

State of Iowa
2004

JOURNAL OF THE HOUSE

2004
REGULAR SESSION
EIGHTIETH
GENERAL ASSEMBLY

Convened January 12, 2004
Adjourned April 20, 2004

Volume I
January 12, 2004 – April 5, 2004

THOMAS J. VILSACK, Governor
CHRISTOPHER RANTS, Speaker of the House
JEFF LAMBERTI, President of the Senate

Published by the
STATE OF IOWA

Des Moines

EIGHTIETH GENERAL ASSEMBLY
2004 Regular Session
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JIM BEYER, *Doorkeeper* Urbandale

GARY D. LYNCH, *Doorkeeper* Mitchellville

HOWARD H. SCOTT, *Senior Doorkeeper* Des Moines

ROBERT YEAGER, *Doorkeeper* Windsor Heights

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MARK S. LUNDBERG, *Conservation/Restoration Specialist II*..... Des Moines

ELECTED OFFICERS, SUPREME COURT JUSTICES AND
IOWA COURT OF APPEALS JUDGES

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

- THOMAS J. VILSACK, *Governor*.....Mount Pleasant
- SALLY J. PEDERSON, *Lieutenant Governor* Des Moines
- CHET CULVER, *Secretary of State* West Des Moines
- DAVID A. VAUGHT, *Auditor of State*..... West Des Moines
- MICHAEL L. FITZGERALD, *Treasurer of State* West Des Moines
- PATTY JUDGE, *Secretary of Agriculture
and Land Stewardship*.....Albia
- TOM MILLER, *Attorney General*..... Des Moines

JUSTICES OF THE IOWA SUPREME COURT

- LOUIS A. LAVORATO, *Chief Justice*..... Des Moines
- MARK S. CADY, *Justice* Fort Dodge
- JAMES H. CARTER, *Justice* Cedar Rapids
- J. L. LARSON, *Justice* Harlan
- LINDA K. NEUMAN, *Justice* LeClaire
- MICHAEL J. STREIT, *Justice*..... Chariton
- MARSHA K. TERNUS, *Justice*..... Des Moines
- DAVID WIGGINS, *Justice*..... West Des Moines

IOWA COURT OF APPEALS JUDGES

- ROSEMARY S. SACKETT, *Chief Judge*..... Okoboji
- LARRY J. EISENHAUER, *Judge*..... Ankeny
- DARYL L. HECHT, *Judge*.....Sioux City
- TERRY L. HUITINK, *Judge*..... Ireton
- ROBERT E. MAHAN, *Judge*..... Waterloo
- JOHN C. MILLER, *Judge* Burlington
- ANURADHA VAITHESWARAN, *Judge*..... Des Moines
- GAYLE NELSON VOGEL, *Judge*..... Knoxville
- VAN D. ZIMMER, *Judge*..... Vinton

MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2004 REGULAR SESSION

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REPRESENTATIVES

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Alons, Dwayne.....	Hull.....	56	Farmer.....	4th— <i>Sioux, Lyon</i>	78, 79, 79X, 79XX, 80, 80X, 80XX
Arnold, Richard.....	Russell.....	59	Farmer.....	72nd— <i>Lucas, Mahaska,</i> <i>Marion, Monroe</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Baudler, Clel.....	Greenfield.....	62	Retired State Trooper/Farmer.....	58th— <i>Adair, Audubon, Cass,</i> <i>Guthrie</i>	78, 79, 79X, 79XX, 80, 80X, 80XX
Bell, Paul.....	Newton.....	53	Police Lieutenant.....	41st— <i>Jasper</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Berry, Deborah L.....	Waterloo.....	45	Education Site Coordinator.....	22nd— <i>Blackhawk</i>	80, 80X, 80XX
Boal, Carmine.....	Ankeny.....	47	Legislator.....	70th— <i>Polk</i>	78, 79, 79X, 79XX, 80, 80X, 80XX
Boddicker, Daniel J.....	Tipton.....	41	Electrical Engineer.....	79th— <i>Cedar, Johnson, Muscatine</i> ...	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Bogges, Effie Lee.....	Clarinda.....	73	Retired Farmer.....	97th— <i>Page, Fremont, Mills</i>	76, 77, 78, 79, 79X, 79XX 80, 80X, 80XX
Bukta, Polly.....	Clinton.....	66	Retired Educator.....	26th— <i>Clinton</i>	77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Carroll, Danny.....	Grinnell.....	50	75th— <i>Poweshiek, Mahaska,</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Chambers, Royd E.....	Sheldon.....	43	Educator.....	5th— <i>O'Brien, Clay, Osceola, Sioux</i>	80, 80X, 80XX
Cohoon, Dennis M.....	Burlington.....	48	Special Education Teacher.....	88th— <i>Des Moines</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Connors, John H.....	Des Moines.....	81	Retired Fire Captain.....	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, 80X, 80XX

MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2004 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Dandekar, Swati A	Marion	52	Community Volunteer	36th—Linn	80, 80X, 80XX
Davitt, Mark	Indianola		Photographer	74th—Warren	80, 80x, 80XX
De Boef, Betty R	What Cheer	53	Farmer/Small Business Owner	76th—Keokuk, Iowa, Poweshiek, Tama	79, 79X, 79XX, 80, 80X, 80XX
Dennis, Ervin A	Cedar Falls	67	Professor Emeritus, UNI	19th—Black Hawk	80, 80X, 80XX
Dix, Bill	Shell Rock	42	Farmer	17th—Butler, Bremer	77, 78, 79, 79X, 79XX 80, 80X, 80XX
Dolecheck, Cecil	Mount Ayr	53	Farmer	96th—Ringgold, Adams, Montgomery, Taylor, Union	77, 78, 79, 79X, 79XX 80, 80X, 80XX
Drake, Jack	Lewis	67	Farmer	57th—Pottawattamie, Cass, Shelby	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Eichhorn, George S	Stratford	47	Attorney	9th—Hamilton, Webster, Wright	79, 79X, 79XX, 80, 80X, 80XX
Elgin, Jeffrey C	Cedar Rapids	53	Business Owner/Investor	37th—Linn	79, 79X, 79XX, 80, 80X, 80XX
Fallon, Ed	Des Moines	43	Musician	66th—Polk	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Foege, Ro	Mount Vernon	63	Social Worker	29th—Linn, Johnson	77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Ford, Wayne W	Des Moines	51	Exec. Director Urban Dreams	65th—Polk	77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Freeman, Mary Lou	Alta			52nd—Buena Vista, Sac	80, 80X, 80XX
Frevert, Marcella R	Emmetsburg	67	Farmer, Retired Teacher	7th—Palo Alto, Emmet, Kossuth	77, 78, 79, 79X, 79XX 80, 80X, 80XX
Gaskill, Mary	Ottumwa	63	Retired County Auditor	93rd—Wapello	80, 80X, 80XX

MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2004 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Gipp, Chuck	Decorah	53	Farmer	16th—Winneshiek, Allamakee	74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Granzow, Polly	Eldora		Farmer	44th—Hardin, Marshall	80, 80X, 80XX
*Greimann, Jane	Ames	60	Retired School Teacher	45th—Story	78 (2 nd), 79, 79X, 79XX, 80, 80X, 80XX
Greiner, Sandra H.	Keota	59	Farmer	89th—Washington, Jefferson, Johnson	75, 76, 77, 78, 80, 80X, 80XX
Hahn, James F.	Muscatine	68	Property Management	80th—Muscatine	74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Hanson, Dell	Vinton		Self-employed Implement Dealer	39th—Benton, Iowa	80, 80X, 80XX
Heaton, Dave	Mt. Pleasant	60	Restaurant Owner	91st—Henry, Lee	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Heddens, Lisa K.	Ames			46th—Story, Boone	80, 80X, 80XX
Hoffman, Clarence C.	Charter Oak	69	Insurance	55th—Crawford, Ida, Monona, Woodbury	78, 79 (1 st), 79X, 79XX, 80, 80X, 80XX
Hogg, Robert M.	Cedar Rapids	36	Attorney	38th—Linn	80, 80X, 80XX
Horbach, Lance J.	Tama	45	Insurance Industry	40th—Tama, Grundy	78, 79, 79X, 79XX, 80, 80X, 80XX
Hunter, Bruce	Des Moines		Customer Service Manager	62nd—Polk	80, 80X, 80XX
Huseman, Daniel A.	Aurelia	51	Farmer	53rd—Cherokee, Plymouth, Woodbury	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Huser, Geri D.	Altoona	38		42nd—Polk, Jasper	77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Hutter, Joseph I.	Bettendorf	67	Retired Police Officer	82nd—Scott	80, 80X, 80XX
Jacobs, Elizabeth "Libby" S.	West Des Moines	47	Assistant Director - Corporate Relations	60th—Polk	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Jenkins, G. Willard	Waterloo	64	Engineer	20th—Black Hawk	77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Jochum, Pam	Dubuque	50		27th—Dubuque	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX

*Elected in Special Election November 2, 1999

MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2004 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
*Jones, Gerald D.	Silver City	60	Property Management	98th—Mills, Pottawattamie	79X, 79XX, 79 (2 nd), 80, 80X, 80XX
Klemme, Ralph F.	Le Mars	62	Farmer	3rd—Plymouth, Sioux	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Kramer, Kent A.	Johnston	42	Financial Planner	69th—Polk	80, 80X, 80XX
Kuhn, Mark A.	Charles City	54	Farmer	14th—Floyd, Cerro Gordo, Mitchell	78, 79, 79X, 79XX, 80, 80X, 80XX
Kurtenbach, James M.	Nevada	47	Associate Professor	10th—Story, Hamilton	80, 80X, 80XX
Lalk, David	Westgate	56	Farmer/Retired Deere Employee	18th—Fayette Bremer, Black Hawk	80, 80X, 80XX
Lensing, Vicki	Iowa City	47	Funeral Home Owner	78th—Johnson	79, 79X, 79XX, 80, 80X, 80XX
Lukan, Steven F.	New Vienna	26	Tire Technician	32nd—Dubuque, Delaware	80, 80X, 80XX
Lykam, Jim D.	Davenport		Small Business Owner	85th—Scott	73, 80, 80X, 80XX
Maddox, Gene	Clive	63	Lawyer	59th—Polk	80, 80X, 80XX
Manternach, Gene	Cascade	51	Livestock & Grain Farmer	31st—Jones, Dubuque	79, 79X, 79XX, 80, 80X, 80XX
Mascher, Mary	Iowa City	50	Teacher	77th—Johnson	76, 77, 78, 79 (1 st), 79X, 79XX, 80, 80X, 80XX
McCarthy, Kevin M.	Des Moines	33	Attorney	67th—Polk	80, 80X, 80XX
Mertz, Dolores M.	Ottosen	74		8th—Kossuth, Humboldt, Pocahontas, Webster	73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Miller, Helen	Fort Dodge	59	Attorney/Arts Educator	49th—Webster	80, 80X, 80XX
*Murphy, Patrick J.	Dubuque	44	Self-employed & Adjunct Facility NICC	28th—Dubuque	73 (2 nd), 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Oldson, Jo	Des Moines	48	Attorney	61st—Polk	80, 80X, 80XX
Olson, Donovan	Boone	39	Distance Education Program Coordinator, ISU	48th—Boone, Dallas	80, 80X, 80XX

*Elected in Special Election June 12, 2001

MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2004 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Olson, Steven N.	Grand Mound		Farmer & Seed Stock Director Iowa Cattleman's Association	83rd—Clinton, Scott	80, 80X, 80XX
*Osterhaus, Robert J.	Maquoketa	73	Pharmacist	25th—Jackson, Clinton, Dubuque,	76 (2 nd), 77, 78, 79, 79X 79XX, 80, 80X, 80XX
Paulsen, Kraig	Hiawatha	40		35th—Linn	80, 80X, 80XX
Petersen, Janet	Des Moines	34	Communications Consultant	64th—Polk	79, 79X, 79XX, 80, 80X, 80XX
Quirk, Brian J.	New Hampton	32	Electrical Contractor	15th—Chickasaw, Howard, Winneshiek	79, 79X, 79XX, 80, 80X, 80XX
Raecker, J. Scott	Urbandale	40	Exec. Director-Institute for Character Development	63rd—Polk	78, 79, 79X, 79XX, 80, 80X, 80XX
Rants, Christopher C.	Sioux City	37		54th—Woodbury	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Rasmussen, Daniel J.	Independence	56	Land Improvement Contractor	23rd—Buchanan, Black Hawk,	80, 80X, 80XX
Rayhons, Henry	Garner	65	Farmer	11th—Hancock, Winnebago, Worth	77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Reasoner, Michael J.	Creston	44	Business Owner	95th—Union, Clark, Decatur,	80, 80X, 80XX
Roberts, Rod	Carroll	47	Dev. Dir./Christian Churches/ Church of Christ in Iowa	51st—Carroll, Crawford, Sac	80, 80X, 80XX
Sands, Thomas R.	Columbus Junction	50	Real Estate Appraiser/Banker/ Farmer	87th—Louisa Des Moines, Muscatine	80, 80X, 80XX
Schickel, Bill	Mason City		Radio Station Gen. Manager	13th—Cerro Gordo	80, 80X, 80XX
Shoultz, Don	Waterloo	65	Retired Public School Teacher	21st—Black Hawk	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX

*Elected in Special Election January 16, 1996

MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2004 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Smith, Mark D.	Marshalltown	50	Licensed Independent Social Worker	64th— <i>Marshall</i>	79, 79X, 79XX, 80, 80X, 80XX
Stevens, Greg	Milford	41	Teacher	6th— <i>Dickinson, Clay</i>	78, 79, 79X, 79XX, 80, 80X, 80XX
Struyk, Douglas L.	Council Bluffs	34	Small Business Owner/Attorney	99th— <i>Pottawattamie</i>	80, 80X, 80XX
Swaim, Kurt	Cedar Rapids		Attorney	94th— <i>Davis Appanoose, Wayne</i>	80, 80X, 80XX
*Taylor, Dick	Cedar Rapids	71	Retired Electrician/Electrical Project Manager	33rd— <i>Linn</i>	78 (2 nd), 79, 79X, 79XX, 80, 80X, 80XX
**Taylor, Todd	Cedar Rapids	37	Union Representative	34th— <i>Linn</i>	76 (2 nd), 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Thomas, Roger	Elkader	54	Farmer/Paramedic	24th— <i>Clayton, Delaware, Fayette</i>	77, 78, 80, 80X, 80XX
Tjepkes, David A.	Gowrie		Nat. Guard Colonel/Farmer	50th— <i>Webster, Calhoun, Greene</i>	80, 80X, 80XX
Tymeson, Jodi S.	Winterset	48	Brigadier General in Iowa National Guard/ Licensed Teacher	77th— <i>Madison, Dallas, Warren</i>	79, 79X, 79XX, 80, 80X, 80XX
Upmeyer, Linda L.	Garner	51	Nurse Practitioner	12th— <i>Hancock, Cerro Gordo, Franklin</i>	80, 80X, 80XX
Van Engelenhoven, James L.	Pella	61	Farmer	71st— <i>Marion, Jasper</i>	78, 79, 79X, 79XX, 80, 80X, 80XX
Van Fossen, Jaime	Davenport	42	Economic Development Analyst-Mid-American Energy	81st— <i>Scott</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX
Van Fossen, James "Jim" R.	Davenport	64	Retired Police Captain	84th— <i>Scott</i>	80, 80X, 80XX
Watts, Ralph C.	Adel		Engineer, Business Mgmt. Retired	47th— <i>Dallas, Boone</i>	80, 80X, 80XX

*Elected in Special Election January 4, 2000

**Elected in Special Election June 27, 1995

MEMBERS OF THE HOUSE—EIGHTIETH GENERAL ASSEMBLY – 2004 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Wendt, Roger F.....	Sioux City.....	70	Retired School Administrator.....	2nd— <i>Woodbury</i>	80, 80X, 80XX
Whitaker, John R.....	Hillsboro.....		Family Farmer.....	90th— <i>Van Buren, Jefferson, Wapello</i>	80, 80X, 80XX
Whitead, Wesley E.....	Sioux City.....	71		1st— <i>Woodbury</i>	77, 78, 80, 80X, 80XX
*Wilderdike, Paul A.....	Woodbine.....	62	Community Relations.....	56th— <i>Harrison, Monona</i> Pottawattamie	79XX, 79 (2 nd), 80, 80X, 80XX
Winckler, Cindy Lou.....	Davenport.....	54	Instruction Facilitator.....	86th— <i>Scott</i>	79, 79X, 79XX, 80, 80X, 80XX
Wise, Philip.....	Keokuk.....	58	Retired Educator.....	92nd— <i>Lee</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX

*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 12, 2004

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representative of the Eightieth General Assembly of Iowa, 2004 Regular Session, convened at 10:00 a.m., Monday, January 12, 2004.

