEW SUBPARAGRAPH. (10) The long-term care  
24 resident's advocate if the victim resides in a long-  
25 term care facility or the alleged perpetrator is an  
26 employee of a long-term care facility.

27 Sec. 5. Section 235B.6, subsection 3, Code 2003,  
28 is amended to read as follows:

29 3. Access to unfounded dependent adult abuse  
30 information is authorized only to those persons  
31 identified in subsection 2, paragraph "a", paragraph  
32 "b", subparagraphs (2), (5), and (6), and paragraph  
33 "c", ~~subparagraph~~ subparagraphs (2) and (10).

34 Sec. 6. Section 235B.9, subsections 1, 2, and 3,  
35 Code 2003, are amended to read as follows:

36 1. Dependent adult abuse information ~~relating to a~~  
37 ~~particular case of suspected dependent adult abuse~~  
38 which is determined by a preponderance of the evidence  
39 to be founded, shall be sealed ten years after the  
40 receipt of the initial report of such abuse by the  
41 registry unless good cause is shown why the  
42 information should remain open to authorized access.  
43 If a subsequent report of ~~a suspected case of founded~~  
44 dependent adult abuse involving the adult named in the  
45 initial report as the victim of abuse or a person  
46 named in such report as having abused an adult is  
47 received by the registry within the ten-year period,  
48 the information shall be sealed ten years after  
49 receipt of the subsequent report unless good cause is  
50 shown why the information should remain open to

Page 3

- 1 authorized access.
- 2 2. Dependent adult abuse information which ~~cannot~~  
3 ~~be determined by a preponderance of the evidence to be~~  
4 ~~founded or unfounded shall be expunged one year after~~  
5 ~~the receipt of the initial report of abuse and~~  
6 ~~dependent adult abuse information which is determined~~  
7 ~~by a preponderance of the evidence to be unfounded~~  
8 ~~shall be expunged immediately when one year from the~~  
9 ~~date it is determined to be unfounded.~~
- 10 3. However, if a correction of dependent adult  
11 abuse information is requested under section 235B.10  
12 and the issue is not resolved at the end of one year  
13 the information shall be retained until the issue is  
14 resolved and if the dependent adult abuse information  
15 is not determined to be founded, the information shall  
16 be expunged ~~immediately when one year from the date it~~  
17 ~~is determined to be unfounded."~~
- 18 2. Title page, line 1, by striking the words "to  
19 an" and inserting the following: "to dependent adult  
20 abuse including elder abuse".
- 21 3. Title page, by striking line 2 and inserting  
22 the following: "projects".

The committee amendment H-1300 was adopted.

Upmeyer of Hancock 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. 416)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller

Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Roberts,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Huseman

Huser

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 394, 396 and 416.**

**Senate File 393**, a bill for an act relating to the agricultural development authority by providing for its organization and administration, with report of committee recommending passage, was taken up for consideration.

Stevens of Dickinson offered amendment H—1332 filed by him and Greiner of Washington as follows:

H-1332

- 1 Amend Senate File 393, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 23, by striking the word "eleven"
- 4 and inserting the following: "eleven ten".

Greiner of Washington offered the following amendment H—1344, to amendment H—1332, filed by Greiner, Stevens of Dickinson, Drake of Pottawattamie, Mertz of Kossuth and Kuhn of Floyd from the floor and moved its adoption:

H-1344

- 1 Amend the amendment H-1332, to Senate File 393, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 2, the  
 5 following:  
 6 "\_\_\_ Page 1, by striking lines 1 and 2, and  
 7 inserting the following:  
 8 "Sec. \_\_\_. Section 7E.7, subsection 2, Code 2003,  
 9 is amended to read as follows:  
 10 2. The agricultural development authority as  
 11 established in section 175.3 shall be considered part  
 12 of the ~~department of agriculture and land stewardship.~~  
 13 ~~The department of agriculture and land stewardship~~  
 14 ~~office of treasurer of state.~~ The office may provide  
 15 staff assistance and administrative support to the  
 16 authority."  
 17 \_\_\_. Page 1, by striking lines 5 through 7, and  
 18 inserting the following:  
 19 "1. a. The agricultural development authority is  
 20 established within the ~~department of agriculture and~~  
 21 ~~land stewardship~~ office of treasurer of state. The  
 22 authority is constituted as a public."  
 23 2. By renumbering as necessary.

Amendment H-1344 was adopted.

On motion by Stevens of Dickinson, amendment H-1332, as amended, was adopted.

Greiner of Washington 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. 393)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cphoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hutter
Jacobs	Jenkins	Jochum	Jones

Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	Mertz
Miller	Murphy	Myers	Oldson
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swain
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdike	Wise	Roberts, Presiding

The nays were, 3:

McCarthy	Olson, D.	Reasoner
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Absent or not voting, 5:

Greimann	Hunter	Huseman	Huser
Winckler			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **Senate File 393** be immediately messaged to the Senate.

### MOTIONS TO RECONSIDER (Senate File 340)

I move to reconsider the vote by which Senate File 340 passed the House on April 15, 2003.

RAECKER of Polk

I move to reconsider the vote by which Senate File 340 passed the House on April 15, 2003.

KUHN of Floyd

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 15, 2003. Had I been present, I would have voted "aye" on Senate Files 340 and 395.

ALONS of Sioux

I was necessarily absent from the House chamber on April 15, 2003. Had I been present, I would have voted "aye" on Senate Files 340 and 395.

BOAL of Polk

I was necessarily absent from the House chamber on April 10 and April 14, 2003. Had I been present, I would have voted "aye" on House File 541, Senate Files 155 and 397 and "nay" on House Files 654, 667 and Senate File 172.

BUKTA of Clinton

I was necessarily absent from the House chamber on April 15, 2003. Had I been present, I would have voted "aye" on Senate Files 340, 379, 394, 395, 396 and 416 and "nay" on Senate File 393.

HUSER of Polk

I was necessarily absent from the House chamber on April 15, 2003. Had I been present, I would have voted "aye" on Senate File 395.

RAECKER of Polk

## BILLS 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 bills have 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 15<sup>th</sup> day of April, 2003: House Files 411 and 412.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 14, 2003, he approved and transmitted to the Secretary of State the following bills:

House File 85, an Act relating to tip-up fishing in the waters of the Missouri and Big Sioux Rivers and subjecting violators to an existing penalty.

House File 381, an Act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the Anatomical Gift Public Awareness and Transplantation Fund.

House File 396, an Act relating to disaster preparedness and providing an effective date.

House File 472, an Act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

House File 612, an Act relating to the exemption from land ownership restrictions for nonresident aliens under the New Jobs and Income Program.

House File 636, an Act relating to legislative branch consolidation of functions by combining the Legislative Service Bureau, Legislative Fiscal Bureau, and Legislative Computer Support Bureau into a single central legislative staff agency, providing for legislative publications procedures, modifying the sales tax exemption for items sold or services provided by the new agency, including related matters, and providing an effective date.

Senate File 237, an Act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the Water Quality Protection Fund, and appropriating moneys in the account.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Students from Hubbard/Radcliffe School, Radcliffe, Iowa, accompanied by Ona Mae Lettow and Brett Comyges. By Granzow of Hardin.



## COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

## IOWA COMMUNICATIONS NETWORK

The fiscal year 2002 annual report, pursuant to Chapter 8D.3, Code of Iowa.

## AMENDMENTS FILED

H—1336	H.F.	534	Senate Amendment
H—1337	H.F.	584	Senate Amendment
H—1338	S.F.	313	Wise of Lee
H—1339	S.F.	439	Horbach of Tama Lukan of Dubuque
H—1340	H.F.	677	Jochum of Dubuque
H—1341	H.F.	679	Jochum. of Dubuque
H—1342	H.F.	529	Senate Amendment
H—1343	S.F.	439	Horbach of Tama Lukan of Dubuque
H—1345	H.F.	534	Elgin of Linn
H—1346	S.F.	392	Manternach of Jones
H—1347	S.F.	392	Kuhn of Floyd
H—1348	S.F.	392	Kuhn of Floyd

On motion by Jacobs of Polk the House adjourned at 2:48 p.m., until 8:45 a.m., Wednesday, April 16, 2003.

# JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 16, 2003

The House met pursuant to adjournment at 9:08 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Kevin Gingerich, pastor of the United Methodist Church, Bloomfield and Drakesville. He was the guest of Representative Kurt Swaim of Davis County

The Journal of Tuesday, April 15, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## 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 April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 65, a bill for an act relating to motor vehicle operating while intoxicated offenses.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 204, a bill for an act relating to massage therapy by providing for a study regarding the modalities associated with massage therapy and providing a temporary exemption from licensure requirements.

Also: That the Senate has on April 15, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 386, a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 489, a bill for an act relating to programs and services under the purview of the department of human services, and providing for retroactive applicability and effective dates.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 583, a bill for an act relating to governmental ethics disclosure reports, including reports related to receptions for members of the general assembly during session detailing food, beverage, and entertainment received by public officials and public employees, and reports filed by clients of lobbyists before the general assembly and the executive branch pertaining to moneys paid for lobbying purposes.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 656, a bill for an act relating to fees charged for special fire fighter motor vehicle registration plates.

MICHAEL E. MARSHALL, Secretary

### SENATE MESSAGE CONSIDERED

**Senate File 352**, by committee on judiciary, a bill for an act relating to the training of an individual who intends to become certified as a law enforcement officer.

**Read first time and passed on file.**

The House stood at ease at 9:14 a.m., until the fall of the gavel.

The House resumed session at 1:03 p.m., Jenkins of Black Hawk in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-four members present, twenty-six absent.

### 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 April 16, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 493, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship by providing for the elimination of administrative requirements.

Also: That the Senate has on April 16, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 545, a bill for an act relating to the requirements for newspapers designated for official publication purposes.

Also: That the Senate has on April 16, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 603, a bill for an act providing an exception to licensing requirements for certain bingo occasions conducted by nonprofit organizations.

Also: That the Senate has on April 16, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 617, a bill for an act requiring that dealers of certain swine file a surety bond with the department of agriculture and land stewardship.

Also: That the Senate has on April 16, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 624, a bill for an act regulating farm deer, providing for penalties, and providing an effective date.

Also: That the Senate has on April 16, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 628, a bill for an act relating to physician assistant licensure, and providing an effective date.

Also: That the Senate has on April 16, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 641, a bill for an act providing for changes relating to programs under the purview of the Iowa department of public health.

Also: That the Senate has on April 16, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 647, a bill for an act relating to insurance, including various filing and information privacy requirements throughout the insurance code, calculation of assessments by the Iowa individual health benefit reinsurance association, payment of certain insurance fees, certain self-funded insurance plans by school corporations or political subdivisions, designation of the commissioner of insurance as process agent for various entities conducting insurance business in this state, notification provisions relating to the effective date of cancellation of insurance, beneficial stock ownership filings, funding agreements, creating an insurable interest in active or retired employee lives for the benefit of an employer, providing for an interstate, insurance

product regulation compact, and providing for retroactive applicability and an effective date.

MICHAEL E. MARSHALL, Secretary

## ADOPTION OF HOUSE RESOLUTION 15

Boggess of Page called up for consideration **House Resolution 15**, a resolution urging the United States Postal Service to issue a commemorative postage stamp honoring America's coal miners, and moved its adoption.

The motion prevailed and the resolution was adopted.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of Senate File 439.

## CONSIDERATION OF BILLS Appropriations Calendar

**Senate File 439**, a bill for an act relating to and making appropriations to the justice system and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1339 filed by him and Lukan of Dubuque on April 15, 2003.

Horbach of Tama offered the following amendment H-1343 filed by him and Lukan of Dubuque and moved its adoption:

H-1343

- 1 Amend Senate File 439, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, line 12, by striking the figure
- 4 "1,138,166" and inserting the following: "1,000,000".
- 5 2. Page 12, lines 30 and 31, by striking the
- 6 words "in this section, the department of corrections"
- 7 and inserting the following: "for the department of
- 8 corrections, the department".
- 9 3. Page 16, line 17, by inserting after the
- 10 figure "\$5,000" the following: "or in accordance with
- 11 applicable administrative rules related to purchases

12 for the agency".

13 4. Page 21, line 27, by striking the figure

14 "1,780,186" and inserting the following: "1,818,352".

15 5. Page 22, line 9, by striking the figure

16 "37,239,586" and inserting the following:

17 "37,339,586".

Amendment H-1343 was adopted.

Klemme of Plymouth in the chair at 1:28 p.m.

Horbach of Tama 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. 439)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdye	Winckler	Wise	Klemme, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 439** be immediately messaged to the Senate.

### Regular Calendar

**Senate File 361**, a bill for an act relating to emergency procedures for the temporary detention and treatment of persons who are incapacitated or impaired due to substance abuse or mental health problems, with report of committee recommending passage, was taken up for consideration.

Maddox of Polk 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. 361)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raceker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt

Whitaker  
Wise

Whitead  
Klemme,  
Presiding

Wilderdyke

Winckler

The nays were, 2:

Eichhorn

Schickel

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 221**, a bill for an act relating to the criminal offense of sexual exploitation of a minor, with report of committee recommending passage, was taken up for consideration.

Boal of Polk 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. 221)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevort	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.



Watts  
Wilderdyke

Wendt  
Winckler

Whitaker  
Wise

Whitead  
Klemme,  
Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 392**, a bill for an act relating to the animal agriculture compliance Act, providing for penalties, with report of committee recommending passage, was taken up for consideration.

Kuhn of Floyd offered the following amendment H-1347 filed by him and moved its adoption:

H-1347

- 1 Amend Senate File 392, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 through 18.
- 4 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 37, nays 51.

Amendment H-1347 lost.

### SPECIAL PRESENTATION

Rants of Woodbury introduced to the House the former Speaker of the House, Brent Siegrist from Pottawattamie County.

The House rose and expressed its welcome.

Jenkins of Black Hawk introduced to the House, Xiao Jia Chan and Lou Hong from China and presented them a gift from Iowa.

The House rose and expressed its welcome.

Manternach of Jones offered amendment H-1346 filed by him as follows:

H-1346

- 1 Amend Senate File 392, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 19, by striking the word
- 4 "fourteen-month" and inserting the following:
- 5 "eighteen-month".
- 6 2. Page 2, by inserting after line 31, the
- 7 following:
- 8 "( ) The replacement formed manure storage
- 9 structure replaces the confinement feeding operation's
- 10 existing manure storage and handling facilities."
- 11 3. By renumbering as necessary.

Kuhn of Floyd offered the following amendment H-1353, to amendment H-1346, filed by him from the floor and moved its adoption:

H-1353

- 1 Amend the amendment H-1346, to Senate File 392, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 2, the
- 5 following:
- 6 " . Page 1, line 18, by inserting after the
- 7 word "rock." the following: "If a person constructs
- 8 such an unformed manure storage structure, the person
- 9 must also install and operate a water pollution
- 10 monitoring system as part of the unformed manure
- 11 storage structure as required by the department.""

A non-record roll call was requested.

The ayes were 35, nays 48.

Amendment H-1353 lost.

On motion by Manternach of Jones, amendment H-1346 was adopted.

Kuhn of Floyd offered the following amendment H-1348 filed by him and moved its adoption:

H-1348

- 1 Amend Senate File 392, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, by inserting after line 6 the  
4 following:  
5 "Sec. \_\_. APPLICABILITY DATE.  
6 1. The amendments to sections 459.307, 459.308,  
7 and 459.310, as provided in this Act, are applicable  
8 upon the effective date of the rule adopted by the  
9 department of natural resources pursuant to chapter  
10 17A which provides upgraded construction design  
11 standards for formed manure storage structures  
12 constructed on karst terrain or an area which drains  
13 into a known sinkhole as provided in section 459.307.  
14 2. The department's adopted rule referred to in  
15 subsection 1 and as published in the Iowa  
16 administrative bulletin shall include a notice in its  
17 preamble. The notice shall state that the amendments  
18 to sections 459.307, 459.308, and 459.310, as provided  
19 in this Act, are applicable upon the effective date of  
20 the adopted rule. The department shall deliver a copy  
21 of the preamble and adopted rule to the Iowa Code  
22 editor within fifteen days after the adopted rule is  
23 published in the Iowa administrative bulletin."  
24 2. Title page, line 2, by striking the words "an  
25 effective date" and inserting the following:  
26 "effective and applicability dates".  
27 3. By renumbering as necessary.

Amendment H-1348 lost.

Manternach of Jones 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. 392)

The ayes were, 68:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Bogges	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Ford
Freeman	Gipp	Granzow	Greiner
Hahn	Hansen	Hanson	Heaton
Hoffman	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jones
Kramer	Kurtenbach	Lalk	Lukan

Maddox	Manternach	McCarthy	Mertz
Olson, S.	Paulsen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Wise	Klemme, Presiding

The nays were, 32:

Berry	Bukta	Connors	Fallon
Foege	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Jochum
Kuhn	Lensing	Lykam	Mascher
Miller	Murphy	Myers	Oldson
Olson, D.	Osterhaus	Petersen	Shoultz
Smith	Stevens	Taylor, D.	Taylor, T.
Wendt	Whitaker	Whitead	Winckler

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### INTRODUCTION OF BILL

**House File 683**, by Gipp and Myers, a bill for an act relating to economic development by creating an Iowa values board and Iowa values fund, modifying the value-added agricultural products and processes financial assistance program, providing endow Iowa seed grants and endow Iowa tax credits, providing funding and tax credits for economic development regions, creating workforce training and economic development funds for community colleges, establishing a school financing program for school infrastructure purposes, creating a cultural and entertainment district certification program, increasing the availability of rehabilitation project tax credits, eliminating a small business advisory council, making appropriations, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **economic growth**.

## IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 221, 361 and 392.**

MOTIONS TO RECONSIDER WITHDRAWN  
(Senate File 340)

Kuhn of Floyd asked and received unanimous consent to withdraw the motion to reconsider **Senate File 340**, a bill for an act relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations, filed by him on April 15, 2003.

Raecker of Polk asked and received unanimous consent to withdraw the motion to reconsider **Senate File 340**, a bill for an act relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations, filed by him on April 15, 2003.

## IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 340** be immediately messaged to the Senate.

## REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

## House File 380

1. Page 1, line 5 . Change "follow:" to "follows:"

**House File 389**

1. Page 2, line 4 . Need extra space between "a." and "Any".
2. Page 4, line 28 . Need extra space between "name:" and "yellow".

**House File 619**

1. Page 5, line 2 . Change "affect" to "effect".

MARGARET A. THOMPSON  
Chief Clerk of the House

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on April 15, 2003. Had I been present, I would have voted "aye" on Senate File 303.

DRAKE of Pottawattamie

I was necessarily absent from the House chamber on April 15, 2003. Had I been present, I would have voted "aye" on Senate Files 201, 236, 303, and 351.

KRAMER of Polk

**PRESENTATIONS OF VISITORS**

Seventy students from Lakewood Elementary School, Centerville, Iowa, accompanied by Paige Warren. By Swaim of Davis.

**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

- |           |  |
|-----------|--|
| 2003\1183 | Viola Landgraf, Denison .- For celebrating her 80 <sup>th</sup> birthday.    |
| 2003\1184 | Rose Kastner, Denison .- For celebrating her 100 <sup>th</sup> birthday.     |
| 2003\1185 | Carroll Rohrdanz, Killduff .- For celebrating his 85 <sup>th</sup> birthday. |

- 2003\1186 Donald and Colleen Van Kampen, New Sharon – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1187 Bud Wieck, Dewitt – For celebrating his 80<sup>th</sup> birthday.
- 2003\1188 Jack and Florence Larson, Sioux City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1189 Charles Hoffman, Sioux City – For celebrating his 85<sup>th</sup> birthday.
- 2003\1190 Irene Collins, Sioux City – For celebrating her 90<sup>th</sup> birthday.
- 2003\1191 Mary Naughton, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2003\1192 Mildred Ryan, Marshalltown – For celebrating her 84<sup>th</sup> birthday.
- 2003\1193 Gerdina Vande Kieft, Inwood.– For celebrating her 90<sup>th</sup> birthday.
- 2003\1194 Calvin and Ava Scott, Waukee – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1195 Inez Mapes, Adel – For celebrating her 95<sup>th</sup> birthday.
- 2003\1196 Walt and Rita Flinn, Adel – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1197 Floyd and Bonnie Semmons, Shenandoah – For celebrating their 67<sup>th</sup> wedding anniversary.
- 2003\1198 Cecil and Virginia Baggs, Tabor – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\1199 Robert Keeton, Clarinda – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1200 Vernon and Joann Katzer, Le Grand – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1201 Bernice Seymour, Indianola – For celebrating her 102<sup>nd</sup> birthday.
- 2003\1202 Beryl and Beverly Jensen, Indianola – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1203 Mr. and Mrs. Gilbert Johnson, Cedar Falls – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1204 Bill and Mary Keys, Cedar Falls – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1205 Rev. William and Betty Hill, Independence – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2003\1206 Zachary Gage, La Porte City – For winning the National Merit Award.
- 2003\1207 Kara Scholten, Rock Valley – For placing second in poetry interpretation as a sophomore on the University of Northern Iowa's Individual Events Speech Team competition at the Twin Cities Forensic League Tournaments at Normandale Community College in Bloomington, Minnesota.
- 2003\1208 Lyle and Ida Mae Cue, Independence – For celebrating their 57<sup>th</sup> wedding anniversary.
- 2003\1209 Don and Sharon Kruckenberg, Rockwell – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1210 J.C. Lowe, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2003\1211 Ruth Rekow, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2003\1212 Irene Casebolt, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2003\1213 Merton Swartwood, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2003\1214 Thelma Stevens, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2003\1215 Iola Dehrkoop, Waterloo – For celebrating her 90<sup>th</sup> birthday.
- 2003\1216 Mildred Stapleton, Massena – For celebrating her 85<sup>th</sup> birthday.
- 2003\1217 Darlene Betts, Adair – For celebrating her 80<sup>th</sup> birthday.
- 2003\1218 Emma Hansen, Audubon – For celebrating her 90<sup>th</sup> birthday.
- 2003\1219 Joe Hoy, Panora – For celebrating his 92<sup>nd</sup> birthday.
- 2003\1220 Dee Montgomery, Stuart – For celebrating her 96<sup>th</sup> birthday.
- 2003\1221 Garland Knight, West Union – For celebrating his 90<sup>th</sup> birthday.
- 2003\1222 Ryan Louis Schultz, Storm Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1223 Clay Wells, Washington – For being selected to attend the 2003 American Legion Boys State.
- 2003\1224 Ian Logan, Keokuk High School – For receiving 3<sup>rd</sup> place at state in the Creative Writing Contest sponsored by the Iowa Reading Association.
- 2003\1225 Hillary Noneman, Keokuk High School – For receiving 1<sup>st</sup> place at state in the Creative Writing Contest sponsored by the Iowa Reading Association.



- 2003\1226 Justin Johnson, Wayland – For being selected to attend the 2003 American Legion Boys State.
- 2003\1227 Travis Hayes, Donnellson – For attaining the rank of Eagle Scout the highest rank in the Boy Scouts of America.
- 2003\1228 Randy Sanders, Donnellson – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1229 Daryle and Violet Daggett, Sanborn – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1230 Charles Fisher, Mt. Auburn – For winning the U.S. National Science Award.
- 2003\1231 Edna Bauer, Mt. Auburn – For celebrating her 90<sup>th</sup> birthday.
- 2003\1232 Rex and Jackie Shepherd, Vinton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1233 Wayne and Martha Moffit, North English – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\1234 Larie Dew, Muscatine – For being named to the Iowa Basketball Coaches Association All Star Class 4A Elite Team, and for being named Most Valuable Player in the Series.
- 2003\1235 Lola "Babe" Dodds Sainsbury, Hillsboro – For celebrating her 90<sup>th</sup> birthday.
- 2003\1236 Harold Haugen, Rockwell – For celebrating his 82<sup>nd</sup> birthday.
- 2003\1237 Henrietta Eekhoff, Kanawha – For celebrating her 80<sup>th</sup> birthday.
- 2003\1238 Betty Schreur, Kanawha – For celebrating her 80<sup>th</sup> birthday.
- 2003\1239 Howard Greiman, Garner – For celebrating his 98<sup>th</sup> birthday.
- 2003\1240 Jack and Lucille Hudson, Hillsboro – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1241 Loras J. Neuroth, Marshalltown – For being named the recipient of The Distinguished Alumni Humanitarian Award from Minnesota State University at Mankato.
- 2003\1242 Betty Kuhlman, Guttenberg – For celebrating her 80<sup>th</sup> birthday.
- 2003\1243 Dorothy Montgomery, Chariton – For celebrating her 90<sup>th</sup> birthday.
- 2003\1244 Mr. and Mrs. Don Hitt, Derby – For celebrating their 50<sup>th</sup> wedding anniversary.

## SUBCOMMITTEE ASSIGNMENTS

**House File 676**

Appropriations: Alons, Chair; Jenkins and Thomas.

**Senate File 300**

Ways and Means: Kurtenbach, Chair; Kuhn and Lukan.

**Senate File 384**

Ways and Means: K. Kramer, Chair; Frevert and B. Hansen.

**Senate File 440**

Appropriations: Roberts, Chair; Alons, Chambers, Mertz and Wise

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**HSB 314 Ways and Means**

Providing a wind energy production tax credit under the individual and corporate income taxes, the franchise tax, and insurance premiums tax and including an applicability date provision.

**HSB 315 Ways and Means**

Relating to ethanol blended gasoline tax credits, and providing for its retroactive applicability, refunds, and an effective date.

## 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 APPROPRIATIONS

**Committee Bill** (Formerly LSB 3481HC), relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

Fiscal not is required.

Recommended **Do Pass** April 16, 2003.

**Committee Bill** (Formerly House Study Bill 301), relating to the revenue estimating conference's responsibilities and authority.

Fiscal not is required.

Recommended **Amend and Do Pass** April 16, 2003.

**Senate File 375**, a bill for an act relating to enforcement enhancements relative to certain tobacco product manufacturers, providing appropriations and penalties, and providing effective dates.

Fiscal note is required.

Recommended **Do Pass** April 16, 2003.

#### AMENDMENTS FILED

H-1349	H.F.	386	Senate Amendment
H-1350	H.F.	517	Freeman of Buena Vista
H-1351	H.F.	663	Tymeson of Madison
H-1352	H.F.	624	Senate Amendment
H-1354	H.F.	682	Drake of Pottawattamie
			Bogges of Page
H-1355	S.F.	359	Eichhorn of Hamilton
H-1356	S.F.	313	T. Taylor of Linn
			Wise of Lee
			Connors of Polk
H-1357	S.F.	422	Maddox of Polk
H-1358	H.F.	598	Maddox of Polk
H-1359	H.F.	680	Lukan of Dubuque
			Freeman of Buena Vista
			Lykam of Scott
H-1360	H.F.	663	Hogg of Linn

On motion by Gipp of Winneshiek the House adjourned at 3:38 p.m., until 8:45 a.m., Thursday, April 17, 2003.

# JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 17, 2003

The House met pursuant to adjournment at 8:48 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Kevin Korver, pastor of the Third Reformed Church, Pella. He was the guest of Representative Jim Van Engelenhoven of Marion County.

The Journal of Wednesday, April 16, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## INTRODUCTION OF BILLS

**House File 684**, by committee on appropriations, a bill for an act relating to the revenue estimating conference's responsibilities and authority.

Read first time and referred to the **appropriations calendar**.

**House File 685**, by committee on appropriations, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

Read first time and referred to the **appropriations calendar**.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 445, a bill for an act relating to the establishment of a school infrastructure financing program by providing for the sharing of revenues from local option sales and services taxes for school infrastructure purposes and providing for the

use of the revenues from the local option tax for school infrastructure or property tax relief purposes and including an effective date.

MICHAEL E. MARSHALL, Secretary

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jones of Mills on request of Gipp of Winneshiek.

The House stood at ease at 8:57 a.m., until the fall of the gavel.

The House resumed session at 9:14 a.m., Speaker Rants in the chair.

## ADOPTION OF HOUSE RESOLUTION 41

Paulsen of Linn called up for consideration **House Resolution 41**, a resolution honoring the town of Troy Mills on its sesquicentennial year, and moved its adoption.

The motion prevailed and the resolution was adopted.

## CONSIDERATION OF BILLS Unfinished Business Calendar

**House File 542**, a bill for an act relating to the training of an individual who intends to become certified as a law enforcement officer, was taken up for consideration.

Baudler of Adair offered the following amendment H-1248 filed by J.R. Van Fossen of Scott and moved its adoption:

H-1248

- 1 Amend House File 542 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 80B.11D TRAINING.
- 5 1. An individual who is not a certified law
- 6 enforcement officer may apply for attendance at a
- 7 short course of study at an approved law enforcement
- 8 training program if such individual is sponsored by a
- 9 law enforcement agency. Such individual may be

10 sponsored by a law enforcement agency that either  
11 intends to hire or has hired the individual as a law  
12 enforcement officer.

13 2. An individual who submits an application  
14 pursuant to subsection 1 shall, at a minimum, meet all  
15 minimum hiring standards as established by academy  
16 rules, including the successful completion of certain  
17 psychological and physical testing examinations. In  
18 addition, such individual shall be of good moral  
19 character as determined by a thorough background  
20 investigation by the hiring law enforcement agency.  
21 The academy shall conduct the requisite testing and  
22 background investigation for a fee if the law  
23 enforcement agency does not do so, and for such  
24 purposes, the academy shall be defined as a law  
25 enforcement agency and shall have the authority to  
26 conduct a background investigation including a  
27 fingerprint search of local, state, and national  
28 fingerprint files.

29 3. An individual who submits an application  
30 pursuant to subsection 1 shall, at a minimum, submit  
31 proof of successful completion of a two-year or four-  
32 year police science or criminal justice program at an  
33 accredited educational institution in this state  
34 approved by the academy.

35 4. An individual shall not be granted permission  
36 to attend an approved law enforcement training program  
37 pursuant to subsection 1 if such acceptance would  
38 result in the nonacceptance of another qualifying  
39 applicant who is a law enforcement officer.

40 5. This section applies only to individuals who  
41 apply for certification through a short course of  
42 study as established by rule.

43 6. An individual who has not been hired by a law  
44 enforcement agency must be hired by a law enforcement  
45 agency within eighteen months of completing the short  
46 course of study in order to obtain certification  
47 pursuant to this section."

Amendment H-1248 was adopted, placing out of order amendment  
H-1078 filed by Baudler of Adair on March 18, 2003.

#### SENATE FILE 352 SUBSTITUTED FOR HOUSE FILE 542

J. R. Van Fossen of Scott asked and received unanimous consent to  
substitute Senate File 352 for House File 542.

**Senate File 352**, a bill for an act relating to the training of an individual who intends to become certified as a law enforcement officer, was taken up for consideration.

J. R. Van Fossen of Scott 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. 352)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Jones

Maddox

Van Fossen, J.K.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILE 542 WITHDRAWN

J. R. Van Fossen of Scott asked and received unanimous consent to withdraw House File 542 from further consideration by the House.

## Regular Calendar

**Senate File 180**, a bill for an act relating to the procedures for handling abandoned property and property presumed to be abandoned, with report of committee recommending passage, was taken up for consideration.

Sands of Louisa 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. 180)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Elgin	Foege	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Manternach	Mascher	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants



The nays were, 5:

Eichhorn  
Mertz

Fallon

Ford

McCarthy

Absent or not voting, 3:

Jones

Maddox

Van Fossen, J.K.

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: **Senate Files 180 and 352.**

Jacobs of Polk in the chair at 9:40 a.m.

**Senate File 359**, a bill for an act relating to landlords, tenants, and actions for forcible entry or detention, with report of committee recommending passage, was taken up for consideration.

Eichhorn of Hamilton offered the following amendment H-1285 filed by him and moved its adoption:

H-1285

- 1 Amend Senate File 359, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 11, and
- 4 inserting the following:
- 5 "1. As used in this section, "lease" or "rental
- 6 agreement" means any lease or rental agreement
- 7 covering premises occupied for dwelling, professional,
- 8 business, agricultural, or similar purposes if both of
- 9 the following conditions are met:
- 10 a. The lease or rental agreement was executed by
- 11 or on behalf of a service member who, after the
- 12 execution of the lease or rental agreement, entered
- 13 military service.
- 14 b. The service member or the service member's
- 15 dependents occupy the premises for the purposes set
- 16 forth in this subsection.
- 17 2. a. A service member may terminate a lease or
- 18 rental agreement by providing written notice to the
- 19 lessor or the lessor's agent at any time following the

20 date of the beginning of the service member's period  
21 of military service. The notice may be delivered by  
22 placing it in an envelope properly stamped and  
23 addressed to the lessor or the lessor's agent and  
24 depositing the notice in the United States mail.