The House was called to order by the Honorable Christopher Rants, Speaker of the House.

Prayer was offered by Reverend Valerie Heller, pastor of Grace United Methodist Church, Sioux City. She was the guest of Speaker Rants.

The Journal of Thursday, May 1, 2003 was approved.

PLEDGE OF ALLEGIENCE

The Pledge of Allegiance was led by the Speakers Page, Kirk Bates.

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 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, Margaret Thomson, 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 August 5, 2003, **PAUL SHOMSHOR** was elected to fill a vacancy in the office of State Representative of the One-hundredth District, for the balance of the term which began on January second, 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 eleventh day of August, 2003.

CHESTER J. CULVER, Secretary of State

I hereby acknowledge receipt of the original copy of this document on the 19th day of August, 2003..

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

CERTIFICATION

STATE OF IOWA
Office of

THE SECRETARY OF STATE

To the Honorable, Margaret Thomson, 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 a special election held on August 26, 2003, **DAVE JACOBY** was elected to fill a vacancy in the office of State Representative of the Thirtieth District, for the balance of the term that began on January second, 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 second day of September, 2003.

CHESTER J. CULVER, Secretary of State

I hereby acknowledge receipt of the original copy of this document on the 15th day of September, 2003.

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

OATH OF OFFICE

The following oath of office was administered to Representatives David Jacoby of Johnson County and Paul Shomshor of Pottawattamie County 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."

DAVID JACOBY
PAUL SHOMSHOR

Gipp of Winneshiek moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

Struyk of Pottawattamie moved that a committee of four be appointed to escort the Representatives to their desks.

The motion prevailed and the Speaker appointed Struyk of Pottawattamie and Watts of Dallas to escort Representative Shomshor to his desk and Foege of Linn and Upmeyer of Hancock to escort Representative Jacoby to his desk.

COMMITTEE TO NOTIFY THE GOVERNOR

Boggess of Page 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: Boggess of Page, Hanson of Benton and Reasoner of Union.

COMMITTEE TO NOTIFY THE SENATE

Chambers of O'Brien 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: Chambers of O'Brien, Van Engelenhoven of Marion and Swaim of Davis.

RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for committee meetings today.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

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

- 1 HOUSE CONCURRENT RESOLUTION 101
- 2 By Rants and Murphy
- 3 *Be It Resolved by the House of Representatives, The*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 2004 session of the Eightieth General
- 6 Assembly be held on Tuesday, January 13, 2004, at
- 7 10:00 a.m.; and
- 8 *Be It Further Resolved,* That Governor Thomas J.
- 9 Vilsack be invited to deliver his condition of the
- 10 state and budget message at this joint convention of
- 11 the two houses of the General Assembly, and that the
- 12 Speaker of the House of Representatives and the
- 13 President of the Senate be designated to extend the
- 14 invitation to him.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 102

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

- 1 HOUSE CONCURRENT RESOLUTION 102
- 2 By Rants and Murphy
- 3 *Be It Resolved by the House of Representatives, The*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 2004 session of the Eightieth General
- 6 Assembly be held on Wednesday, January 14, at
- 7 10:00 a.m.; and
- 8 *Be It Further Resolved,* That 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.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolutions 101 and 102** be immediately messaged to the Senate.

REMARKS BY THE MAJORITY LEADER

Gipp of Winneshiek addressed the House as follows:

Thank you, Mr. Speaker! Mr. Speaker, Ladies and Gentlemen of the House, I will be brief!

Welcome back to the second session of the Eightieth General Assembly. I trust that you have had time this summer and fall to relax, spend time with your families and businesses away from Des Moines. I suspect that you have also reflected on the accomplishments of last year's session. Rest assured, I have.

We did good work last year. We recognized the need for systemic change in order to expand our economy and spur business development. We focused on changes in our tax structure and a regulatory environment that tends to stifle entrepreneurship and business growth. We set aside resources to aid businesses to expand and provide for job training and retraining opportunities. We must do more of the same this session.

It will, in effect, be the same song; second verse!

With continued slow growth in our Iowa economy, it is imperative that we once again strive to improve the job-creation climate in this state.

In the long term, our shared budget priorities of public safety and education depend on it.

We will balance our budget and fund our priorities, but we must resist the shortsighted temptation of increasing the tax burden on the very same Iowan's we are trying to keep in our state.

Instead, we must do what Iowa families and businesses always do--- live within present revenues and establish spending priorities.

As I have stated repeatedly everyone's top priorities should be public safety and education and the infrastructure that supports public safety and education. The reason governments exist is to first ensure the safety of its citizens and, secondly, provide educational opportunities that allow for productive tax-paying citizens. Everything else is secondary.

In order to properly fund public safety and education be prepared to eliminate lower priority line items. That is our challenge! I look forward to working with all the members of this body to meet that challenge. Let's get on with it!

Thank you, Mr. Speaker.

REMARKS BY THE MINORITY LEADER

Murphy of Dubuque addressed the House as follows:

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

As you know I'm the new minority leader, coming in after Dick Myers resigned last year. If anyone had told me a year ago or fifteen years ago that I would be sitting here as Minority Leader I would have wondered what they were thinking. I thank my caucus very much for electing me as their leader. Hopefully I will be able to do a good job for you and for the state of Iowa.

Before I go any further I want to thank my wife and my daughter for being here today. When I came here 15 years ago my daughter was only two years old and now she's seventeen. So it's nice to have the two most important women in my life here today.

Needless to say I have a pair of big shoes to fill. Dick Myers is one of those persons that was a great leader for this state and for Johnson County, and he will be very sorely missed. Dick was one of those few people that had unbelievable knowledge when it came to business or government or mental health issues.

I'd also like to welcome the two new members – Representative Dave Jacoby and Representative Paul Shomshor. I, too, was elected at a special election. I remember that day when I went down to the well to be sworn in with another special election winner, current Senate Majority Leader Stew Iverson. Perhaps someday both of you will have leadership roles in this chamber as well. You'll find a lot of challenges ahead, but you both have done an excellent job in your campaigns and you both have great leadership skills so I'm sure you'll hit the ground running this week.

On a personal note I'd like to ask both of you to bring back some of the warm days we had last August when we worked so hard to get you elected. In Representative Shomshor's case, the day you got elected I think it was 96 degrees and in Representative Jacoby's case it was 100 degrees. I just don't feel it being that warm around here in the near future, so if you can do anything to help us with the weather it would be very appreciated.

Now I'd like to address what I see as House Democrats' priorities in this coming legislative session.

Democrats want to work with the majority party as much as we can. We're going to have our differences but we're going to work with you whenever possible. We need to move the state forward. When we don't agree we will let the majority party know and we will propose changes that we feel are necessary.

When we take a look at where we've been in the last four years, we have eliminated 10% of the state budget. Ten percent. That is a lot of funding decreases over the last four years.

If we are going to talk about eliminating additional funding for programs in this state this year, then we need to eliminate the parts of the code that deal with those issues. We cannot expect government to do the same amount of work, have the same responsibilities with fewer and fewer dollars.