25 b. Termination of a month-to-month lease or rental  
26 agreement shall not be effective until thirty days  
27 after the first day on which the next rental payment  
28 is due and payable after the date when notice is  
29 delivered or mailed. As to all other leases or rental  
30 agreements, termination shall be effective on the last  
31 day of the month following the month in which notice  
32 is delivered or mailed. Any unpaid rent for the  
33 period preceding the termination in such cases shall  
34 be computed on a pro rata basis and any rent paid in  
35 advance after termination shall be refunded by the  
36 lessor or the lessor's agent.

37 c. Upon application by the lessor and prior to the  
38 termination period provided in the notice, a court may  
39 modify or restrict any relief granted in this  
40 subsection as the interests of justice and equity  
41 require.

42 3. A person who knowingly seizes, holds, or  
43 detains the personal effects, clothing, furniture, or  
44 other property of any person who has lawfully  
45 terminated a lease or rental agreement covered under  
46 this section or who interferes in any manner with the  
47 removal of property from the premises for the purposes  
48 of subjecting the property to a claim for rent  
49 accruing subsequent to the date of termination of the  
50 lease or rental agreement commits a simple

Page 2

1 misdemeanor."

2 2. Title page, line 2, by inserting after the  
3 word "detention" the following: "and providing a  
4 penalty".

Amendment H-1285 was adopted.

Paulsen of Linn offered the following amendment H-1282 filed by  
him and Struyk of Pottawattamie and moved its adoption:

H-1282

1 Amend Senate File 359, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 11, the  
4 following:

5 "Sec.\_\_\_\_. Section 562A.27, Code 2003, is amended

6 by adding the following new subsection:

7 NEW SUBSECTION. 5. Notwithstanding any other  
8 provisions of this chapter, a municipal housing agency  
9 established pursuant to chapter 403A may issue a  
10 thirty-day notice of lease termination for a violation  
11 of a rental agreement by the tenant when the violation  
12 is a violation of a federal regulation governing the  
13 tenant's eligibility for or continued participation in  
14 a public housing program. The municipal housing  
15 agency shall not be required to provide the tenant  
16 with a right or opportunity to remedy the violation or  
17 to give any notice that the tenant has such a right or  
18 opportunity when the notice cites the federal  
19 regulation as authority.

20 Sec. NEW SECTION. 648.1A NONPROFIT  
21 TRANSITIONAL HOUSING EXEMPTED.

22 This chapter shall not apply to occupancy in  
23 housing owned by a nonprofit organization whose  
24 purpose is to provide transitional housing for persons  
25 released from drug or alcohol treatment facilities or  
26 to provide housing for homeless persons. Absent an  
27 applicable provision in a lease, contract, or other  
28 agreement, a person who unlawfully remains on the  
29 premises of such housing may be subject to criminal  
30 trespass penalties pursuant to section 716.8."

Amendment H-1282 was adopted.

Eichhorn of Hamilton offered the following amendment H-1355  
filed by him and moved its adoption:

H-1355

1 Amend Senate File 359, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, line 10, by inserting after the word  
4 "utilities" the following: "and protecting the home  
5 from damage".

6 2. Page 2, line 34, by inserting after the word  
7 "park," the following: "the plaintiff may sell or  
8 dispose of the home in accordance with the provisions  
9 of section 555B.9 without an order for disposal, or  
10 chapter 555C, and may do so free and clear of all  
11 liens, claims, or encumbrances of third parties except  
12 any tax lien, at which time".

13 3. Page 3, by striking lines 1 through 6 and  
14 inserting the following:

15 "a. The home, its contents, and any other property  
16 of the defendant remaining on the premises shall  
17 become the property of the plaintiff free and clear of  
18 all rights of the defendant to the property and of all

19 ~~liens, claims, or encumbrances of third parties, and~~  
 20 ~~any tax levied pursuant to chapter 435 may be abated~~  
 21 ~~by the board of supervisors. The proceeds from the~~  
 22 ~~sale shall first be applied to any judgments against~~  
 23 ~~the defendant obtained by the plaintiff, any unpaid~~  
 24 ~~rent or additional costs incurred by plaintiff, and~~  
 25 ~~reasonable attorney fees. Any remaining proceeds~~  
 26 ~~shall next be applied to any tax lien with the~~  
 27 ~~remainder to be held in accordance with section~~  
 28 ~~555B.9, subsection 3, paragraph "c".~~  
 29 4. Page 3, line 10, by striking the word "The"  
 30 and inserting the following: "The If plaintiff elects  
 31 to retain the home pursuant to section 555B.9, the".

Amendment H-1355 was adopted.

Swaim of Davis asked and received unanimous consent to withdraw amendment H-1219 filed by him on April 1, 2003.

Eichhorn of Hamilton 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. 359)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jenkins	Jochum
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.R.

Watts  
Wilderdyke

Wendt  
Winckler

Whitaker  
Wise

Whitead  
Jacobs,  
Presiding

The nays were, none.

Absent or not voting, 4:

Carroll

Drake

Jones

Van Fossen, J.K.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 372**, a bill for an act relating to the licensing of persons providing money transmission and currency exchange services, providing penalties, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Sands of Louisa 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. 372)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jenkins	Jochum
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Jacobs,
			Presiding

The nays were, none.

Absent or not voting, 4:

Carroll	Drake	Jones	Van Fossen, J.K.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 386**, a bill for an act requiring the insurance division of the department of commerce to establish a school health insurance reform team study and to make recommendations to the general assembly, with report of committee recommending amendment and passage, was taken up for consideration.

Hoffman of Crawford offered the following amendment H-1325 filed by the committee on commerce, regulation and labor and moved its adoption:

H-1325

- 1 Amend Senate File 386, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "employees." the following: "The study shall include
- 5 a comparison of health insurance coverage that is
- 6 offered to school district employees, to other public
- 7 employees, and to employees in the private sector."

The committee amendment H-1325 was adopted.

Hoffman of Crawford 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. 386)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jenkins	Jochum
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Jacobs, Presiding

The nays were, none.

Absent or not voting, 4:

Carroll	Drake	Jones	Van Fossen, J.K.
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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: **Senate Files 359, 372 and 386.**

### SENATE MESSAGE CONSIDERED

**Senate File 445**, by committee on ways and means, a bill for an act relating to the establishment of a school infrastructure financing program by providing for the sharing of revenues from local option

sales and services taxes for school infrastructure purposes and providing for the use of the revenues from the local option tax for school infrastructure or property tax relief purposes and including an effective date.

Read first time and **passed on file.**

### SENATE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Gipp of Winneshiek asked and received unanimous consent to place the following Senate Files on the unfinished business calendar:

Senate File 73	Senate File 353
Senate File 102	Senate File 354
Senate File 173	Senate File 368
Senate File 185	Senate File 371
Senate File 203	Senate File 383
Senate File 313	Senate File 402
Senate File 341	Senate File 405
Senate File 343	Senate File 417
Senate File 344	

### REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

#### House File 489

1. Page 2, line 18 – Take out extra space between recipient and comma.

#### House File 628

1. Page 2, line 17 – The period after 148C.6A should also be struck.

MARGARET A. THOMSON  
Chief Clerk of the House



## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 17, 2003. Had I been present I would have voted "aye" on Senate Files 359, 372 and 386.

DRAKE of Pottawattamie

I was necessarily absent from the House chamber on April 14 and 15, 2003. Had I been present, I would have voted "aye" on House File 654, and Senate Files 3, 119, 155, 172, 201, 236, 303, 340, 351, 379, 393, 394, 395, 396, 397 and 416.

HUSEMAN of Cherokee

I was necessarily absent from the House chamber on April 17, 2003. Had I been present, I would have voted "aye" on Senate Files 180, 352, 359, 372 and 386.

J.K. VAN FOSSEN of Scott

## BILLS 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 bills have 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 17<sup>th</sup> day of April, 2003: House Files: 170, 344, 349, 380, 389 and 395.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Students from Mid Prairie Middle School, Kalona, Iowa, accompanied by Advisor, Laura Conway. By Greiner of Washington.

## 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

- 2003\1245 Glenroy Kane, Fairbank – For celebrating his 90<sup>th</sup> birthday.
- 2003\1246 Mark Langgin, Ottumwa – For qualifying to compete in the National Debate Tournament in Atlanta.
- 2003\1247 John Weber, Dysart – For celebrating his 80<sup>th</sup> birthday.
- 2003\1248 John and GlennaLee Walsh, Anthon – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1249 Maxine Dicks, Hornick – For celebrating her 80<sup>th</sup> birthday.
- 2003\1250 Dianna Hanna and the East Greene jazz band, Grand Junction, for winning the Class A Iowa Jazz Band Championships.
- 2003\1251 Mildred King, Guthrie Center – For celebrating her 84<sup>th</sup> birthday.

## SUBCOMMITTEE ASSIGNMENTS

### House File 608

Ways and Means: Tymeson, Chair; Lalk and D. Taylor.

### House File 683

Economic Growth: Hoffman, Chair; Dandekar, Jenkins, S. Olson and Thomas.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

### House Study Bill 314

Ways and Means: Paulsen, Chair; Kuhn and Sands.

### House Study Bill 315

Ways and Means: J. Drake, Chair; Jochum and Lalk.

## 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 WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 313), relating to urban renewal and tax increments financing and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 16, 2003.

**Committee Bill** (Formerly House File 645), providing a sales and use tax exemption for soy-based railroad rail lubricants.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2003.

**Committee Bill** (Formerly House File 578), relating to biodiesel fuel, including biodiesel fuel tax credits and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 16, 2003.

### AMENDMENTS FILED

H—1361	S.F.	313	Watts of Dallas Wise of Lee
H—1362	H.F.	685	Huser of Polk Wise of Lee Petersen of Polk McCarthy of Polk
H—1363	S.F.	341	Kuhn of Floyd Whitaker of Van Buren
H—1364	S.F.	445	Wendt of Woodbury
H—1365	S.F.	354	Boddicker of Cedar Foege of Linn

On motion by Gipp of Winneshiek the House adjourned at 10:24 a.m., until 8:45 a.m., Friday, April 18, 2003.

# JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day - Sixty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 18, 2003

The House met pursuant to adjournment at 8:47 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Chuck Gipp, House Majority Leader.

The Journal of Thursday, April 17, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 686**, by committee-on ways and means, a bill for an act relating to urban renewal and tax increment financing and including effective and retroactive applicability date provisions.

Read first time and placed on the **ways and means calendar**.

**House File 687**, by committee on ways and means, a bill for an act providing a sales and use tax exemption for soy-based railroad rail lubricants.

Read first time and placed on the **ways and means 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 April 17, 2003, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 5, a joint resolution to nullify administrative rules of the department of natural resources concerning methods of taking wild turkey and deer and providing an effective date.

Also: That the Senate has on April 17, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 387, a bill for an act relating to mental health and developmental disabilities by revising life safety requirements for intermediate care facilities for persons with mental retardation, expanding an exemption to health care licensing requirements for certain residential programs that receive funding under a medical assistance home and community-based services waiver and approval from the department of human services, and revising membership requirements for the mental health and developmental disabilities commission, and providing an effective date.

Also: That the Senate has on April 17, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 394, a bill for an act relating to the purposes of the community attraction and tourism program.

Also: That the Senate has on April 17, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 560, a bill for an act relating to medical assistance home and community-based services waivers.

Also: That the Senate has on April 17, 2003, passed the following bill in which the concurrence of the House is asked:

House File 565, a bill for an act relating to the healthy and well kids in Iowa program.

Also: That the Senate has on April 17, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 594, a bill for an act relating to the registration of electrical and mechanical amusement devices and the registration of manufacturers and distributors thereof, making an appropriation, making penalties applicable, and providing an effective date.

Also: That the Senate has on April 17, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 644, a bill for an act providing for manure application requirements, providing for fees, making penalties applicable, and providing an effective date.

Also: That the Senate has on April 17, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 172, a bill for an act relating to the establishment of a public charter school pilot program and providing effective and applicability dates.

Also: That the Senate has on April 17, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 230, a bill for an act relating to the procedure for reducing the number of members of a city council from five to three in certain cities.

Also: That the Senate has on April 17, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 351, a bill for an act relating to child care requirements involving prohibitions against involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable.

Also: That the Senate has on April 17, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 379, a bill for an act relating to certain agricultural liens.

Also: That the Senate has on April 17, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 392, a bill for an act relating to the animal agriculture compliance Act, providing for penalties, and providing an effective date.

Also: That the Senate has on April 17, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 393, a bill for an act relating to the agricultural development authority by providing for its organization and administration.

Also: That the Senate has on April 17, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 396, a bill for an act providing for the animal unit capacity of pullets for purposes of regulation under the animal agriculture compliance Act.

Also: That the Senate has on April 17, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 397, a bill for an act relating to the issuance of hunting licenses for antlerless deer, providing for the disposition of harvested deer meat to public institutions, requiring a report, and providing a penalty.

Also: That the Senate has on April 17, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 416, a bill for an act relating to an emergency shelter and support services demonstration project relating to dependent adults.

Also: That the Senate has on April 17, 2003, refused to concur in the House amendment to:

Senate File 435, a bill for an act relating to and making appropriations to the judicial branch.

MICHAEL E. MARSHALL, Secretary

## BILLS 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 bills have 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 18<sup>th</sup> day of April, 2003: House Files 446, 502, 604, 616 and 634.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

## AMENDMENTS FILED

H—1366	H.F.	565	Senate Amendment
H—1367	H.F.	387	Senate Amendment
H—1368	H.F.	560	Senate Amendment
H—1369	H.F.	594	Senate Amendment
H—1370	H.F.	644	Senate Amendment

On motion by Manternach of Jones the House adjourned at 8:48 a.m., until 1:00 p.m., Monday, April 21, 2003.

# JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Seventieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 21, 2003

The House met pursuant to adjournment at 1:00 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Darrell Weber, pastor of Zion Evangelical and Reformed Church, Garner. He was the guest of Representative Linda Upmeyer of Hancock County.

The Journal of Friday, April 18, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## ADOPTION OF HOUSE RESOLUTION 47

Schickel of Cerro Gordo called up for consideration **House Resolution 47**, a resolution honoring the City of Mason City on its sesquicentennial year, and moved its adoption.

The motion prevailed and the resolution was adopted.

## ADOPTION OF HOUSE RESOLUTION 44

Dennis of Black Hawk, Jenkins of Black Hawk, Shoultz of Black Hawk and Berry of Black Hawk called up for consideration **House Resolution 44**, a resolution congratulating the University of Northern Iowa Panthers Women's Volleyball Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

Dennis of Black Hawk introduced to the House the coach of the Panthers, Bobbi Petersen, who introduced the Panthers Women's Volleyball team and their staff.

The House rose and expressed its welcome.



On motion by Gipp of Winneshiek, the House was recessed at 1:19 p.m., until 5:00 p.m.

### AFTERNOON SESSION

The House reconvened at 5:04 p.m., Speaker Rants in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-members present, thirty absent.

### INTRODUCTION OF BILL

**House File 688**, by committee on ways and means, a bill for an act relating to biodiesel fuel, including by providing for financial assistance and biodiesel fuel tax credits and providing an applicability date.

Read first time and placed on the **ways and means 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 April 21, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 400, a bill for an act relating to providing probationer and parolee information to local law enforcement agencies and the state department of transportation.

Also: That the Senate has on April 21, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 454, a bill for an act relating to mandatory universal newborn and infant hearing screening.

Also: That the Senate has on April 21, 2003, amended and passed the following bill in which the concurrence of the House is asked:

House File 457, a bill for an act expanding requirements for the transition of an individual from the child welfare services system to adulthood.

Also: That the Senate has on April 21, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 386, a bill for an act requiring the insurance division of the department of commerce to establish a school health insurance reform team study and to make recommendations to the general assembly.

MICHAEL E. MARSHALL, Secretary

## SENATE AMENDMENTS CONSIDERED

Klemme of Plymouth called up for consideration **House File 516**, a bill for an act relating to composition and responsibilities of the Iowa comprehensive petroleum underground storage tank fund board, amended by the Senate, and moved that the House concur in the following Senate amendment H-1322:

H-1322

- 1 Amend House File 516, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 25, the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 455G.6, Code 2003, is amended
- 6 by adding the following new subsection:
- 7 **NEW SUBSECTION.** 17. The board may adopt rules
- 8 pursuant to chapter 17A providing for the transfer of
- 9 all or a portion of the liabilities of the board under
- 10 this chapter. Notwithstanding other provisions to the
- 11 contrary, the board, upon such transfer, shall not
- 12 maintain any duty to reimburse claimants under this
- 13 chapter for those liabilities transferred."
- 14 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1322.

Klemme of Plymouth 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. 516)

The ayes were, 99:

Alons

Arnold

Baudler

Bell

Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Hansen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Carroll of Poweshiek in the chair at 5:17 p.m.

Wise of Lee called up for consideration **House File 391**, a bill for an act establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal, amended by the Senate, and moved that the House concur in the following Senate amendment H-1335:

H-1335

- 1 Amend House File 391, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 6, by striking the word "three"

- 4 and inserting the following: "two".  
 5 2. Page 2, line 10, by striking the word "pilot".  
 6 3. Page 2, line 31, by striking the figure "2008"  
 7 and inserting the following: "2007".  
 8 4. Page 2, by inserting after line 31 the  
 9 following:  
 10 "c. The selection of a cogeneration project under  
 11 this program does not authorize an electric utility to  
 12 furnish or offer to furnish electric services to the  
 13 public outside its assigned area of service  
 14 established under sections 476.22 through 476.26."  
 15 5. Page 2, line 32, by striking the figure "2008"  
 16 and inserting the following: "2007".  
 17 6. Page 2, line 35, by striking the figure "2008"  
 18 and inserting the following: "2007".  
 19 7. By renumbering, relettering, or redesignating  
 20 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1335.

Wise of Lee 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. 391)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.

Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Hansen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Heaton of Henry called up for consideration **House File 529**, a bill for an act directing the mental health and developmental disabilities commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults and children and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-1342:

H-1342

- 1 Amend House File 529, as passed by the House, as
- 2 follows:
- 3 1. Page 1, lines 9 and 10, by striking the words
- 4 "and children".
- 5 2. Page 2, by striking line 15 and inserting the
- 6 following:
- 7 "The commission shall include a process by which
- 8 funding follows the covered individual among the
- 9 options considered, including but not limited to the
- 10 following:"
- 11 3. By striking page 4, line 14, through page 5,
- 12 line 14, and inserting the following:
- 13 "4. ADDRESS THE LEGAL SETTLEMENT PROCESS.
- 14 The commission shall consider options for
- 15 addressing the deficiencies in the legal settlement
- 16 process currently used for determining governmental
- 17 financial liability for service costs. The options
- 18 considered may include but are not limited to
- 19 providing for a transition to a system that provides
- 20 for service access based upon an individual's
- 21 residency."

22 4. Title page, line 4, by striking the words "and  
23 children".

The motion prevailed and the House concurred in the Senate amendment H-1342.

Heaton of Henry 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. 529)

The ayes were, 87:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boguess	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Manternach	McCarthy
Mertz	Miller	Myers	Oldson
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Smith	Stevens	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Wise	Carroll, Presiding	

The nays were, 13:

Berry	Connors	Ford	Hunter
Jochum	Lensing	Mascher	Murphy
Olson, D.	Osterhaus	Shoultz	Taylor, T.
Winckler			

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Elgin of Linn called up for consideration **House File 534**, a bill for an act providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, and providing an effective date, amended by the Senate amendment H-1336 as follows:

H-1336

1 Amend House File 534, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, line 15, by striking the word  
4 "public".

5 2. Page 3, line 18, by striking the word  
6 "enterprisewide".

7 3. Page 3, line 21, by striking the words "the  
8 enterprise" and inserting the following: "state  
9 government".

10 4. Page 8, line 27, by inserting after the word  
11 "approving" the following: ", on an annual basis,".

12 5. Page 8, line 28, by striking the word  
13 "service:", and inserting the following: "service,  
14 the procedure for resolving complaints concerning the  
15 service provided, and the procedure for setting rates  
16 for the service. In addition, if the service to be  
17 provided may also be provided to the judicial branch  
18 and legislative branch, then the rules shall provide  
19 that the chief justice of the supreme court and the  
20 legislative council may, in their discretion, each  
21 appoint a member to the applicable customer council."  
22 6. Page 8, by striking line 32 and inserting the  
23 following: "biennial review by the appropriate  
24 customer council of the decision made by the  
25 department that the department should be the sole  
26 provider of a service."

27 7. Page 8, by inserting before line 33 the  
28 following:

29 "4. The department shall annually prepare a  
30 listing separately identifying services to be provided  
31 by the department and funded by an appropriation,  
32 services to be provided by the department and funded  
33 by the governmental entity receiving the service, and  
34 services which the department is authorized to provide  
35 but which governmental entities may provide on their  
36 own or obtain from another provider of the service."

37 8. By striking page 8, line 35, through page 9,  
38 line 2, and inserting the following:

39 "1. The director shall enter into agreements with  
40 state agencies, and may enter into agreements with any  
41 other governmental entity, to furnish services and  
42 facilities of the department to the applicable

43 governmental entity. The".  
44 9. Page 9, by inserting after line 8 the  
45 following:  
46 "3. The state board of regents shall not be  
47 required to obtain any service for the state board of  
48 regents or any institution under the control of the  
49 state board of regents that is provided by the  
50 department pursuant to this chapter without the

Page 2

1 consent of the state board of regents."  
2 10. Page 9, line 9, by striking the word  
3 "REVOLVING", and inserting the following: "INTERNAL  
4 SERVICE".  
5 11. Page 9, by striking lines 10 through 17 and  
6 inserting the following:  
7 "1. Activities of the department shall be  
8 accounted for within the general fund of the state,  
9 except that the director may establish and maintain  
10 internal service funds in accordance with generally  
11 accepted accounting principles, as defined in section  
12 8.57, subsection 4, for activities of the department  
13 which are primarily funded from billings to  
14 governmental entities for services rendered by the  
15 department. The establishment of an internal service  
16 fund is subject to the approval of the director of the  
17 department of management and the concurrence of the  
18 auditor of state. At least ninety days prior to the  
19 establishment of an internal service fund pursuant to  
20 this section, the director shall notify in writing the  
21 general assembly, including the legislative council,  
22 legislative fiscal committee, and the legislative  
23 fiscal bureau..  
24 2. Internal service funds shall be administered by  
25 the department and shall consist of moneys collected  
26 by the department from billings issued in accordance  
27 with section 8A.125 and any other moneys obtained or  
28 accepted by the department, including but not limited  
29 to gifts, loans, donations, grants, and contributions,  
30 which are designated to support the activities of the  
31 individual internal service funds."  
32 12. Page 9, line 19, by striking the words "a  
33 revolving" and inserting the following: "an internal  
34 service".  
35 13. Page 9, by striking lines 23 and 24 and  
36 inserting the following:  
37 "3. The proceeds of an internal service fund  
38 established pursuant to this section shall be used by  
39 the".  
40 14. Page 9, line 28, by striking the words "a  
41 revolving", and inserting the following: "an internal



42 service".

43 15. Page 9, line 34, by striking the letter "c.",  
44 and inserting the following: "4."

45 16. Page 9, line 34, by striking the word  
46 "revolving", and inserting the following: "internal  
47 service".

48 17. Page 10, by striking line 3 and inserting the  
49 following:

50 "5. a. The director shall annually provide

Page 3

1 internal service fund".

2 18. Page 10, line 9, by striking the figure  
3 "(2)", and inserting the following: "b."

4 19. Page 10, line 10, by striking the word and  
5 figure "January 31", and inserting the following:  
6 "October 1".

7 20. Page 10, line 12, by striking the words "a  
8 revolving", and inserting the following: "an internal  
9 service".

10 21. Page 10, by striking lines 14 through 20.

11 22. Page 11, line 3, by inserting after the word  
12 "costs" the following: "which have not been funded by  
13 an appropriation to the department".

14 23. Page 11, lines 25 and 26, by striking the  
15 words "a revolving", and inserting the following: "an  
16 internal service".

17 24. Page 11, line 27, by striking the word  
18 "revolving", and inserting the following: "internal  
19 service".

20 25. Page 13, line 11, by inserting after the word  
21 "systems" the following: "and capitol complex  
22 security systems in use for the legislative branch".

23 26. Page 13, by inserting after line 15, the  
24 following:

25 "g. A judicial district department of correctional  
26 services established pursuant to section 905.2".

27 27. Page 30, line 2, by inserting after the word  
28 "purchased" the following: "by state agencies".

29 28. Page 30, line 6, by inserting after the word  
30 "law." the following: "However, items of general use  
31 may be purchased through the department by any  
32 governmental entity."

33 29. Page 31, line 35, by inserting after the  
34 figure "3." the following: "a."

35 30. Page 32, by inserting after line 5 the  
36 following:

37 "b. Architectural and engineering services shall  
38 be procured in a reasonable manner, as the director by  
39 rule may determine, on the basis of competence and  
40 qualification for the type of services required and

41 for a fair and reasonable price."  
42 31. Page 55, by striking lines 27 through 28.  
43 32. Page 55, line 29, by striking the figure "4."  
44 and inserting the following: "3."  
45 33. Page 63, line 2, by striking the word "as",  
46 and inserting the following: "if such policies are  
47 otherwise".  
48 34. Page 107, by striking line 15, and inserting  
49 the following: "shall be paid at the rate established  
50 by section ~~18.117~~ 8A.363 for".

Page 4

1 35. Page 107, line 18, by inserting after the  
2 word "session" the following: "unless the general  
3 assembly otherwise provides".  
4 36. Page 107, by striking lines 19 through 31.  
5 37. Page 107, by inserting before line 32, the  
6 following:  
7 "Sec. \_\_\_\_ Section 2.43, unnumbered paragraph 1,  
8 Code 2003, is amended to read as follows:  
9 The legislative council in cooperation with the  
10 officers of the senate and house shall have the duty  
11 and responsibility for preparing for each session of  
12 the general assembly. Pursuant to such duty and  
13 responsibility, the legislative council shall assign  
14 the use of areas in the state capitol except for the  
15 areas used by the governor as of January 1, 1986, and  
16 by the courts as of ~~November 1, 2002~~ July 1, 2003,  
17 and, in consultation with the director of the  
18 department of general services and the capitol  
19 planning commission, may assign areas in other state  
20 office buildings for use of the general assembly or  
21 legislative agencies. The legislative council may  
22 authorize the renovation, remodeling and preparation  
23 of the physical facilities used or to be used by the  
24 general assembly or legislative agencies subject to  
25 the jurisdiction of the legislative council and award  
26 contracts pursuant to such authority to carry out such  
27 preparation. The legislative council may purchase  
28 supplies and equipment deemed necessary for the proper  
29 functioning of the legislative branch of government."  
30 38. Page 108, by striking lines 2 through 11.  
31 39. By striking page 109, line 6, through page  
32 112, line 8.  
33 40. Page 114, by striking lines 25 through 34.  
34 41. Page 118, by striking line 9, and inserting  
35 the following: "revenue and finance certify that  
36 the".  
37 42. Page 118, line 18, by striking the words  
38 "administrative services", and inserting the  
39 following: "management for deposit in the innovations

40 fund".

41 43. Page 119, by striking lines 16 through 22.

42 44. By striking page 125, line 18, through page  
43 126, line 2.

44 45. Page 126, by striking lines 3 through 12.

45 46. Page 130, by striking lines 2 and 3 and  
46 inserting the following:

47 "Sec. \_\_\_\_ Section 70A.38, subsection 8, Code  
48 2003, is amended to read as follows:

49 8. This section is repealed June 30, ~~2003~~ 2008."

50 47. Page 179, by inserting after line 13, the

Page 5

1 following:

2 "Sec. \_\_\_\_ DEPARTMENT PROGRESS REPORTS. The  
3 department of administrative services shall report to  
4 the committees on government oversight of the senate  
5 and house of representatives on or before each July 31  
6 and January 31 between July 1, 2003, and February 1,  
7 2006, regarding the activities of the department in  
8 implementing the requirements of this Act, including  
9 but not limited to the department's decisions  
10 concerning which services should be provided solely by  
11 the department and which services should be available  
12 from a variety of providers."

13 48. Page 179, by inserting after line 17 the  
14 following:

15 "\_\_\_\_. "Agency" or "state agency" means as defined  
16 in section 8A.101. "Agency" includes the state board  
17 of regents subject to the requirements of section  
18 8A.122."

19 49. Page 179, by striking line 24 and inserting  
20 the following: "state agencies and other entities  
21 to".

22 50. Page 179, line 27, by striking the words  
23 "government entities and", and inserting the  
24 following: "agencies. Managed competition".

25 51. Page 179, line 28, by inserting after the  
26 word "providers" the following: ", which may be state  
27 agencies or nongovernmental entities,".

28 52. Page 179, line 28, by inserting after the  
29 word "service" the following: "to state agencies".

30 53. Page 179, by striking line 31 and inserting  
31 the following:

32 "2. The following duties relating to state  
33 administrative services shall be performed, subject to  
34 the requirements of chapter 8A, as provided by this  
35 subsection:

36 a. (1) The department of administrative services  
37 shall, pursuant to the requirements of this section,  
38 select a designated state service and conduct a pilot

39 project to determine the feasibility of conducting a  
40 managed competition for delivery of the service and  
41 shall submit a report, with its findings and  
42 recommendations, to the legislative fiscal bureau and  
43 the committees on government oversight of the senate  
44 and house of representatives by July 1, 2005.  
45 (2) In addition, the department of administrative  
46 services may,".  
47 54. Page 179, line 35, by striking the words "In  
48 addition,".  
49 55. Page 180, by striking lines 1 through 10.  
50 56. Page 180, line 11, by striking the words and

Page 6

1 figures "a. By July 1, 2004", and inserting the  
2 following:  
3 "b. By July 1, 2005".  
4 57. Page 180, line 13, by inserting after the  
5 word "services" the following: "unless more efficient  
6 results can be obtained through the use of other  
7 entrepreneurial methods as authorized by chapter 8A".  
8 58. Page 180, by striking lines 17 through 31 and  
9 inserting the following:  
10 "c. By September 1, 2004, the department of  
11 administrative services, with the assistance of the  
12 department of management, shall conduct a  
13 comprehensive study of the impact of transferring all  
14 state agency employees delivering information  
15 technology services to the department of  
16 administrative services and of the impact of  
17 physically merging the data centers of the department,  
18 the state department of transportation, and the  
19 department of workforce development, into one data  
20 center. The study shall include an assessment of  
21 advantages and disadvantages, economies of scale,  
22 cost, and space availability, and shall solicit input  
23 from outside vendors, both public and private. The  
24 department shall report to the legislative fiscal  
25 bureau and the committees on government oversight of  
26 the senate and house of representatives on the  
27 department's findings and recommendations by November  
28 1, 2004."  
29 59. Page 181, by striking lines 1 through 3 and  
30 inserting the following: "the department of  
31 administrative services unless more efficient results  
32 can be obtained through the use of other  
33 entrepreneurial methods as authorized by chapter 8A.  
34 The request for proposals shall allow for the awarding  
35 of all or parts of fleet management to the department  
36 of administrative services, other governmental  
37 agencies, or nongovernmental entities."

- 38 60. Page 181, line 4, by striking the figure "4."  
 39 and inserting the following: "3."  
 40 61. Page 181, by striking lines 5 through 17 and  
 41 inserting the following: "process for issuance of  
 42 requests for proposals for managed competition. The  
 43 role of the auditor of state is to provide advice as  
 44 to whether an approach offers the best opportunity for  
 45 reducing state government costs."  
 46 62. Page 181, line 20, by inserting after the  
 47 figure "7D.33," the following: "7F.1,".  
 48 63. Page 181, by inserting after line 24, the  
 49 following:  
 50 "Sec.\_\_\_\_. PREVAILING PROVISIONS. The provisions

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- 1 of House File 636 relating to legislative branch  
 2 consolidation of functions, or a similar bill enacted  
 3 by the Eightieth General Assembly, 2003 Regular  
 4 Session, which provisions relate to official legal and  
 5 other publications, procurements, special distribution  
 6 of legal publications, and restrictions on free  
 7 distributions by the legislative service bureau or its  
 8 successor agency, shall prevail over any conflicting  
 9 provisions of this Act."  
 10 64. By renumbering, relettering, or redesignating  
 11 and correcting internal references as necessary.

Elgin of Linn offered the following amendment H-1345, to the Senate amendment H-1336, filed by him and moved its adoption:

H-1345

- 1 Amend the Senate amendment, H-1336, to House File  
 2 534, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 4, by striking line 33.  
 5 2. Page 6, by striking lines 46 and 47.

Amendment H-1345 was adopted.