In budget discussions, Democrats will be guided by a few principles. First, the minority party will not support any cuts to education this year. As I mentioned earlier in my remarks, we have eliminated 10% of the state budget in the last four years. If we truly want this state to grow we have to guarantee that education remains strong and gives our children the best opportunities to get high-skilled jobs. That can't be done if education is cut any further.

Second, Democrats will oppose any measures that will harm the health care system that Iowans depend on that is now funded by the state. That includes the Medicaid budget and the HAWK-I program. Last year we debated a bill aimed at reforming or reinventing Medicaid. We don't want to see that type of "reform" this year. We must guarantee the health care services that senior citizens and children are receiving. We will not support any draconian measures that will affect health care or education.

Third, when we talk about public safety as the majority leader did, we need to make sure that we guarantee public safety at the local level. That means we cannot walk away from our responsibilities to the cities and counties as we did last year in the reinvention bill. We must guarantee funding for property tax credits for the future of the Iowa's communities.

Those are our immediate budget tasks, but we must look to the future as well. Nationally, as well as in the state, the economy is not doing as well as it should. To help stimulate development, Democrats in the next few weeks will be making proposals and introducing legislation that will revise the Iowa Values Fund to permit more regional development and longer term funding. Last year the House produced a very bipartisan bill. But when funding for the Iowa Values was changed to a short-term approach instead of the long-term approach that we worked on, the legislation lost Democratic support. We need to be concerned about Iowa's growth and prosperity for the long haul and our funding must reflect that.

Our future also includes the small businesses in this state. Health care seems to be one of the biggest concerns that small businesses have today because of the rising costs. Democrats are going to address that with proposals that we hope the majority party join us in enacting.

In closing, we need to take responsibility for funding the programs that we have laid here before us. When you look at Medicaid and Medicare, those were programs that were created by Harry Truman and implemented by Lyndon Johnson with the funding of the Medicare/Medicaid program in 1965. The HAWK-I program was something that was developed under President Clinton's administration. We need to live up to our responsibility to make sure these programs that were started by people that served before us are properly funded.

The same is true with education. When we talk about education, the last four governors of this state - Governor Hughes, Governor Ray, Governor Branstad and Governor Vilsack - have had a strong commitment towards education. We, as a body, need to have the same commitment to education as the people that came before us.

And, when we talk about public safety, we need to make sure we don't walk away from the tax credits that local communities have come to expect as assistance from state government.

These are the things Democrats will be talking about this session. We're ready to work with the majority party. Mr. Speaker, Mr. Majority Leader, I thank you for your time. I look forward to working with you in this tough legislative session on the budget and the other issues we address.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Boggess of Page, Chair of the committee to notify the Governor that the House was duly organized and ready to receive any communication he might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

REMARKS BY THE SPEAKER

Speaker Rants addressed the House as follows:

Ladies and Gentlemen of the House, family members, honored guests and visitors, welcome to the Iowa House, on a glorious morning, the first day of a new session filled with the promise of a better tomorrow for Iowa. A promise that we must fulfill.

Last week I had the opportunity to travel around the state driving from border to border. Granted, I didn't visit all ninety-nine counties as Representative Fallon did; however I tried to spend a little more time in those I did visit.

As my travels continued, and I visited with more Iowans, I became concerned about the attitude of many of the people I talked with. Perhaps I was overly sensitive, but it appears that there are very low expectations and an almost pessimistic attitude about this session we begin today. I heard about budget challenges darkening the mood at the state house, last year's special session bringing tensions to a boil, and the potential for election year politics to drag down this session. At every turn I was met with a negative question or concern.

But I do not share that attitude. In fact, those that have asked know that I've been looking forward to starting this session. There are so many exciting things happening across our state today that provide so much promise for our tomorrow.

We need to tout that while some states suffered electrical black outs this summer, Iowa has new power plants being built – a fact that shouldn't be lost on manufacturers across the country. Our communities are seeing the fruits of the Vision Iowa program as new cultural attractions are opening their doors giving our families more entertainment opportunities. Personal income is up, and growing faster than our surrounding states. Our children are improving on their math and reading scores for the second year in a row. Is it any wonder that Iowa has been ranked the 2nd most livable state in the country? (*2003 Morgan Quitno Press*)

We all know these facts, so how can we allow a negative attitude about our state to take hold? This year provides us an opportunity to capitalize on these good things growing across our state to leave for our children an even better Iowa tomorrow.

To have a successful session, we must all begin today and everyday with the right attitude. At last evening's pre-session prayer dinner, Representative Roberts shared these thoughts from Charles Swindoll, about having the right attitude and I wanted to share them with all of you.

He said, "attitude is more important than facts. It is more important than the past, than education, than money, than circumstances, than failures, than successes, than what other people think or say or do. It is more important than appearance, giftedness or skill. It will make or break a company... a church... a home. The remarkable thing is we have a choice every day regarding the attitude we will embrace for that day. We cannot change our past... we cannot change the fact that people will act in a certain way. We cannot change the inevitable. The only thing we can do is play on the one string we have, and that is our attitude. I am convinced that life is 10% what happens to me and 90% how I react to it. And so it is with you... we are in charge of our attitudes."

And so it is with this new legislative session. The attitudes we each bring with us as we climb those steps every morning will have more to do with the success of this session than what news the Revenue Estimating Conference brings.

Now I won't diminish the budgetary challenges we will have to grapple with. We have about the same amount of taxpayer's dollars to spend this year as was spent last year. What is more important is how we spend our time working to ensure that Iowa's economy is a growing one, so that Iowa families will have more to spend in their family budgets than they had the previous year.

To me this session is very much an instance of the same song, the second verse. We must continue to focus on ensuring a healthy economy. This may not be a session that is known for a marquee piece of legislation as last year, but I hope it will be one known as taking a nuts and bolts approach to improving our business climate.

Each day our small business owners and entrepreneurs struggle to make a profit, and provide jobs for their neighbors. We should examine those costs of doing business, those regulations, those per employee insurance cost, and compare the cost in Iowa with those of our neighboring states and see how we can ease their burden so they are able to expand, grow and employ more of their neighbors.

Each day our small businesses and entrepreneurs struggle to provide health insurance to their employees. The good news is that 90% of Iowans are covered by

health insurance. Yet each day it becomes more and more of a financial hurdle to be overcome. We should look for new ways to assist small business with this challenge and at the same time consider if there isn't a more cost effective way for we in state government and all of those in local government to pool our resources as we too struggle with the cost of health insurance for our employees.

Each day our small businesses are confronted by a marketplace for their goods and services that is becoming increasingly global in nature, and that where the pace of change is rapidly increasing. In that environment, we must consider how we assist them and their employees acquire the skills and the training they will need to be successful.

If we are able to improve in these three categories, that success coupled with the other positive things going on in Iowa, including the private and public investments being made in our economic infrastructure; Iowa's economy is poised for a bright tomorrow. One cautionary note, however, that we must first do no harm. With so many aspects of our economy just beginning to move in the right direction, we must be wary of actions that could serve to undermine it.

All of these things, I'm convinced, are within our reach if we bring the right attitude to work with us, and we keep our focus on tomorrow. It is not yesterday, or last year, that should dominate our thoughts; but what kind of a "tomorrow" we will build in our state.

One of our native sons, John Wayne, from Winterset said it best. "Tomorrow is the most important thing in life. It comes to us at midnight very clean. It's perfect when it arrives and puts itself in our hands. It hopes we've learned something from yesterday."

Ladies and Gentlemen: let us work to realize the promise that is tomorrow.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Chambers of O'Brien, Chair of the committee to notify the Senate that the House was duly organized and ready to receive any communication that the Senate might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

COMMITTEE FROM THE SENATE

Senator Kettering of Sac appeared and notified the House that the Senate was duly organized and ready to receive any communication that the House might desire to transmit.

INTRODUCTION OF BILLS

House File 2001, by Elgin, a bill for an act to rescind certain notice requirements by landlords to municipal water utilities relating to liens for delinquent tenant charges.

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

House File 2002, by Raecker and Elgin, a bill for an act relating to electronic filing of campaign finance organizational statements and disclosure reports by candidates for statewide office or for the general assembly and by political committees and state statutory political committees, making penalties applicable, and providing an effective date.