On motion by Elgin of Linn, the House concurred in the Senate amendment H-1336, as amended.

Elgin of Linn moved that the bill, as amended by the Senate, further amended 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. 534)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Carroll, Presiding

The nays were, none.

Absent or not voting, none.

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 391, 516, 529 and 534.**

Eichhorn of Hamilton called up for consideration **House File 655**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, amended by

the Senate, and moved that the House concur in the following Senate amendment H-1294:

H-1294

- 1 Amend House File 655, as passed by the House, as
- 2 follows:
- 3 1. Page 3, by striking line 12 and inserting the
- 4 following:
- 5 "..... \$ 829,996"
- 6 2. Page 3, by striking lines 14 through 22 and
- 7 inserting the following:
- 8 "b. Notwithstanding the provisions of section
- 9 546.10, subsection 3, to the contrary, for the fiscal
- 10 year beginning July 1, 2003, and ending June 30, 2004,
- 11 funds received from an increase in licensing fees by
- 12 the real estate commission created pursuant to chapter
- 13 543B shall be deposited in the general fund of the
- 14 state as provided in section 546.10, subsection 5."
- 15 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1294.

Eichhorn of Hamilton 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. 655)

The ayes were, 55:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hansen
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Carroll,		
	Presiding		

The nays were, 45.

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Horbach of Tama called up for consideration **House File 548**, a bill for an act relating to law enforcement officer training at the Iowa law enforcement academy, amended by the Senate, and moved that the House concur in the following Senate amendment H-1284:

H-1284

1 Amend House File 548, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting after line 34 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 80B.11B, subsection 2, Code  
 6 2003, is amended to read as follows:  
 7 2. The Iowa law enforcement academy may also  
 8 charge the department of natural resources or other  
 9 agency or department of the state, a member of a  
 10 police force of a city or county, or any political  
 11 subdivision of the state not more than one-half of the  
 12 cost of providing the basic training course which is  
 13 designed to meet the minimum basic training  
 14 requirements for a law enforcement officer. All other  
 15 candidates to the law enforcement academy, including a  
 16 candidate from a tribal government, shall pay the full  
 17 costs of providing the basic training requirements for  
 18 a law enforcement officer."  
 19 2. Title page, line 2, by inserting after the  
 20 word "academy" the following: ", and providing for a  
 21 fee".



The motion prevailed and the House concurred in the Senate amendment H-1284.

Horbach of Tama 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. 548)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Carroll,
			Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Sands of Louisa called up for consideration **House File 319**, a bill for an act permitting written demand via regular mail prior to an

action under the uniform commercial code for recovery of civil damages for a dishonored check, draft, or order, when supported by an affidavit of service, amended by the Senate, and moved that the House concur in the following Senate amendment H-1283:

H-1283

- 1 Amend House File 319, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 13, by striking the word
- 4 "conclusive" and inserting the following:
- 5 "presumptive".

The motion prevailed and the House concurred in the Senate amendment H-1283.

Sands of Louisa 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. 319)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead

Wilderdyke

Winckler

Wise

Carroll,  
Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

S. Olson of Clinton called up for consideration **House File 547**, a bill for an act providing for evidence of financial responsibility filed by commercial pesticide applicators, amended by the Senate, and moved that the House concur in the following Senate amendment H-1334:

H-1334

- 1 Amend House File 547, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 22, the
- 4 following:
- 5 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. Title page, line 2, by inserting after the
- 8 word "applicators" the following: ", and providing an
- 9 effective date".
- 10 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1334.

S. Olson of Clinton 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. 547)

The ayes were, 99:

Alons

Arnold

Baudler

Bell

Berry

Boal

Boddicker

Boggess

Bukta

Chambers

Cohoon

Connors

Dandekar

Davitt

De Boef

Dennis

Dix

Dolecheck

Drake

Eichhorn

Elgin

Fallon

Foege

Ford

Freeman

Frevort

Gaskill

Gipp

Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Horbach

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, 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 319, 547, 548 and 655.**

### CONSIDERATION OF BILLS

#### Unfinished Business Calendar

**Senate File 102**, a bill for an act relating to the chief executive officer of the Iowa public employees' retirement system and providing an effective and retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

Drake of Pottawattamie 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. 102)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Carroll, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Ways and Means Calendar

**House File 671**, a bill for an act relating to the recycling property exemption from property tax and including an applicability date, was taken up for consideration.

Lalk of Fayette 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. 671)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Hoffman,

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Jacobs of Polk in the chair at 6:00 p.m.

## Appropriations Calendar

**House File 682**, a bill for an act relating to wine by providing for native wine permits, providing wine gallonage tax revenue to support grape and wine development, providing for fees, and providing an

effective date and retroactive applicability, was taken up for consideration.

Drake of Pottawattamie offered amendment H-1354 filed by him and Boggess of Page and requested division as follows:

H-1354

1 Amend House File 682 as follows:

H-1354A

- 2 1. Page 2, by inserting after line 16 the  
3 following:  
4 "Sec. \_\_\_\_ Section 123.127, subsection 1,  
5 paragraph c, Code 2003, is amended by striking the  
6 paragraph and inserting in lieu thereof the following:  
7 c. That the applicant is a person of good moral  
8 character as defined by this chapter."  
9 2. Page 4, by striking lines 31 through 34 and  
10 inserting the following:  
11 "c. ~~The place of birth of the applicant, and if~~  
12 ~~the applicant is a naturalized citizen, the time and~~  
13 ~~place of naturalization, or if a corporation, the~~  
14 ~~state of incorporation. That the applicant is a~~  
15 person of good moral character as defined by this  
16 chapter."

H-1354B

- 17 3. Page 5, by inserting after line 18 the  
18 following:  
19 "Sec. \_\_\_\_ Section 123.176, subsection 1,  
20 paragraph c, Code 2003, is amended by striking the  
21 paragraph and inserting in lieu thereof the following:  
22 c. That the applicant is a person of good moral  
23 character as defined by this chapter."

On motion by Drake of Pottawattamie amendment H-1354A was adopted.

Drake of Pottawattamie asked and received unanimous consent to withdraw amendment H-1354B.

Boggess of Page 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. 682)

The ayes were, 87:

Baudler	Bell	Berry	Boal
Boddicker	Bogges	Bukta	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Elgin	Fallon
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lensing	Lukan
Lykam	Maddox	Manternach	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Petersen	Quirk	Raecker	Rants, Spkr.
Rayhons	Reasoner	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, T.	Thomas	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Jacobs,	
		Presiding	

The nays were, 13:

Alons	Arnold	Eichhorn	Ford
Hutter	Lalk	Mascher	Paulsen
Rasmussen	Roberts	Taylor, D.	Tjepkes
Van Fossen, J.R.			

Absent or not voting, none.

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 671, 682 and Senate File 102.**



## SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **House File 387**, a bill for an act relating to mental health and developmental disabilities by revising life safety requirements for intermediate care facilities for persons with mental retardation, expanding an exemption to health care licensing requirements for certain residential programs that receive funding under a medical assistance home and community-based services waiver and approval from the department of human services, and revising membership requirements for the mental health and developmental disabilities commission, and providing an effective date, amended by the Senate and moved that the House concur in the following Senate amendment H-1367:

H-1367

- 1 Amend House File 387, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 20, by striking the figure and
- 4 word "~~1985 edition~~" and inserting the following:
- 5 "~~1985~~ 2000 edition".
- 6 2. Page 3, by striking lines 6 through 14, and
- 7 inserting the following:
- 8 "Sec. \_\_\_\_ Section 225C.5, subsection 1, paragraph
- 9 c, Code 2003, is amended to read as follows:
- 10 c. One member shall be an active board member of a
- 11 community mental health center selected from nominees
- 12 submitted by the Iowa association of community
- 13 providers."
- 14 3. Title page, by striking lines 2 and 3, and
- 15 inserting the following: "by expanding an".

The motion prevailed and the House concurred in the Senate amendment H-1367.

Carroll of Poweshiek moved that the bill, as amended by the House, further 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. 387)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jenkins	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rapts, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Jacobs,	
		Presiding	

The nays were, none.

Absent or not voting, 1.

Jochum

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 387** be immediately messaged to the Senate.

### SENATE FILE 371 REFERRED

The Speaker announced that Senate File 371, previously **placed on the calendar** was referred to committee on **ways and means**.

## BILLS 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 bills have 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 21<sup>st</sup> day of April, 2003: House Files 65, 397, 489 and 509.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 2003, he approved and transmitted to the Secretary of State the following bills:

House File 411, an Act providing resident license fees for hunting, fishing, trapping, and related activities to certain persons in the armed forces of the United States.

House File 412, an Act relating to the amount of mussels and shells which may be taken pursuant to a sport fishing license.

House File 456, an Act relating to contract choice-of-law provisions referring to the Uniform Computer Information Transactions Act, and related matters and providing an effective date.

House File 601, an Act relating to campaign finance, including political party committees, campaign disclosure reports, independent expenditures, and income tax checkoff provisions.

House File 623, an Act relating to registration with the United States Selective Service System by application for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card.

House File 652, an Act relating to and making appropriations and other infrastructure-related appropriations to the State Department of Transportation, including allocation and use of moneys from the Road Use Tax Fund and the Primary Road Fund, and providing for the nonreversion of certain moneys.

Senate File 272, an Act relating to conflicts of interest in public contracts.

## 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

2003\1252      James Bowman, Perry – For celebrating his 83<sup>rd</sup> birthday, and upon his retirement, for 25 years of very special service as a Registered Nurse to the patients at the Medical Center at Woodward Resource Center.

## 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 WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 314), providing a wind energy production tax credit under the individual and corporate income taxes, the franchise tax, and insurance premiums tax and including an applicability date provision.

Fiscal note is not required.

Recommended Amend and Do Pass April 21, 2003.

**Committee Bill** (Formerly House Study Bill 315), relating to ethanol blended gasoline tax credits, and providing for its retroactive applicability, refunds, and an effective date.

Fiscal note is not required.

Recommended Amend and Do Pass April 21, 2003.

### AMENDMENTS FILED

H—1371	H.F.	685	Thomas of Clayton Huser of Polk
H—1372	H.F.	685	Huser of Polk Thomas of Clayton
H—1373	S.F.	383	Tymeson of Madison Stevens of Dickinson Schickel of Cerro Gordo

H-1374	S.F.	445	Tymeson of Madison
H-1375	H.F.	663	Tymeson of Madison
H-1376	S.F.	445	Hogg of Linn
H-1377	S.F.	445	Hogg of Linn
H-1378	H.F.	679	Lukan of Dubuque`
H-1379	H.F.	584	Miller of Webster
H-1380	H.F.	454	Senate Amendment
H-1381	S.F.	422	Baudler of Adair
H-1382	H.F.	400	Senate Amendment
H-1383	H.F.	457	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned at 6:18 p.m., until 8:45 a.m., Tuesday, April 22, 2003.

# JOURNAL OF THE HOUSE

One-hundredth Calendar Day - Seventy-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 22, 2003

The House met pursuant to adjournment at 8:43 a.m., Speaker Rants in the chair.

Prayer was offered and a song was sung by Reverend Robert E. Connors, pastor of the Union Park Independent Christian Church, Des Moines. He was the guest and is the brother of the Honorable John Connors, state representative from Polk County.

The Journal of April 21, 2003 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

## PETITION FILED

The following petition was received and placed on file:

By Thomas of Clayton from two hundred seventy-two people from Buchanan, Delaware and Fayette counties favoring the four year transfer to formula funding for equalization of empowerment areas.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 206, a bill for an act increasing the child age applicable to mandatory reporting of suspected child sexual abuse perpetrated by a person other than the person responsible for the care of the child.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 8:47 a.m., until the fall of the gavel.

The House resumed session at 3:06 p.m., Klemme of Plymouth in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-members present, twenty absent.

### INTRODUCTION OF BILLS

**House File 689**, by committee on ways and means, a bill for an act relating to ethanol blended gasoline, by providing for tax credits and for their retroactive applicability, providing for refunds, and providing for an effective date.

Read first time and placed on the **ways and means calendar**.

**House File 690**, by committee on ways and means, a bill for an act providing a wind energy production tax credit under the individual and corporate income taxes, the franchise tax, and insurance premiums tax and including an applicability date provision.

Read first time and placed on the **ways and means 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 April 22, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 541, a bill for an act relating to the fee and use of fee for a certificate of birth.

Also: That the Senate has on April 22, 2003, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 94, a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders.

Also: That the Senate has on April 22, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 441, a bill for an act relating to the transfer of certain property-related tax credits.

Also: That the Senate has on April 22, 2003, passed the following bill in which the concurrence of the House is asked:

Senate File 442, a bill for an act updating the Iowa Code references to the Internal Revenue Code, providing for decoupling with the Internal Revenue Code for a certain bonus depreciation provision, and providing retroactive applicability dates and an effective date.

MICHAEL E. MARSHALL, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 441**, by committee on ways and means, a bill for an act relating to the transfer of certain property-related tax credits and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

**Senate File 442**, by committee on ways and means, a bill for an act updating the Iowa Code references to the Internal Revenue Code, providing for decoupling with the Internal Revenue Code for a certain bonus depreciation, provision, and providing retroactive applicability dates and an effective date.

Read first time and referred to committee on **ways and means**.

Speaker pro tempore Carroll in the chair at 3:18 p.m.

### CONSIDERATION OF BILLS Unfinished Business Calendar

**Senate File 354**, a bill for an act implementing the federal Indian Child Welfare Act, with report of committee recommending passage, was taken up for consideration.

Boddicker of Cedar offered amendment H-1365 filed by him and Foege of Linn as follows:



H-1365

1 Amend Senate File 354, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 6, line 4, by striking the words "any  
4 extended family members of the child," and inserting  
5 the following: "the child's parent, any person who  
6 has custody of the child or with whom the child  
7 resides,".

8 2. Page 13, by striking lines 26 and 27 and  
9 inserting the following:

10 "f. Identification and provision of information to  
11 the child's family concerning community resources that  
12 may be able to offer housing, financial, and  
13 transportation assistance and actively assisting the  
14 family in accessing the community resources."

15 3. By striking page 14, line 17 through page 15,  
16 line 12 and inserting the following:

17 "2. Within seventy-two hours following the  
18 issuance of an order of emergency removal or placement  
19 of an Indian child, the court issuing the order shall  
20 notify the Indian child's tribe of the emergency  
21 removal or placement by registered mail, return  
22 receipt requested. The notice shall include the court  
23 order, the petition, if applicable, any information  
24 required by this chapter, and a statement informing  
25 the child's tribe of the tribe's right to intervene in  
26 the proceeding.

27 3. A motion, application, or petition commencing  
28 an emergency or temporary removal under section 232.79  
29 or 232.95 or foster care placement proceeding under  
30 chapter 232 involving an Indian child shall be  
31 accompanied by all of the following:

32 a. An affidavit containing the names, tribal  
33 affiliations, and addresses of the Indian child, and  
34 of the child's parents and Indian custodians.

35 b. A specific and detailed account of the  
36 circumstances supporting the removal of the child.

37 c. All reports or other documents from each public  
38 or private agency involved with the emergency or  
39 temporary removal that are filed with the court and  
40 upon which any decision may be based. The reports  
41 shall include all of the following information, when  
42 available:

43 (1) The name of each agency.

44 (2) The names of agency administrators and  
45 professionals involved in the removal.

46 (3) A description of the emergency justifying the  
47 removal of the child.

48 (4) All observations made and actions taken by the  
49 agency.

50 (5) The date, time, and place of each such action.

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- 1 (6) The signatures of all agency personnel
- 2 involved.
- 3 (7) A statement of the specific actions taken and
- 4 to be taken by each involved agency to effectuate the
- 5 safe return of the child to the custody of the child's
- 6 parent or Indian custodian."
- 7 4. Page 26, by striking lines 21 through 31 and
- 8 inserting the following:
- 9 "1. The department of human services, in
- 10 consultation with Indian tribes, shall establish
- 11 standards and procedures for the department's review
- 12 of cases subject to this chapter and methods for
- 13 monitoring the department's compliance with provisions
- 14 of the federal Indian Child Welfare Act and this
- 15 chapter. These standards and procedures and the
- 16 monitoring methods shall be integrated into the
- 17 department's structure and plan for the federal
- 18 government's child and family service review process
- 19 and any program improvement plan resulting from that
- 20 process."
- 21 5. By renumbering as necessary.

Boddicker of Cedar offered the following amendment H-1384, to amendment H-1365, filed by him from the floor and moved its adoption:

H-1384

- 1 Amend the amendment, H-1365, to Senate File 354, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 17, by striking the words
- 5 "seventy-two hours" and inserting the following:
- 6 "three business days".

Amendment H-1384 was adopted.

On motion by Boddicker of Cedar, amendment H-1365, as amended, was adopted.

Boddicker of Cedar 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. 354)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevort	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## SENATE AMENDMENT CONSIDERED

J.R. Van Fossen of Scott called up for consideration **House File 171**, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-1212:

H-1212

- 1 Amend House File 171, as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. Page 14, by inserting after line 27 the  
4 following:

5 "Sec. \_\_\_\_ Section 161B.1, subsection 2, Code  
6 2003, is amended to read as follows:

7 2. The department of agriculture and land  
8 stewardship shall report annually to the senate  
9 ~~standing committees~~ committee on energy natural  
10 resources and environment and the house of  
11 representatives standing committee on environmental  
12 ~~protection of the house and senate~~ on the projects  
13 conducted with the agricultural energy management  
14 fund."

15 2. Page 19, by inserting after line 16 the  
16 following:

17 "Sec. \_\_\_\_ Section 303A.6, subsection 3, Code  
18 2003, is amended to read as follows:

19 3. Upon approving a grant, the board shall certify  
20 to the treasurer of state the amount of financial  
21 assistance payable from the ~~trust~~ grant account to the  
22 qualified organization whose grant application is  
23 approved."

24 3. Page 19, by inserting after line 23 the  
25 following:

26 "Sec. \_\_\_\_ Section 307.27, subsection 8, Code  
27 2003, is amended to read as follows:

28 8. Administer the registration of interstate  
29 ~~commerce commission~~ authority of motor carriers  
30 pursuant to chapter 327B as provided in 49 U.S.C. §  
31 14504 and United States department of transportation  
32 regulations."

33 4. Page 20, by inserting after line 25 the  
34 following:

35 "Sec. \_\_\_\_ Section 327B.1, subsections 1 through  
36 3, Code 2003, are amended to read as follows:

37 1. It is unlawful for a carrier to perform an  
38 interstate transportation service for compensation  
39 upon the highways of this state without first  
40 registering the authority obtained from the ~~interstate~~  
41 ~~commerce commission~~ United States department of  
42 transportation or evidence that such authority is not  
43 required with the state department of transportation.

44 2. The department shall participate in the single  
45 state insurance registration program for regulated  
46 motor carriers as provided in 49 U.S.C. § ~~14506~~ 14504  
47 ~~and interstate commerce commission~~ United States  
48 department of transportation regulations.

49 3. Registration for carriers transporting  
50 commodities exempt from ~~interstate commerce commission~~

Page 2

1 United States department of transportation regulation  
2 shall be granted without hearing upon application and  
3 payment of a twenty-five-dollar filing fee and an  
4 annual one-dollar fee per vehicle.

5 Sec. \_\_\_\_ Section 327B.7, Code 2003, is amended to  
6 read as follows:

7 327B.7 RECIPROCITY FOR EXEMPT COMMODITY BASE STATE  
8 REGISTRATION SYSTEM.

9 The department may enter into a reciprocity  
10 agreement on behalf of this state with authorized  
11 representatives of other states to become a member of  
12 an exempt commodity base state registration system for  
13 the registration, insurance verification, and fee  
14 collection for carriers hauling commodities exempt  
15 from ~~interstate commerce commission~~ United States  
16 department of transportation authority.

17 Sec. \_\_\_\_ Section 327C.22, Code 2003, is amended  
18 to read as follows:

19 327C.22 INTERSTATE FREIGHT RATES.

20 The department shall exercise constant diligence to  
21 ascertain the rates, charges, rules, and practices of  
22 common carriers operating in this state, in relation  
23 to the transportation of freight in interstate  
24 business. When it shall ascertain from any source or  
25 have reasonable grounds to believe that the rates  
26 charged on such interstate business or the rules or  
27 practices in relation thereto discriminate unjustly  
28 against any of the citizens, industries, interests, or  
29 localities of the state, or place any of them at an  
30 unreasonable disadvantage as compared with those of  
31 other states, or are in violation of the laws of the  
32 United States regulating commerce, or in conflict with  
33 the rulings, orders, or regulations of the ~~interstate~~  
34 ~~commerce commission~~ surface transportation board, the  
35 department shall take the necessary steps to prevent  
36 the continuance of such rates, rules, or practices.

37 Sec. \_\_\_\_ Section 327C.23, Code 2003, is amended  
38 to read as follows:

39 327C.23 APPLICATION TO INTERSTATE COMMERCE  
40 COMMISSION SURFACE TRANSPORTATION BOARD.

41 When any common carrier has put in force any rates,  
42 rules, or practices in relation to interstate freight  
43 business, in violation of the laws of the United  
44 States regulating commerce, or of the orders, rules,  
45 or regulations of the ~~interstate commerce commission~~  
46 surface transportation board, or shall unjustly  
47 discriminate against any of the citizens, industries,  
48 interests, or localities of the state, the department  
49 shall present the material facts involved in such  
50 violations or discrimination to the ~~interstate~~

Page 3

1 ~~commerce commission~~ surface transportation board and  
2 seek relief therefrom, and, if deemed necessary or  
3 expedient, the department shall prosecute any charge  
4 growing out of such violation or discrimination, at  
5 the expense of the state, before the ~~interstate~~  
6 ~~commerce commission~~ surface transportation board.

7 Sec. \_\_\_\_ Section 327D.67, unnumbered paragraph 2,  
8 Code 2003, is amended to read as follows:

9 The form of every schedule shall be prescribed by  
10 the department and shall conform, in the case of  
11 common carriers, as nearly as may be to the form  
12 prescribed by the ~~interstate commerce commission~~  
13 United States department of transportation.

14 Sec. \_\_\_\_ Section 327D.72, Code 2003, is amended  
15 to read as follows:

16 327D.72 INTERSTATE COMMERCE SCHEDULES.

17 When schedules and classifications required by the  
18 ~~interstate commerce commission~~ United States  
19 department of transportation contain in whole or in  
20 part the information required by the provisions of  
21 this chapter, the posting and filing of a copy of such  
22 schedules and classifications with the ~~interstate~~  
23 ~~commerce commission~~ United States department of  
24 transportation shall be deemed a compliance with the  
25 filing requirements of this chapter insofar as such  
26 schedules and classifications contain the information  
27 required by this chapter, and any additional or  
28 different information may be posted and filed in a  
29 supplementary schedule.

30 Sec. \_\_\_\_ Section 327D.200, Code 2003, is amended  
31 to read as follows:

32 327D.200 INCONSISTENCY WITH FEDERAL LAW –  
33 RAILROADS.

34 If any provision of this chapter is inconsistent or  
35 conflicts with federal laws, rules or regulations  
36 applicable to railway corporations subject to the  
37 jurisdiction of the ~~federal interstate commerce~~  
38 ~~commission~~ surface transportation board, the  
39 department shall suspend the provision, but only to  
40 the extent necessary to eliminate the inconsistency or  
41 conflict.

42 Sec. \_\_\_\_ Section 327D.201, Code 2003, is amended  
43 to read as follows:

44 327D.201 RAILROAD INTRASTATE RATES – RULES.

45 The department may issue rules relating to the  
46 regulation of railroad intrastate rates,  
47 classifications, rules and practices in accordance  
48 with the standards and procedures of the ~~federal~~  
49 ~~interstate commerce commission~~ surface transportation  
50 board applicable to rail carriers.

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1 Sec. \_\_\_\_ Section 327G.61, subsection 2, Code  
2 2003, is amended to read as follows:

3 2. "Spur track" means a railroad track located  
4 wholly within the state connected to a main or branch  
5 line of a railroad and used to originate or terminate  
6 traffic at one or more industries or a railroad track  
7 not subject to the jurisdiction of the ~~interstate~~  
8 ~~commerce commission~~ surface transportation board. A  
9 spur track shall not include a railroad line used to  
10 provide line-haul or intercity transportation.

11 Sec. \_\_\_\_ Section 327G.78, unnumbered paragraph 1,  
12 Code 2003, is amended to read as follows:

13 Subject to sections 327G.77 and 6A.16, when a  
14 railroad corporation, its trustee, or its successor in  
15 interest has interests in real property adjacent to a  
16 railroad right-of-way that are abandoned by order of  
17 the ~~interstate commerce commission~~ surface  
18 transportation board, reorganization court, bankruptcy  
19 court, or the department, or when a railroad  
20 corporation, its trustee, or its successor in interest  
21 seeks to sell its interests in that property under any  
22 other circumstance, the railroad corporation, its  
23 trustee, or its successor in interest shall extend a  
24 written offer to sell at a fair market value price to  
25 the persons holding leases, licenses, or permits upon  
26 those properties, allowing sixty days from the time of  
27 receipt for a written response. If a disagreement  
28 arises between the parties concerning the price or  
29 other terms of the sale transaction, either or both  
30 parties may make written application to the department  
31 to resolve the disagreement. The application shall be  
32 made within sixty days from the time an initial  
33 written response is served upon the railroad  
34 corporation, trustee, or successor in interest by the  
35 person wishing to purchase the property. The  
36 department shall notify the department of inspections  
37 and appeals which shall hear the controversy and make  
38 a final determination of the fair market value of the  
39 property and the other terms of the transaction which  
40 were in dispute, within ninety days after the  
41 application is filed. The determination is subject to  
42 review by the department and the department's decision  
43 is the final agency action. All correspondence shall  
44 be by certified mail."

45 5. Page 21, by inserting after line 24, the  
46 following:

47 "Sec. \_\_\_\_ Section 384.63, subsection 3, Code  
48 2003, is amended to read as follows:

49 3. When a private improvement is constructed on a  
50 lot subject to a deficiency, during the period of

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1 amortization, the council shall, by resolution, assess  
2 a pro rata portion of the deficiency on that lot, in  
3 the same proportion to the total deficiency on that  
4 lot as the number of future installments of special  
5 assessments remaining to be paid is to the total  
6 number of installments of assessments for the project,  
7 subject to the twenty-five percent limitation of  
8 section 384.62. A deficiency assessment becomes a  
9 lien on the property and is payable in the same  
10 manner, and subject to the same interests as the other  
11 special assessments. The council shall direct the  
12 clerk to certify a deficiency assessment to the county  
13 treasurer, and to send a notice of the deficiency  
14 assessment by mail to each owner, as provided in  
15 section 384.60, ~~subsection 5~~, but publication of the  
16 notice is not required."

17 6. Page 21, line 32, by striking the word  
18 "annually" and inserting the following: "on July 1 of  
19 each fiscal year".

20 7. Page 22, by inserting after line 8 the  
21 following:

22 "Sec. \_\_. Section 435.26, subsection 1, paragraph

23 a, Code 2003, is amended to read as follows:

24 a. A mobile home or manufactured home which is  
25 located outside a manufactured home community or  
26 mobile home park shall be converted to real estate by  
27 being placed on a permanent foundation and shall be  
28 assessed for real estate taxes. A home, after  
29 conversion to real estate, is eligible for the  
30 homestead tax credit and the military service tax  
31 exemption as provided in sections 425.2 and 426A.11."

32 8. Page 27, line 12, by striking the word and  
33 figures "504 or 504A" and inserting the following:  
34 "504, Code 1989, or chapter 504A".

35 9. Page 30, by inserting after line 12, the  
36 following:

37 "Sec. \_\_. Section 537.1303, subsection 10, Code  
38 2003, is amended to read as follows:

39 10. "Pursuant to a credit card". Section  
40 537.1301, subsection 17 16."

41 10. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1212.

J.R. Van Fossen of Scott 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. 171)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dè Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Rants, Spkr. Sands

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Appropriations Calendar

**House File 657**, a bill for an act relating to the establishment of the office of grants enterprise management in the department of management to assist the state in receiving more nonstate funds and

providing a standing limited appropriation, was taken up for consideration.

Alons of Sioux offered the following amendment H-1293 filed by the committee on appropriations and moved its adoption:

H-1293

- 1 Amend House File 657 as follows:
- 2 1. Page 1, lines 6 and 7, by striking the words
- 3 "funds received by the state" and inserting the
- 4 following: "grants as defined in section 8.2,
- 5 subsections 1 and 3".

The committee amendment H-1293 was adopted.

### SENATE FILE 438 SUBSTITUTED FOR HOUSE FILE 657

Alons of Sioux asked and received unanimous consent to substitute Senate File 438 for House File 657.

**Senate File 438**, a bill for an act relating to the establishment of the office of grants enterprise management in the department of management to assist the state in receiving more nonstate funds and providing a standing limited appropriation, was taken up for consideration.

Alons of Sioux 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. 438)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs

Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 657 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House File 657 from further consideration by the House.

**Senate File 375**, a bill for an act relating to enforcement enhancements relative to certain tobacco product manufacturers, providing appropriations and penalties, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Horbach of Tama 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. 375)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohon	Connors

Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Ways and Means Calendar

**House File 665**, a bill for an act relating to property taxation of certain lands leased to others by the department of corrections or department of human services and providing for the Act's applicability, was taken up for consideration.

Horbach of Tama offered the following amendment H-1277 filed by him and moved its adoption:

H-1277

1 Amend House File 665 as follows:

2 1. Page 1, by striking line 21, and inserting the  
3 following: "leased to an entity other than an entity

- 4 which is exempt from property taxation under this  
 5 section shall be".  
 6 2. Page 1, line 22, by striking the words "exempt  
 7 from" and inserting the following: "subject to  
 8 property".  
 9 3. Page 2, by striking lines 15 and 16, and  
 10 inserting the following: "property taxes due and  
 11 payable on".  
 12 4. Page 2, line 18, by inserting after the word  
 13 "departments" the following: "if land subject to this  
 14 section is leased to an entity other than an entity  
 15 which is exempt from property taxation under section  
 16 427.1".

Amendment H-1277 was adopted.

Drake of Pottawattamie 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. 665)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Carroll,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Lukan

Rants, Spkr.

Rayhons

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 171, 665 and Senate Files 354, 375 and 438.**

### INTRODUCTION OF BILL

**House File 691**, by committee on appropriations, a bill for an act relating to state and local government financial and regulatory matters, making and reducing appropriations, providing a fee, and providing applicability and effective dates.

Read first time and placed on **appropriations calendar**.

### Unfinished Business Calendar

**Senate File 402**, a bill for an act relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses, with report of committee recommending passage, was taken up for consideration.

McCarthy of Polk offered the following amendment H-1391 filed by him and Baudler of Adair from the floor and moved its adoption:

H-1391

- 1 Amend Senate File 402, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 27 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 708.2, Code 2003, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 4A. A person who commits an
- 8 assault, as defined in section 708.1, and who uses any
- 9 object to penetrate the genitalia or anus of another

- 10 person, is guilty of a class "C" felony."  
 11 2. Title page, line 1, by inserting after the  
 12 word "to" the following: "sexual assault offenses by  
 13 affecting".  
 14 3. Title page, line 2, by inserting after the  
 15 word "offenses" the following: "and by modifying the  
 16 penalties for certain assaults".  
 17 4. By renumbering as necessary.

Amendment H-1391 was adopted.

Paulsen of Linn 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. 402)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdye
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 343**, a bill for an act relating to operation permits for public disposal systems and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Fallon of Polk offered the following amendment H-1291 filed by him and moved its adoption:

H-1291

- 1 Amend Senate File 343, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 3, by striking the words "A
- 4 publicly" and inserting the following: "After a
- 5 publicly owned disposal system has applied for and
- 6 been denied financial assistance from the Iowa water
- 7 pollution control works and drinking water facilities
- 8 financing program, the publicly".

Amendment H-1291 lost.

Gipp of Winneshiek asked and received unanimous consent that Senate File 343 be deferred and that the bill retain its place on the calendar.

**Senate File 173**, a bill for an act authorizing school districts to deduct and pay fees for membership in not-for-profit professional education associations, with report of committee recommending passage, was taken up for consideration.

Boal of Polk 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. 173)



The ayes were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Chambers	De Boef
Dennis	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hansen	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Watts	Wildurdyke	Carroll,
			Presiding

The nays were, 47:

Bell	Berry	Bukta	Cphoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Van Fossen, J.R.	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 1:

Dix

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Ways and Means Calendar

**House File 670**, a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision, was taken up for consideration.

## SENATE FILE 366 SUBSTITUTED FOR HOUSE FILE 670

Eichhorn of Hamilton asked and received unanimous consent to substitute Senate File 366 for House File 670.