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

House File 2003, by Murphy and Heddens, a bill for an act relating to the birth defects institute central registry and making an appropriation and providing an effective date.

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

House File 2004, by Paulsen and Foege, a bill for an act relating to local laws and regulations relating to smoking prohibitions.

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

House File 2005, by Wise, a bill for an act relating to teacher salary requirements and professional development programs and making appropriations.

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

House File 2006, by Smith, a bill for an act making changes to sex offender registry requirements for persons convicted of incest.

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

House File 2007, by Thomas, a bill for an act establishing a special distinguished service cross motor vehicle registration plate and providing a fee.

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

House File 2008, by Gaskill, a bill for an act relating to ongoing absentee voter status.

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

House File 2009, by Connors, a bill for an act relating to provision of information contained in adoption records to the mutual consent voluntary adoption registry.

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

House File 2010, by Whitead and Wendt, a bill for an act relating to waiver of penalties for late motor vehicle registration for activated national guard members.

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

2004 HOUSE COMMITTEE REVISIONS

The Speaker announced the following appointments to the standing committees of the House due to the resignations of Representative Hansen of Pottawattamie and Representative Myers of Johnson:

Dennis Cohoon

Removed from Local Government

Jeff Elgin

Local Government

Mary Lou Freeman

Commerce, Regulation and Labor

Dave Jacoby

Commerce Regulation and Labor

Human Resources

Transportation, Infrastructure and Capitals Budget Subcommittee

Mark Kuhn

Appropriations, Ranking Member

Removed from Ranking Member of Agriculture, remains on committee

Removed from Transportation, Infrastructure and Capitals Budget Subcommittee

Removed from Ways and Means

Kevin McCarthy

Remove from Justice System Budget Subcommittee

Dolores Mertz

Agriculture, Ranking Member

Pat Murphy

Administration and Rules

Removed from Appropriations

Removed from Human Resources

Removed from Commerce, Regulation and Labor

Steve Olson

Ways and Means

Paul Shomshor

Local Government

Justice Systems Budge Subcommittee

Ways and Means

Linda Upmeyer

Education

Removed from Environmental Protection

Ralph Watts

Environmental Protection

Roger Wendt

Education, Ranking Member

John Whitaker

Agriculture and Natural Resources Budget Subcommittee, Ranking Member

STANDING COMMITTEES APPOINTED

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

ADMINISTRATION AND RULES – 14 Members

Roberts, Chair	Gipp	Mascher	Stevens
Boal*	Jacobs	Murphy	Taylor, T.
Bukta**	Klemme	Quirk	
Carroll	Manternach	Rants	

AGRICULTURE – 21 Members

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

APPROPRIATIONS – 25 Members

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

COMMERCE, REGULATION AND LABOR – 23 Members

Jenkins, Chair	Freeman	Manternach	Taylor, T.
Sands*	Hoffman	Oldson	Van Fossen, J.K.
Petersen**	Horbach	Osterhaus	Watts
Connors	Jacobs	Quirk	Wilderdye
Dix	Jacoby	Raecker	Wise
Ford	Kurtenbach	Taylor, D.	

ECONOMIC GROWTH – 21 Members

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

EDUCATION – 23 Members

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

ENVIRONMENTAL PROTECTION – 21 Members

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

ETHICS – 6 Members

Raecker, Chair	Mascher**	Huseman	McCarthy
Dennis*	Bukta		

GOVERNMENT OVERSIGHT – 9 Members

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

HUMAN RESOURCES – 21 Members

Boddicker, Chair	Foege	Hunter	Roberts
Granzow*	Freeman	Hutter	Tymeson
Smith**	Greimann	Jacoby	Upmeyer
Berry	Heaton	Lukan	Watts
Carroll	Heddens	Miller	Wendt
			Wildurdyke

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	Elgin	Huser	Reasoner
Schickel*	Gaskill	Jones	Shomshor
Fallon**	Hahn	Lensing	Tjepkes.
Arnold	Hanson	Maddox	Van Fossen, J.K.
Boal	Hoffman	Olson, D.	Whitead
Connors			

NATURAL RESOURCES – 21 Members

Freeman, Chair	Bogges	Lukan	Taylor, D.
Rasmussen*	Davitt	Lykam	Van Engelenhoven
Bell**	Dix	McCarthy	Van Fossen, J.R.
Arnold	Frevrt	Mertz	Whitaker
Baudler	Granzow	Rayhons	Whitead
Boddicker			

PUBLIC SAFETY – 21 Members

Baudler, Chair	Chambers	Heddens	Osterhaus
Van Fossen, J.R.*	De Boef	Hogg	Sands
McCarthy**	Eichhorn	Horbach	Shoultz
Alons	Ford	Hunter	Taylor, T.
Bell	Freeman	Klemme	Tjepkes
Boddicker			

STATE GOVERNMENT – 21 Members

Elgin, Chair	Gaskill	Lykam	Raecker
Dennis*	Greiner	Manternach	Rasmussen
Jochum**	Hutter	Mascher	Roberts
Connors	Jacobs	Oldson	Watts
Drake	Jones	Petersen	Whitead
Fallon			

TRANSPORTATION – 21 Members

Arnold, Chair	Cohoón	Huseman	Olson, S.
Rayhons*	Dolecheck	Klemme	Rasmussen
Huser**	Elgin	Lykam	Thomas
Alons	Greiner	McCarthy	Van Engelenhoven
Bukta	Hunter	Miller	Whitaker
Chambers			

WAYS AND MEANS – 25 Members

Van Fossen, J.K., Chair	Frevrt	Kurtenbach	Sands
Kramer*	Hahn	Lalk	Shomshor
Shoultz**	Hogg	Lukan	Taylor, D.
Boal	Huser	Oldson	Tymeson
Carroll	Jochum	Olson, S.	Wendt
Davitt	Jones	Paulsen	Winckler
Drake			

HOUSE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION – 9 Members

Eichhorn, Chair	Elgin	Lykam	Paulsen.
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Lalk*	Hunter	Olson, D.	Van Engelenhoven
Connors**			

AGRICULTURE AND NATURAL RESOURCES – 9 Members

De Boef, Chair	Bell	Hahn	Rasmussen
Tjepkes*	Chambers	Mertz	Reasoner
Whitaker**			

ECONOMIC DEVELOPMENT – 9 Members

Bogges, Chair	Dandekar	Hoffman	Sands
Wildurdyke*	Gaskill	Hogg	Schickel
Ford**			

EDUCATION – 9 Members

Dolecheck, Chair	Davitt	Frevert	Kurtenbach
Upmeyer*	Dennis	Greimann	Tymeson
Winckler**			

HEALTH AND HUMAN SERVICES – 9 Members

Heaton, Chair	Berry	Granzow	Hutter
Jones*	Boddicker	Heddens	Smith
Osterhaus**			

JUSTICE SYSTEMS – 9 Members

Horbach, Chair	Lukan	Miller	Swaim
Hanson*	Maddox	Shomshor	Van Fossen, J. R.
Foege**			

TRANSPORTATION, INFRASTRUCTURE AND CAPITALS – 9 Members

Huseman, Chair	Arnold	Jacoby	Struyk
Watts*	Freeman	Rayhons	Whitead
Cohoon**			

* Vice Chair

** Ranking Member

HOUSE FILE 309 REREFERRED

The Speaker announced that House File 309, previously referred to committee on Local Government was rereferred to committee on Ways and Means.

COMMUNICATIONS RECEIVED**AUDITOR OF STATE**

Audit of the State's Comprehensive Annual Financial Report for the year ended June 30, 2002, pursuant to Chapter 11.25, Code of Iowa.

BOARD OF PAROLE

Report on options to improve Iowa's Criminal Justice System, pursuant to Chapter 13.34, Code of Iowa.

BOARD OF REGENTS

Annual Report of the College Bound and IMAGES Programs at the Regent universities, pursuant to Chapter 262.92 and 269.93, Code of Iowa.

Annual Report on the sale of ISU Ankeny Experimental Farm, pursuant to Chapter 1143, 2002 Iowa Acts of the 79th General Assembly.

University Hospitals and Clinics

Annual Report of receipts, disbursements and fund balances, pursuant to Chapter 263A.13, Code of Iowa.

Annual Report on Technology Transfer and Economic Development, pursuant to Chapter 15.365, Code of Iowa.

CIVIL RIGHTS COMMISSION

Annual Savings Report on Iowa Communications Network (ICN) usage for Fiscal Year 2003, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF ADMINISTRATIVE SERVICES

2003 Affirmative Action in Iowa Report, pursuant to Chapter 19B.5, Code of Iowa.

Report of Internal Service Funds, pursuant to Chapter 8A.123, Code of Iowa.

DEPARTMENT OF COMMERCE

Iowa Utilities Board Report, pursuant to Chapter 476.6(25)g, Code of Iowa.

DEPARTMENT OF CORRECTIONS

Report of the Community-Based Corrections strategic plan, pursuant to Chapters 905.7 and 905.9, Code of Iowa.

Report regarding organic farming, pursuant to Chapters 904.702, 904.809 and 905.14, Code of Iowa.

Vocational Program Updates as of December 2003, pursuant to Chapter 904.701, Code of Iowa.

Fiscal Year 2003 Iowa Corrections Offender Network (ICON) Status Report, pursuant to Chapter 904, Code of Iowa.

DEPARTMENT OF EDUCATION

Report on Student Achievement and Teacher Quality-Inclusion Study, pursuant to Chapter 272, Code of Iowa.

Iowa Communications Network (ICN) Report Assumptions and Comments for Fiscal Year 2003, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF ELDER AFFAIRS

Proposed changes in the Case Management Program for the Frail Elderly (CMPFE), pursuant to Chapter 231, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS Division of Persons with Disabilities

Annual Report, pursuant to Chapter 216A.60, Code of Iowa.

Iowa Commission on the Status of African-Americans

Annual Report for Fiscal Year 2003, pursuant to Chapter 216A.142, Code of Iowa.

Division of Persons with Disabilities

Iowa Client Assistance Program 2003 Annual Report, pursuant to Chapter 216A.77(8), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Annual Report concerning youth who received independent living (IL) foster care services, pursuant to Chapter 232.2, Code of Iowa.

Annual Report of savings realized through use of the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

Report relative to a special needs population at the Department of Human Services' State Resource Centers, pursuant to Chapter 249A.11, Code of Iowa.

2003 Toledo Iowa Communications Network (ICN) Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

Report relative to the Department's plan for implementing an electronic billing and payments system for child care providers, pursuant to Chapter 178.48, Code of Iowa.

Report and recommendations relative to the Fatherhood, Marriage, and Family Support Advisory Group, pursuant to Chapter 175, Code of Iowa.

Iowa Mental Health and Developmental Disabilities Commission

Report concerning redesign of Iowa's adult mental health and developmental disability (MHDD) system, pursuant to Chapter 225C.6(1)(q), Code of Iowa.

DEPARTMENT OF JUSTICE
Office of Consumer Advocate

Bi-annual Report, pursuant to Chapter 476, Code of Iowa.

Report of the Department's actual costs and an estimate of time expended enforcing the Iowa competition law, pursuant to Chapter 8.23, Code of Iowa.

DEPARTMENT OF MANAGEMENT

Utility Replacement Tax Force Study Report, pursuant to Chapter 437A.15(7), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

2002 Fiscal Report, pursuant to Chapter 100(1)(c), Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY
Iowa Laboratories Facilities

Report of security needs for the Iowa Laboratories Facilities, pursuant to Chapter 97, Code of Iowa.

Annual Report for Fiscal Year 2003, pursuant to Chapter 80, Code of Iowa.

DEPARTMENT OF REVENUE
Implementation Committee

2003 report addressing the progress of the Property Tax Implementation Committee, pursuant to Chapter 444.3.41, Code of Iowa.

Annual Report of costs incurred and paid, for services to support the departments Tax Gap Compliance Project, pursuant to Chapter 421.17(22A), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Recycled content plastic bag and soy inks report, pursuant to Chapter 307.21, Code of Iowa.

2004 Highway Accomplishment Program Report, pursuant to Chapter 7A.9, Code of Iowa.

2004-2008 State Park and Institutional Roads Program Report, pursuant to Chapter 7A.9, Code of Iowa.

Report of use of recycled content products and soybean-based inks, pursuant to Chapter 307.21(4)b+c, Code of Iowa.

Report on use of funds that did not revert, pursuant to Chapter 307.46(2), Code of Iowa.

Report on equipment and vehicle purchases revolving fund, pursuant to Chapter 307.47(4), Code of Iowa.

Secondary Road Research Report, pursuant to Chapter 310.36, Code of Iowa.

Street Research Report, pursuant to Chapter 312.3A, Code of Iowa.

Street Construction Fund Distribution Advisory Committee

Report on Iowa's public road system, pursuant to Chapter 312.3D, Code of Iowa.

Iowa County Treasurers Association

Report on a study of the county driver's license issuance program, pursuant to Chapter 325A.78, Code of Iowa.

IOWA COMMUNICATIONS NETWORK

Report of Fiscal Year 2003 savings to K-12 schools that participated in Iowa Public Television sponsored ICN video sessions, pursuant to Chapter 8D.10, Code of Iowa.

Review of maintenance contract, pursuant to Chapter 8D.3(3)(g), Code of Iowa.

Five-year financial plan for ICN, pursuant to Chapter 8D.3.3.f, Code of Iowa.

IOWA ENERGY CENTER

Annual Report, pursuant to Chapter 476.10A(3), Code of Iowa.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Fiscal Year 2003 Iowa Communications Network (ICN) Report, pursuant to Chapter 97B, Code of Iowa.

IOWA UTILITIES BOARD

Review of utility ratemaking procedures, pursuant to Chapter 426B.5, Code of Iowa.

IOWA VALUES FUND BOARD

Iowa Values Fund Review Commission

Report of requirements outlined in the Iowa Values Fund legislation, pursuant to Chapters 79(4), 83(3)(b), and 83(3)(c), Code of Iowa.

Iowa Values Fund Review Commission

Report of the first five months of activities, pursuant to Chapter 79(4), 83(3)(b) and 83(3)(c), Code of Iowa.

IOWA WORKFORCE DEVELOPMENT

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

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

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

OFFICE OF DRUG CONTROL POLICY

2004 Update to Iowa's Drug Control Strategy, pursuant to Chapter 80.E, Code of Iowa.

OFFICE OF THE STATE PUBLIC DEFENDER

Indigent Defense Advisory Commission

Committee recommendations, pursuant to Chapter 13B.2A, Code of Iowa.

Report of efficiency and cost saving achievements within the Public Defender's Office, pursuant to Chapter 232.141, 2003 Acts of the 80th General Assembly.

TREASURER OF STATE

Recording and Transaction Fee Report, pursuant to Chapter 331.604 and 331.605C, Code of Iowa.

Annual Report of the Tobacco Settlement Authority, pursuant to Chapter 12E.15, 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

- | | |
|--------|---|
| 2004\1 | Tena Luppen, Iowa Falls – For celebrating her 85 th birthday. |
| 2004\2 | Bennie Hall, Alden – For celebrating his 90 th birthday. |
| 2004\3 | Esther Lackman, Denison – For celebrating her 89 th birthday. |
| 2004\4 | Eleanor and Slim Boothby, Correctionville – For celebrating their 65 th wedding anniversary. |
| 2004\5 | Clark Weary, Ida Grove – For celebrating his 90 th birthday. |
| 2004\6 | Ed Kuhlmann, Charter Oak – For celebrating his 80 th birthday. |

- 2004\7 Edna Schultz, Mapleton – For celebrating her 80th birthday.
- 2004\8 Luetta and Elmer Mordhorst, Denison – For celebrating their 60th wedding anniversary.
- 2004\9 Carolyn and Walter Babl, Mapleton – For celebrating their 60th anniversary.
- 2004\10 Alvin Petersen, Davenport – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 108 Reassigned

Agriculture: Dolecheck, Chair; Klemme and Quirk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 500 Ways and Means

Relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.