**Senate File 366**, a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that Senate File 366 be deferred and that the bill retain its place on the calendar.

## ADOPTION OF HOUSE RESOLUTION 50

Lensing of Johnson, Foege of Linn, Mascher of Johnson and Myers of Johnson called up for consideration **House Resolution 50**, a resolution honoring the University of Iowa Football Team and Coach Kirk Ferentz, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

Myers of Johnson introduced to the House, Coach Kirk Ferentz of the University of Iowa Football Team who spoke briefly thanking the House for the honor and expressing thanks to his team and staff.

The House rose and expressed its welcome.

## 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 April 22, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 599, a bill for an act relating to property insurance, including establishment of a mandatory plan to assure fair access to insurance requirements, and providing for an effective date and retroactive applicability.

Also: That the Senate has on April 22, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 600, a bill for an act regulating organic agricultural products, providing for fees and penalties, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

Klemme of Plymouth in the chair at 4:36 p.m.

The House resumed consideration of **Senate File 366**, a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision, previously deferred.

Eichhorn of Hamilton offered the following amendment H-1330 filed by him and moved its adoption:

H-1330

- 1 Amend Senate File 366, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, line 27, by inserting after the word
- 4 "trust" the following: "not".

Amendment H-1330 was adopted.

Eichhorn of Hamilton 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. 366)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones

Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Klemme,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Ways and Means Calendar

**House File 680**, a bill for an act relating to licenses for bait dealers by creating resident and nonresident wholesale bait dealer licenses, providing reciprocity, and providing effective and applicability dates, was taken up for consideration.

Carroll of Poweshiek in the chair at 4:48 p.m.

Lukan of Dubuque offered the following amendment H-1359 filed by Lukan, et al., and moved its adoption:

H-1359

- 1 Amend House File 680 as follows:
- 2 1. Page 1, by striking lines 6 through 12 and
- 3 inserting the following:
- 4 "NEW PARAGRAPH. t. Wholesale bait dealer license .. \$ 125.00
- 5 Sec. \_\_. Section 483A.1, subsection 2, paragraph
- 6 1, Code 2003, is amended to read as follows:
- 7 1. ~~Bait~~ Retail bait dealer license ..... \$ ~~66.00~~
- 8 125.00
- 9 or the amount for the same type of license
- 10 in the nonresident's state, whichever is

- 11 greater  
 12 Sec. \_\_\_\_ Section 483A.1, subsection 2, Code 2003,  
 13 is amended by adding the following new paragraph:  
 14 NEW PARAGRAPH. t. Wholesale bait dealer license ... \$ 250.00  
 15 or the amount for the same type of license  
 16 in the nonresident's state, whichever is  
 17 greater".  
 18 2. Page 1, by striking lines 22 through 24 and  
 19 inserting the following:  
 20 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act, being deemed  
 21 of immediate importance, takes effect upon enactment."  
 22 3. Title page, by striking line 3, and inserting  
 23 the following: "reciprocity, and providing an  
 24 effective date."  
 25 4. By renumbering as necessary.

Amendment H-1359 was adopted.

Lukan of Dubuque 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. 680)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt

Whitaker  
Wise

Whitead  
Carroll,  
Presiding

Wilderdyke

Winckler

The nays were, none.

Absent or not voting, 2:

Hansen

Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### Appropriations Calendar

**House File 684**, a bill for an act relating to the revenue estimating conference's responsibilities and authority, was taken up for consideration.

Jenkins of Black Hawk 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. 684)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.

Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Rants, Spkr.      Van Fossen, J.K.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILES 554 AND 670 WITHDRAWN

Eichhorn of Hamilton asked and received unanimous consent to withdraw House Files 554 and 670 from further consideration by the House.

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 680, 684 and Senate Files 173, 366 and 402.**

### SENATE AMENDMENT CONSIDERED

Roberts of Carroll called up for consideration **House File 594**, a bill for an act relating to the registration of electrical and mechanical amusement devices and the registration of manufacturers and distributors thereof, making an appropriation, making penalties applicable; and providing an effective date, amended by the Senate amendment H-1369:

H-1369

- 1 Amend House File 594, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 8, by striking the words "No more
- 4 than four" and inserting the following: "For an
- 5 organization that meets the requirements of section
- 6 99B.7, subsection 1, paragraph "m", no more than four,
- 7 and for all other persons, no more than two".
- 8 2. Page 1, by striking lines 11 through 14 and
- 9 inserting the following: "location or premises. Each

10 person owning an electrical and mechanical amusement  
11 device in this state shall obtain a registration tag  
12 for each electrical and mechanical amusement device  
13 owned that is required".

14 3. Page 1, line 25, by inserting after the word  
15 "chapter," the following: "A person owning or leasing  
16 an electrical and mechanical amusement device required  
17 to be registered under this subsection shall only own  
18 or lease an electrical and mechanical amusement device  
19 that is required to be registered that has been  
20 purchased from a manufacturer, manufacturer's  
21 representative, or distributor registered with the  
22 department under section 99B.10A."

23 4. Page 2, line 6, by inserting after the word  
24 "department," the following: "Each person who  
25 registers with the department under this section shall  
26 pay an annual registration fee of two thousand five  
27 hundred dollars."

28 5. Title page, line 3, by inserting after the  
29 word "thereof," the following: "establishing fees,".

30 6. By renumbering, relettering, or redesignating  
31 and correcting internal references as necessary.

Gipp of Winneshiek asked and received unanimous consent that House File 594 be deferred and that the bill retain its place on the calendar. (Amendment H-1369 pending)

### Unfinished Business Calendar

House File 358, a bill for an act relating to life science enterprises by providing for financing, was taken up for consideration.

Alons of Sioux offered the following amendment H-1192 filed by the committee on agriculture and moved its adoption:

H-1192

1 Amend House File 358 as follows:

2 1. Page 1, by striking lines 14 through 18, and  
3 inserting the following: "plan. In addition, the  
4 life science enterprise shall not ~~acquire or hold~~  
5 ~~agricultural land if the life science enterprise~~  
6 ~~receives receive~~ any form of financing from an Iowa  
7 agricultural industry finance corporation as provided  
8 in chapter 15E for the purchase or lease of  
9 agricultural land in this state. A life science  
10 enterprise that complies with".

11 2. Page 1, by inserting after line 22 the  
12 following:



- 13 "Sec. \_\_. EFFECTIVE DATE. This Act, being deemed  
14 of immediate importance, takes effect upon enactment."  
15 3. Title page, line 2, by inserting after the  
16 word "financing" the following: ", and providing an  
17 effective date".  
18 4. By renumbering as necessary.

The committee amendment H-1192 was adopted.

Hogg of Linn asked and received unanimous consent that amendment H-1385 be deferred.

Kuhn of Floyd offered the following amendment H-1280 filed by Kuhn, et al., and moved its adoption:

H-1280

- 1 Amend House File 358 as follows:  
2 1. Page 1, by inserting after line 22 the  
3 following:  
4 "Sec. \_\_. Section 15E.202, subsection 7, Code  
5 2003, is amended to read as follows:  
6 7. "Biotechnology enterprise" means an enterprise  
7 organized under the laws of this state using  
8 biological systems or techniques for the development  
9 of specialized plant or animal characteristics for  
10 beneficial nutritional, commercial, or industrial  
11 purposes, including but not limited for the purposes  
12 of a life science enterprise as provided in section  
13 10C.2.  
14 Sec. \_\_. 15E.202, Code 2003, is amended by adding  
15 the following new subsections:  
16 **NEW SUBSECTION.** 7A. "Biotechnological system or  
17 technique" means any scientific process, including but  
18 not limited to a transgenic process, that involves  
19 changing an organism's original genetic code or  
20 modifying enzymes in living cells to cause a specific  
21 biochemical reaction, other than by breeding or  
22 pollination. For purposes of this subsection, a life  
23 science product as provided in chapter 10C is produced  
24 using a biotechnological system or technique.  
25 **NEW SUBSECTION.** 16A. "Processing" means turning  
26 an agricultural commodity into an agricultural  
27 processed product by physical or chemical  
28 modification, including but not limited to canning,  
29 freezing, drying, dehydrating, cooking, pressing,  
30 powdering, packaging, repacking, baking, heating,  
31 mixing, grinding, churning, separating, extracting,  
32 cutting, fermenting, eviscerating, preserving,  
33 jarring, brewing, or slaughtering.

34 Sec.\_\_\_\_. Section 15E.209, subsection 3, Code  
 35 2003, is amended to read as follows:  
 36 3. A An Iowa agricultural industry finance  
 37 corporation shall not provide financing to support an  
 38 outstanding debt or other obligation, regardless of  
 39 whether the original financing was provided by a  
 40 corporation.  
 41 4. a. An Iowa agricultural industry finance  
 42 corporation that receives an Iowa agricultural  
 43 industry finance loan shall invest at least fifty  
 44 percent of all of its moneys to finance an Iowa  
 45 agricultural industry venture involving processing.  
 46 b. An Iowa agricultural industry finance  
 47 corporation that receives an Iowa agricultural  
 48 industry finance loan shall not invest more than fifty  
 49 percent of all of its moneys in a business which  
 50 produces or studies the production of an article

Page 2

1 derived from a biotechnological system or technique.  
 2 An Iowa agricultural industry finance corporation's  
 3 moneys include moneys that originate from an Iowa  
 4 agricultural industry finance loan or any another  
 5 source. The investment referred to in paragraph "a"  
 6 may be in the form of financing as provided in this  
 7 section or may be the acquisition of an equity  
 8 interest in a business."

Roll call was requested by Myers of Johnson and Kuhn of Floyd.

Rule 75 was invoked.

On the question "Shall amendment H-1280 be adopted?" (H.F.  
 358)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	De Boef
Fallon	Foege	Ford	Frevort
Gaskill	Greimann	Heddens	Hogg
Hunter	Huser	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Petersen	Quirk	Rayhons	Reasoner
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas

Wendt  
Wise

Whitaker

Whitead

Winckler

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Chambers	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hansen	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Roberts
Sands	Schickel	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Carroll,	
		Presiding	

Absent or not voting, none.

Amendment H-1280 lost.

Hogg of Linn offered the following amendment H-1385, filed by him from the floor, previously deferred, and moved its adoption:

H-1385

- 1 Amend House File 358 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "land," the following: "A life science enterprise
- 4 that receives any form of financing from an Iowa
- 5 agricultural industry finance corporation as provided
- 6 in chapter 15E shall file a life science security plan
- 7 with the department of economic development according
- 8 to procedures required by the department. However,
- 9 the plan must be submitted to the department no later
- 10 than ninety days after the life science enterprise's
- 11 application for financial assistance has been
- 12 approved. The plan shall provide for management
- 13 practices which include safeguards designed to protect
- 14 against threats presented by terrorism and to ensure
- 15 the protection of human health, the natural
- 16 environment, and agricultural products. The plan
- 17 shall be approved by the department of economic
- 18 development. If the department approves the plan, the
- 19 department shall also submit the plan to the Iowa
- 20 department of public health, the department of natural
- 21 resources, the department of agriculture and land
- 22 stewardship, and the emergency management division of

- 23 the department of public defense for further approval.  
 24 The further approvals or any disapproval by another  
 25 department shall be returned to the department of  
 26 economic development. Any disapproval shall include  
 27 reasons for the disapproval. The life science  
 28 enterprise shall resubmit a plan until the plan is  
 29 approved by each of the departments."  
 30 2. By renumbering as necessary.

Amendment H-1385 lost.

Alons of Sioux 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. 358)

The ayes were, 54:

Alons	Baudler	Boal	Boddicker
Bogges	Chambers	Dandekar	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hansen	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyeke
Wise	Carroll,		
	Presiding		

The nays were, 45:

Arnold	Bell	Berry	Bukta
Cohoon	Connors	Davitt	De Boef
Fallon	Foege	Ford	Frevort
Gaskill	Greimann	Heddens	Hogg
Hunter	Huser	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Österhaus	Petersen
Quirk	Reasoner	Shultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler			

Absent or not voting, 1:

Van Engelenhoven

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### Unfinished Business Calendar

**Senate File 353**, a bill for an act requiring establishment of county child protection assistance teams, with report of committee recommending passage, was taken up for consideration.

Roberts of Carroll 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. 353)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Carroll,
			Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE AMENDMENTS CONSIDERED

Boddicker of Cedar called up for consideration **House File 565**, a bill for an act relating to the healthy and well kids in Iowa program, amended by the Senate, and moved that the House concur in the following Senate amendment H-1366:

H-1366

1 Amend House File 565, as passed by the House, as  
2 follows:

3 1. Page 1, line 11, by inserting after the word  
4 "amounts" the following: "of not less than ten  
5 dollars per individual and twenty dollars per family,  
6 if not otherwise prohibited by federal law."

7 2. Page 2, by striking line 32, and inserting the  
8 following: "shall be assessed ~~on a sliding fee scale~~  
9 based on family".

10 3. Page 3, by striking lines 15 and 16, and  
11 inserting the following:

12 "e. Is not currently covered ~~under or was not~~  
13 ~~covered within the prior six months~~ under a group  
14 health plan as".

15 4. Page 3, by inserting after line 33, the  
16 following:

17 "Sec. \_\_. MONITORING AND REPORTING REQUIREMENTS.

18 The department of human services shall monitor the  
19 effects of the striking of section 514I.5, subsection  
20 8, paragraph "m", by this Act, until June 30, 2005.

21 The department shall submit a report to the general  
22 assembly annually on January 15, during the period  
23 ending June 30, 2005, that includes the reporting of  
24 any increased cost of the hawk-i program resulting  
25 from the striking of the paragraph described in this  
26 section."

27 5. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1366.

Boddicker of Cedar 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. 565)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Kramer      Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Upmeyer of Hancock called up for consideration **House File 386**, a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act, amended by the Senate, and moved that the House concur in the following Senate amendment H-1349:

H-1349

1 Amend House File 386, as passed by the House, as  
2 follows:

3 1. Page 5, by inserting after line 1 the  
4 following:

5 "Sec. \_\_\_\_ NEW SECTION. 231.23A PROGRAMS AND  
6 SERVICES.

7 The department of elder affairs shall provide or  
8 administer, but is not limited to providing or  
9 administering, all of the following programs and  
10 services:

11 1. Elderly services including but not limited to  
12 home and community-based services such as adult day  
13 services, assessment and intervention, transportation,  
14 chore services, counseling, homemaker services,  
15 material aid, personal care, reassurance, respite  
16 services, visitation, caregiver support, emergency  
17 response system services, mental health outreach, and  
18 home repair.

19 2. The senior internship program.

20 3. The retired senior volunteer program.

21 4. The case management program for the frail  
22 elderly.

23 5. Administration relating to the long-term care  
24 resident's advocate program and training for resident  
25 advocate committees.

26 6. Administration relating to the area agencies on  
27 aging.

28 7. Other programs and services authorized by law."

29 2. Page 10, line 1, by inserting after the word  
30 "out" the following: "reasonably and".

31 3. By renumbering, relettering, or redesignating  
32 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1349.

Upmeyer of Hancock 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. 386)

The ayes were, 98:

Alons  
Berry

Arnold  
Boal

Baudler  
Boddicker

Bell  
Boggess



Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Myers                      Rants, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 2003, passed the following bill in which the concurrence of the Senate was asked:

House File 492, a bill for an act relating to soil conservation by providing for the acquisition of land by soil and water conservation districts, and eliminating certain reporting requirements.

Also: That the Senate has on April 22, 2003, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 19, a concurrent resolution urging congressional

adoption of a free trade agreement between Taiwan and the United States.

MICHAEL E. MARSHALL, Secretary

## HOUSE RECEDES

Horbach of Tama called up for consideration **Senate File 435**, a bill for an act relating to and making appropriations to the judicial branch, amended by the House and moved that the House recede from its amendment.

The motion prevailed and the House recedes.

Horbach of Tama 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. 435)

The ayes were, 89:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Struyk	Taylor, D.	Taylor, T.
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitead	Wilderdyke	Winckler	Wise
Carroll,			
Presiding			

The nays were, 10:

Davitt  
Quirk  
Thomas

Frevert  
Smith  
Whitaker

Gaskill  
Stevens

Kuhn  
Swaim

Absent or not voting, 1:

Rants, Spkr.

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 358, 386, 565 and Senate File 353.**

### Unfinished Business Calendar

The House resumed consideration of **Senate File 343**, a bill for an act relating to operation permits for public disposal systems and providing an effective date, previously deferred.