H.S.B. 501 Appropriations

Relating to the state general fund expenditure limitation by revising the percentage amount used for the limitation and including effective date and applicability provisions.

H.S.B. 502 Education

Relating to driver education by a teaching parent.

RESOLUTIONS FILED

HCR 103, by Wise, Petersen, Hogg, Struyk, Whitaker and Taylor, T., a concurrent resolution to provide for a temporary adjournment of the 2004 Regular Legislative Session for the purpose of awaiting the March 2004 report of the revenue estimating conference.

Referred to **Administration and Rules**.

HR 101, by Schickel, a resolution amending the permanent rules of the House for the Eightieth General Assembly.

Referred to **Administration and Rules**.

HR 102, by Murphy, a resolution relating to the scheduling of multiple committee meetings.

Referred to **Administration and Rules**.

HR 103, by Whitead and Wendt, a resolution urging the federal government to provide better access to veterans facilities and services.

Laid over under **Rule 25**.

HR 104, by Wendt and Whitead, a resolution calling upon Congress to enact legislation to allow concurrent receipt of retirement and disability compensation by American veterans.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 10:47 a.m., until 8:45 a.m., Tuesday, January 13, 2004.

JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 13, 2004

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

Prayer was offered by Reverend Doug Raymond, Sr. Minister of the Rising Sun Church of Christ, Des Moines. He was the guest of Representative Rod Roberts of Carroll.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, January 12, 2004 was approved.

INTRODUCTION OF BILLS

House File 2011, by Paulsen, a bill for an act relating to the use of shared center traffic lanes and making a penalty applicable.

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

House File 2012, by Osterhaus, a bill for an act relating to review of certain juvenile delinquency cases by a foster care review board.

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

House File 2013, by Heddens, Mertz, Osterhaus, Frevert, Lensing, Kuhn, Connors, Berry, Wendt, Whitead, Foege, Wise, Petersen, Davitt, Shultz, Miller, D. Olson, Smith, Ford, Thomas, Mascher, and Greimann, a bill for an act relating to regulation of electric personal assistive mobility devices.

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

House File 2014, by Paulsen, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor

at a location where a controlled substance manufacturing or possession violation occurs and providing a penalty.

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

House File 2015, by Connors, Fallon, and Reasoner, a bill for an act relating to motor vehicle registration fees for multipurpose vehicles and providing an effective date.

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

House File 2016, by Wise, a bill for an act relating to increasing the personal needs allowance under the medical assistance program for residents of health care facilities.

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

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

The House resumed session at 9:29 a.m., Speaker Rants in the chair.

The House stood at ease at 9:30 a.m., until the fall of the gavel.

The House resumed session at 9:50 a.m., Speaker Rants in the chair.

COMMITTEE TO NOTIFY THE SENATE

Lalk of Fayette 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 Lalk of Fayette, Lukan of Dubuque and Whitaker of Van Buren.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Lalk of Fayette, 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.

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 101, duly adopted, the joint convention was called to order at 9:55 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 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 Lamberti of Polk, Boettger of Shelby and Kibbie of Palo Alto, on the part of the Senate, and Representatives Klemme of Plymouth, Jacobs of Polk and Shomshor of Pottawattamie, on the part of the House.

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

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

Lieutenant Governor Sally Pederson was escorted into the House chamber.

Mrs. Christie Vilsack, wife of the Governor, and their sons, Jess and Doug, were 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 message:

Thank you Madame President, and perhaps I should say Your Excellency, which is the appropriate title for a newly appointed and confirmed Ambassador. Senator Kramer, all of Iowa takes great pride in your appointment and confirmation and we wish you God's speed in your new endeavor. Thank you Mr. Speaker and members of the General Assembly for your kind invitation to share my thoughts about the condition of our great state. I should, also, express appreciation for the sacrifice each of you makes, spending time away from family and community in service to the people of Iowa. Thank you, as well, to the Chief Justice and members of our state appellate courts for your attendance here today and your service everyday. Finally, let me acknowledge the state-wide elected officials, specifically the Lieutenant Governor, Sally J. Pederson, and my first and only lady, Iowa's First Lady, Christie Vilsack accompanied by our sons, Jess and Doug, for the effective work you all do to make Iowa a great place to live, to work, and to raise a family.

My fellow Iowans, today across our state, our nation and the world, Iowans raised with a deep sense of responsibility, trained to put service above self, and unafraid to sacrifice to secure a greater good - live and lead lives of service - educating, healing, protecting and defending - daily helping all of us in ways we may not know or fully appreciate.

The effort of these unsung heroes should inspire and motivate us to follow their example by making a difference with the opportunities we have been blessed to receive.

A hero who inspires me is B.J. Jackson - specialist B.J. Jackson, proud member of the Iowa National Guard. At the call of his country, B.J. left his wife, Abby and his daughter and stepdaughter to fight tyranny and terrorism in Iraq. Shortly, after he arrived in the country, B.J. sustained serious and disabling injuries while on patrol. B.J. lost both of his legs below the thigh and suffered third-degree burns to his face and hands. After spending time in treatment and therapy, B.J. returned home and received his Purple Heart. As the medal was pinned to his chest, B.J. painfully stood at attention. No one, including his commanding officer, would have objected if B.J. had chosen to sit - but he stood.

I experienced the honor of meeting this brave Iowan. I asked this soft-spoken, humble soldier why he stood. He explained simply but profoundly, "**out of respect for all the men and women who serve and sacrifice.**"

B.J. joins many other Iowans, including those recently injured from mortar attacks, doing their duty for freedom and liberty. Some, like B.J., return but will never be the same. Some will never return. With their ultimate sacrifice the names of: Jeffrey Bohr, Michael Deutsch, Paul Fisher, Kurt Frosheiser, David Kirchoff, Brad Korthaus, Kenneth Nalley, Aaron Sissel, and Bruce Smith, all Iowans recently killed in the service of our country, who will forever be on the honor roll of heroes who spent their lives making a difference, in a cause much larger than themselves.

Today, in this magnificent State Capitol, let us follow the lead of B.J. Jackson by standing out of respect for all those who serve and express our full appreciation for their sacrifice.

In the face of such supreme and extraordinary sacrifice, a reciprocal duty and responsibility arises for each of us. We, too, are called to a life of service and sacrifice.

Although, to a degree, much less severe our challenge in Iowa mirrors the challenge our nation assumed in Iraq and Afghanistan. There, schools, libraries and hospitals must be opened – here our schools and libraries must be constantly improved and health care made more affordable and accessible. There, local security forces must be formed – here; police officers and firefighters must be better supported. There, an economy must be built to create a quality of life – here an economy must be transformed to support a quality of life.

There and here resources are needed to make any and all of it happen. Despite large deficits, congress and the administration recognized the importance of the work to be done in Iraq and Afghanistan, and found the resources to make sure the job gets done. American financial assistance acts as a bridge between the Iraq and Afghanistan of now and the self-supporting and free Iraq and Afghanistan of tomorrow.

In Iowa we face a similar choice. A sluggish economy, a jobless recovery, and zealous tax reductions when times were better, helped to create a significant gap between available resources and investments needed to support our values and meet our needs in education, health care, and public safety and security – the foundation of a transformed Iowa. We also need a financial bridge that will enable us to strengthen that foundation and maintain the momentum of recent transformation efforts.

Recently, the Lieutenant Governor and I conducted a series of public hearings across the state to listen to Iowans express their concerns and their hopes about the budget and the priorities it would establish for our collective future. From Dubuque to Sioux City, the message from the people was clear and consistent – we must maintain Iowa's excellence in education, ensure access to quality health care, and protect essential local services, and we must hold the line on local property taxes.

In communities across this great state, teachers, administrators, school board members, business leaders and, most importantly, parents, urged us to not risk Iowa's national standing as a K-12 educational leader and recent advances in student achievement by trying only to cut our way out of budget difficulties.

People who were born and raised here and people who moved to Iowa to take advantage of our quality education system warned us that our failure to adequately fund our schools will lead to more teacher and staff layoffs, large class sizes, and less education opportunities for our children.