Greimann of Story offered amendment H-1398 filed by her from the floor as follows:

H-1398

- 1 Amend Senate File 343, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 455B.171, subsection 4, Code
- 6 2003, is amended to read as follows:
- 7 4. "Credible data" means scientifically valid
- 8 chemical, physical, or biological monitoring data
- 9 collected under a scientifically accepted sampling and
- 10 analysis plan, including quality control and quality
- 11 assurance procedures, and scientifically valid
- 12 evaluative data and information documented by a
- 13 qualified professional in the department such as a
- 14 professional engineer, biologist, or hydrologist, or
- 15 by a professional designee of the department, as
- 16 defined in section 455B.193, subsection 1. Data dated
- 17 more than five ten years before the department's date

18 of listing or other determination under section  
19 455B.194, subsection 1, shall be presumed not to be  
20 credible data unless the department identifies  
21 compelling reasons as to why the data is credible.

22 Sec. \_\_\_\_ Section 455B.171, subsection 8, Code  
23 2003, is amended to read as follows:

24 8. "Historical data" means data collected more  
25 than five ten years before the department's date of  
26 listing or other determination under section 455B.194,  
27 subsection 1."

28 2. Page 1, line 11, by inserting after the word  
29 "methods" the following: "using credible data".

30 3. Page 1; by inserting after line 12 the  
31 following:

32 "Sec. \_\_\_\_ Section 455B.193, subsection 1, Code  
33 2003, is amended to read as follows:

34 1. Data is not credible data unless the data  
35 originates from studies and samples collected by the  
36 department, a professional designee of the department,  
37 or a qualified volunteer. For purposes of this  
38 subsection, "professional designee" includes  
39 governmental agencies other than the department, and a  
40 person hired by, or under contract for compensation  
41 with, the department to collect or study data, and a  
42 qualified volunteer who has passed the third level of  
43 training in quality control and quality assessment  
44 measures under the Iowa water pollution control works  
45 and drinking water facilities financing program.

46 Sec. \_\_\_\_ Section 455B.194, subsection 1,  
47 paragraph a, Code 2003, is amended by striking the  
48 paragraph.

49 Sec. \_\_\_\_ Section 455B.195, subsection 1,  
50 paragraph b, Code 2003, is amended to read as follows:

Page 2

1 b. The data quality for removal of water of the  
2 state from any list of impaired waters including any  
3 section 303(d) list shall be the same as the data  
4 quality for adding a water to that list. A water of  
5 the state that is placed on a section 303(d) list  
6 shall not be removed from a section 303(d) list due to  
7 lack of credible data."

8 4. Title page, line 1, by inserting after the  
9 word "systems" the following: "and credible data  
10 concerning water quality".

11 5. By renumbering as necessary.

Greiner of Washington rose on a point of order that amendment  
H-1398 was not germane.

The Speaker ruled the point well taken and amendment H-1398 not germane.

Greiner of Washington 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. 343)

The ayes were, 61:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gaskill
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lukan	Manternach	Mertz	Olson, S.
Paulsen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Roberts	Sands
Schickel	Stevens	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyeke
Carroll,			
Presiding			

The nays were, 39:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Greimann
Heddens	Hogg	Hunter	Jochum
Lensing	Lykam	Maddox	Mascher
McCarthy	Miller	Murphy	Myers
Oldson	Olson, D.	Osterhaus	Petersen
Reasoner	Shoultz	Smith	Swaim
Taylor, D.	Taylor, T.	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 343** be immediately messaged to the Senate.

## SENATE AMENDMENT CONSIDERED

The House resumed consideration **House File 594**, a bill for an act relating to the registration of electrical and mechanical amusement devices and the registration of manufacturers and distributors thereof, making an appropriation, making penalties applicable, and providing an effective date, amended by the Senate amendment H-1369, pending and found on pages 1229 and 1230 of the House Journal.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-1396, to the Senate amendment H-1369, filed by him from the floor.

Petersen of Polk offered the following amendment H-1394, to the Senate amendment H-1369, filed by her and Wise of Lee from the floor and moved its adoption:

H-1394

- 1 Amend the Senate amendment, H-1369, to House File
- 2 594, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 27 the
- 5 following:
- 6 " \_\_\_\_ Page 2, line 12, by inserting after the
- 7 words "in this state." the following: "Fees collected
- 8 pursuant to this section shall not be deposited in the
- 9 general fund of the state but are appropriated to the
- 10 department of human services for the purpose of
- 11 increasing registered child care inspections.""

Amendment H-1394 lost.

Petersen of Polk asked and received unanimous consent to withdraw amendment H-1395, to the Senate amendment H-1369, filed by her from floor.

On motion by Roberts of Carroll the House concurred in the Senate amendment H-1369.

Roberts of Carroll 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. 594)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Maddox	Manternach	Mascher	McCarthy
Mertz	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Wise	Carroll, Presiding		

The nays were, 4:

Gaskill	Lykam	Miller	Winckler
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Absent or not voting, 2:

Gipp	Rants, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### Unfinished Business Calendar

**Senate File 405**, a bill for an act relating to the authority of a city to acquire equity interests in business entities for the purpose of participating in electric energy transmission service, with report of committee recommending passage, was taken up for consideration.

Sands of Louisa 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. 405)

The ayes were, 82:

Alons	Baudler	Bell	Berry
Boal	Boggess	Bukta	Chambers
Cohoon	Connors	Dandekar	Davitt
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Freeman	Frevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Huseman	Jacobs	Jenkins
Jochum	Jones	Klemme	Kuhn
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll,		
	Presiding		

The nays were, 18:

Arnold	Boddicker	De Boef	Ford
Granzow	Horbach	Hunter	Huser
Hutter	Kramer	Kurtenbach	Lalk
Manternach	Rasmussen	Rayhons	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.		

Absent or not voting, none.



The bill having received a constitutional majority was declared to have passed the House and the title was agreed to:

### SENATE AMENDMENT CONSIDERED

Schickel of Cerro Gordo called up for consideration **House File 584**, a bill for an act providing for exceptions to municipal tort liability for certain activities, amended by the Senate amendment H-1337:

H-1337

- 1 Amend House File 584, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 9 through 12, and
- 4 inserting the following: "constructed or
- 5 reconstructed, reasonably and in good faith, in
- 6 accordance with a generally recognized engineering or
- 7 safety ~~standard, criteria, standards~~ or design ~~theory~~
- 8 theories in existence at the time of the construction
- 9 or reconstruction."
- 10 2. By renumbering as necessary.

Miller of Webster offered the following amendment H-1379, to the Senate amendment H-1337, filed by her and moved its adoption:

H-1379

- 1 Amend the Senate amendment, H-1337, to House File
- 2 584, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 " Section 1. NEW SECTION. 321G.23a RECREATIONAL
- 6 following:
- 7 RIDING AREA - LIMITATION OF LIABILITY OF PRIOR
- 8 LANDOWNERS.
- 9 Prior owners of land on which an all-terrain
- 10 vehicle recreational riding area is established,
- 11 maintained, or operated owe no duty of care to keep
- 12 the land safe for entry or use by persons operating an
- 13 all-terrain vehicle or to give any warning of a
- 14 dangerous condition, use, structure, or activity on
- 15 such premises that would make the land unsafe for all-
- 16 terrain vehicle usage.""
- 17 2. Title page, line 1, by striking the words
- 18 "municipal tort".
- 19 3. By renumbering as necessary.
- 20

Amendment H-1379 was adopted.

On motion by Schickel of Cerro Gordo, the House concurred in the Senate amendment H-1337, as amended.

Schickel of Cerro Gordo moved that the bill, as amended by the Senate, further amended 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. 584)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1.

Heaton

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### SENATE AMENDMENT CONSIDERED

Eichhorn of Hamilton called up for consideration **House File 404**, a bill for an act authorizing a sentencing court to issue no-contact orders against persons arrested for any public offense, amended by the Senate, and moved that the House concur in the following Senate amendment H-1323:

H-1323

- 1 Amend House File 404, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "victim" the following: ", a person residing with the
- 5 victim, a member of the victim's immediate family, or
- 6 a witness to the offense".
- 7 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1323.

Eichhorn of Hamilton 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. 404)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach

Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Kramer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE AMENDMENT CONSIDERED

Alons of Sioux called up for consideration **House File 644**, a bill for an act providing for manure application requirements, providing for fees, making penalties applicable, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-1370:

H-1370

- 1 Amend House File 644, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 11 through 13, and
- 4 inserting the following: "license pursuant to section
- 5 17A.18A. The".
- 6 2. Page 6, by striking lines 28 through 34, and
- 7 inserting the following:
- 8 "The department may issue an order to suspend or
- 9 revoke the certification of a commercial manure
- 10 service representative for a violation of this
- 11 chapter. The department shall issue an order for the
- 12 suspension".
- 13 3. By striking page 10, line 16, through page 12,
- 14 line 25.
- 15 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1370.

Alons of Sioux 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. 644)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Carroll,
			Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## INTRODUCTION OF BILL

**House File 692**, by committee on ways and means, a bill for an act relating to taxation of property and income and including effective date and applicability date provisions.

Read first time and placed on the **ways and means calendar**.

## IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 404, 584, 594, 644 and Senate File 405**.

## MOTION TO RECONSIDER (Senate File 435)

I move to reconsider the vote by which Senate File 435 passed the House on April 22, 2003.

**HORBACH** of Tama

## BILLS 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 bills have 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 22<sup>nd</sup> day of April, 2003: House Files 204, 390, 392, 480, 493, 505, 545, 603 and 641.

**MARGARET A. THOMSON**  
Chief Clerk of the House

Report adopted.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 21, 2003, he approved and transmitted to the Secretary of State the following bills:

House File 170, an Act relating to the criminal offense of identity theft by making changes in the elements of the offense.

House File 344, an Act allowing a refund of motor fuel taxes paid by a benefited fire district.

House File 349, an Act relating to the representation of indigent persons and indigent defense claims.

House File 380, an Act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

House File 389, an Act providing for miscellaneous technical and substantive changes relating to controlled and precursor substances.

House File 395, an Act relating to the extension of credit without discrimination under the consumer credit code.

Senate File 3, an Act relating to the inclusion of certain information in a termination of pregnancy report.

Senate File 119, an Act relating to real estate appraiser certification.

Senate File 155, an Act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Senate File 201, an Act relating to a review of statistical information compiled by the Board of Educational Examiners from Praxis II examinations administered to initial, provisional teaching license applicants.

Senate File 236, an Act relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date.

Senate File 303, an Act relating to the contents of certain child abuse assessment reports.

Senate File 395, an Act relating to assistance services provided to the Department of Agriculture and Land Stewardship, including for the filing of documents and the payment of fees and civil penalties, and the authorization to assess additional charges.

## 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

- 2003\1253 Dale and Janice Wagner, Indianola – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1254 Herbert Walk, Indianola – For celebrating his 85<sup>th</sup> birthday.
- 2003\1255 Florence Zimmerman, Indianola – For celebrating her 89<sup>th</sup> birthday.
- 2003\1256 Helen Schadde, Creston – For celebrating her 80<sup>th</sup> birthday.
- 2003\1257 Jim Danner, Lucas – For celebrating his 95<sup>th</sup> birthday.
- 2003\1258 Myrna Shope, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2003\1259 Carol and Richard Weidner, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1260 Gwen and Urban Long, Marshalltown – For celebrating their 57<sup>th</sup> wedding anniversary.
- 2003\1261 Dorothy Olsen, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2003\1262 Robert and Rita Welter, Cedar Falls – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1263 John Madden, Rock Rapids – For being one of four men to receive a 2003 Distinguished Engineer Award from South Dakota State University.
- 2003\1264 Wallace Caswell, Inwood – For being a 2003 winner of the Tradition of Caring Jefferson Award for Public Service.
- 2003\1265 Agnes Mobley, Shenandoah – For celebrating her 90<sup>th</sup> birthday.
- 2003\1266 Verne and Ruth Drews, Clinton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1267 LeRoy and Myrna Mohr, Clinton – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1268 Joyce and Arnold Andersen, Clinton – For celebrating their 50<sup>th</sup> wedding anniversary.



- 2003\1269 Elmer Seiler, Clinton – For celebrating his 90<sup>th</sup> birthday.
- 2003\1270 Leonard Peters, Clinton – For celebrating his 90<sup>th</sup> birthday.
- 2003\1271 Henry Rose, Eldora – For celebrating his 80<sup>th</sup> birthday.
- 2003\1272 Mary Fisher, Hubbard – For celebrating her 95<sup>th</sup> birthday.
- 2003\1273 Dorothy Roelfs, Ackley – For celebrating her 85<sup>th</sup> birthday.
- 2003\1274 Margaret Johns, Ackley – For celebrating her 85<sup>th</sup> birthday.
- 2003\1275 Clarence Blanchard, Hampton – For celebrating his 90<sup>th</sup> birthday.
- 2003\1276 Beecher Crosley, Eldora – For celebrating his 90<sup>th</sup> birthday.
- 2003\1277 Woody Fisher, Ackley – For celebrating his 98<sup>th</sup> birthday.
- 2003\1278 Vera Baumann, Iowa Falls – For celebrating her 85<sup>th</sup> birthday.
- 2003\1279 Verna Kielsmeier, Alden – For celebrating her 80<sup>th</sup> birthday.
- 2003\1280 Vera and Ted Cutler, New Providence – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\1281 Henry and Dorothy Jensen, Hubbard – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1282 Lloyd and Martha McDonald, New Providence – For celebrating their 50<sup>th</sup> wedding anniversary.

### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly LSB 3461YC), resulting to state and local government financial and regulatory matters and providing for applicability.

Fiscal note is required.

Recommended Amend and Do Pass April 22, 2003.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 312), relating to taxation of property and income and including effective date and applicability date provisions.

Fiscal note is not required.

Recommended **Amend and Do Pass** April 22, 2003.

## RESOLUTION FILED

**HR 55**, by Boal, Tymeson, Boddicker, Manternach, Paulsen and Gipp, a resolution reaffirming Iowa's commitment to freedom and democracy and calling for an end to terrorism.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1386	H.F.	685	Smith of Marshall
	Berry of Black Hawk		Hogg of Linn
	Whitead of Woodbury		Wendt of Woodbury
	Lensing of Johnson		Greimann of Story
	Petersen of Polk		Mertz of Kossuth
	Foege of Linn		D. Olson of Boone
H—1387	H.F.	685	Smith of Marshall
	Berry of Black Hawk		Whitead of Woodbury
	Osterhaus of Jackson		Jochum of Dubuque
	Wendt of Woodbury		Lensing of Johnson
	Miller of Webster		Petersen of Polk
	Mertz of Kossuth		Foege of Linn
	D. Olson of Boone		
H—1388	H.F.	685	Smith of Marshall
	Berry of Black Hawk		Hogg of Linn
	Wise of Lee		Whitead of Woodbury
	Kuhn of Floyd		Osterhaus of Jackson
	Jochum of Dubuque		Wendt of Woodbury
	Lensing of Johnson		Greimann of Story
	Foege of Linn		Whitaker of Van Buren
	Swaim of Davis		Miller of Webster
	Struyk of Pottawattamie		Petersen of Polk
	Mertz of Kossuth		Frevert of Palo Alto

Bell of Jasper			Cohoon of Des Moines	
D. Olson of Boone				
H—1389	S.F.	94	Senate Amendment	
H—1390	H.F.	686	Shoultz of Black Hawk	
H—1392	H.F.	685	Huser of Polk	
H—1393	S.F.	383	Tymeson of Madison	
			Stevens of Dickinson	
			Schickel of Cerro Gordo	
H—1397	H.F.	674	Whitaker of Van Buren	
			Tymeson of Madison	
			Murphy of Dubuque	
			Paulsen of Linn	
H—1399	H.F.	691	Horbach of Tama	
H—1400	H.F.	668	Jenkins of Black Hawk	
H—1401	H.F.	691	Horbach of Tama	
H—1402	H.F.	691	Baudler of Adair	
			Tjepkes of Webster	
			J.R. Van Fossen of Scott	
			Bell of Jasper	
			Connors of Polk	
H—1403	H.F.	679	Eichhorn of Hamilton	
			Miller of Webster	
H—1404	H.F.	677	Lukan of Dubuque	
H—1405	S.F.	422	Fallon of Polk	
H—1406	H.F.	686	Ford of Polk	
H—1407	H.F.	675	Upmeyer of Hancock	

On motion by Gipp of Winneshiek the House adjourned at 7:49 p.m., until 8:45 a.m., Wednesday, April 23, 2003.