Deb Henry, a 3rd grade teacher from Ankeny, brought the threat into clear focus when she catalogued the meager supplies she would receive for her 176 students next semester: One box of number two pencils, 12 pencils to a box; 10 boxes of crayons, 16 crayons to a box; three packets of construction paper, 50 sheets to a packet and five glue sticks.

We understood better the limitations on learning when Desira Johnson, a parent at the Ankeny hearing held up this 1984 textbook used today to teach her child and her classmates about the world around them. Our children will experience difficulties understanding our complex world if they must continue to rely on textbooks that teach of a place which no longer exists – the Soviet Union.

With us today is a young lady, Erin Smalley, she is from Johnston. Erin wrote an essay entitled "A Passion For Education". I want to share a portion of that essay with you today because it will underscore the importance of maintaining educational excellence. Erin wrote about William Butler Yeates, an Irish poet, who won the Nobel Prize for literature in 1923, who once said "Education is not the filling of a pail, but the lighting of a fire." The first part of Yates quote states education is not the filling of a pail. I believe it means this; education is not just putting information and knowledge into someone's mind. You can't dump fact after fact into someone because it will just go in one ear and out the other. Putting a lot of information into someone's head is just like filling a pail with a lot of water. It will probably just sit there, but it won't sink in. That is why education means something more. The rest of the quote says; "but the lighting of a fire." I believe this makes education all about enlightening students and making them wonder. To light their fires to make them want to learn more, to build a passion for what they are being taught. When they have an interest then they go for it. When kids are given an education they discover a passion for something important to them and they will go higher and higher and never give up on their dreams. When the light goes on, that is when they start to discover and to learn. That is when education is most important because then it will hopefully become a turning point in their life. Everyone should get to go to a free school and learn new things. I want every kid to have a passion for something and to be able to have a chance to pursue their dreams. I want every kid to get the chance because it is not only fair, it is something necessary. I hope that having an education will light all the flames and not just fill all the pails. Erin, I want to speak directly to you today. I want to tell you that as your Governor, I am going to do everything I possibly can to make sure that fire remains lit for as long as you and your classmates are in school. The light will remain lit.

As dedicated teachers and parents advocated for children, I realized that someone needed to advocate for the teachers and staff that lead lives of service. That duty belongs to the governor and legislators as leaders of a state that prides itself on its schools and educational opportunity. The fact remains that those supplies, textbooks, or the most sophisticated technology mean very little without quality teachers and staff.

This duty extends beyond K-12 and includes advocating for higher education as well. Without support our colleges and universities will not attract the quality of faculty or staff required to maintain academic excellence on our campuses unless they continue to rely on higher tuitions which price too many out of opportunity.

Public concerns were not limited to teacher and educators, nurses, hospital workers, health care professionals like chiropractors and pharmacists, mental health advocates, and people with disabilities, all raised similar issues about health care.

Our state ranks in the top six states for quality health care according to the Center for Medicare and Medicaid and we can take pride in the fact that more than 90% of all Iowans and 94% of all Iowa children have health care security. However, without continued investments in our Medicaid program for seniors and low-income persons with disabilities and our children's health insurance program, access to critical services will be denied to Iowans most in need. Cheryl Jones, a nurse from Bloomfield confirmed at the Ottumwa hearing that occurs today in some rural areas of our state.

With frequent changes to the nation's homeland security threat level, we need no reminder of the importance of adequately staffed, trained, and equipped local law enforcement officers, firefighters, and first responders. At every public hearing those on the frontline of homeland security, like firefighter Chris Sorenson from Council Bluffs, outlined the negative impact on security efforts resulting from state cuts in support to local governments. As layoffs occur in critical security positions and as training and equipment purchases are delayed or deferred at the local level, the question can appropriately be asked of us – given the magnitude of the risk, from terrorism to meth labs, are we comfortable being understaffed, untrained, and ill equipped?

Yesterday, at my instruction, the Department of Management furnished each member of the General Assembly a budget based on revenues as they are. A budget that if passed, will confirm the fears and ignore the priorities of the hundreds of Iowans we heard during our public hearings. A budget after all is not just a set of numbers. Our budget should reflect our values, demonstrate our priorities, and positively affect people's lives.

Let me be as clear as I can be. A budget based solely on available revenues under funds education at every level and fails to meet our basic responsibility to provide our children with great schools, colleges and universities. With it we run the risk of extinguishing the passion for education, a return to declining student achievement and test scores and a continuation of higher tuitions, eliminating for some, the dream and the opportunity of a higher education.

A budget based solely on available revenues under funds health care and fails to keep faith with the Iowa promise of health care security for seniors needing nursing homes, for people with mental illness or physical disabilities needing specialized care, and for uninsured children.

A budget based solely on available revenues under funds property tax credits and local government support and fails to strengthen the partnership between state and local government. With this budget the deal for Iowans from local government is simple - higher property taxes and fewer critical services – pay more get less.

We must not turn our backs on our children, our seniors, our friends and neighbors with disabilities – on all Iowans. We can and we must do better.

The budget we enact at this critical juncture for our state must protect our priorities, preserve our values, and promote the greater good and the brighter tomorrow for all of us. Our budget must reflect the people's interest, not the special interest. Guided by fairness and equity the budget must ask some to sacrifice more for the betterment of all.

To bridge the gap between revenues and our priorities I propose a three-step plan based on simple fairness and equity and not one based on an income or sales tax rate increase.

Step one. Modernize the sales tax system by expanding the base of services subject to tax and lowering over time the sales tax rate – an approach suggested last year by the Speaker. We would generate sufficient revenue to increase support for all levels of education in the short term while reducing taxes for most Iowa families in the long run. This approach builds upon what we started last year in modernizing our property tax system and remains consistent with fair and equitable tax policy of broadening the base and reducing the rates.

Step two. Today in Iowa we all pay for smoking related illnesses through taxes and higher insurance premiums. We pay more for the treatment of smoking related illnesses than what we receive from those who smoke. We need to correct this inequity by better balancing what we receive with what we spend. An increase in what smokers pay to smoke, an idea advanced last year by senate republican leaders, will create a better balance while generating the revenues to keep faith with those who need health care.

Step three. By simply closing tax loopholes and ending unfair preferences; we will collect sufficient revenues to fully fund property tax credits. Property owners would receive the full benefit of the credits lowering their property taxes without a cut in essential services.

I will submit a budget this week that provides the details, but let me outline the impact of what I propose today.

Our sales tax system reflects a 20th century economy centered more on goods being sold rather than services being provided. The narrow base of activities subject to tax means most of us pay a higher rate than necessary. By extending sales tax to services like engineering, surveying, accounting, consulting and the like, we can better align the system to the economy of today. With an expanded base, we should systematically reduce the rate of tax on all transactions by 15% over the next four years.

The additional revenues collected during the period where rate reduction is phased in can act as a bridge to better times and will enable us to more adequately fund education.

Under the approach that I offer our state, support for schools would increase by \$131 million. We would fully fund this year's allowable growth including restoring state funds that were cut from last year's budget. We would continue and expand the teacher compensation – student achievement effort started two years ago. State

resources would act as incentive for local districts to reduce administrative costs and redirect those savings into greater support for teacher compensation and professional development. Important efforts to reduce class sizes, improve reading and prevent dropouts would continue without interruption. New efforts to meaningfully tackle the achievement gap among minority students would be launched in places like Waterloo and Sioux City.

What does it mean for schools? – More and better-qualified teachers and smaller class sizes. For our children it means better learning opportunities. For Iowa's future it means a more educated and productive workforce to meet the challenges of a 21st century global economy.

Additional funds would also be available for empowerment and early childhood education. If we are to leave no child behind we must begin by making sure that no child starts behind.

Higher education would also benefit. Community colleges would receive increased state aid. The Regent's universities would receive support to fully fund faculty and staff salaries. Students relying on the Iowa Tuition Grant program would receive additional help with tuition costs. Quality higher education would remain affordable for working families.

Finally, resources would also be available to better support tuition assistance for National Guard members, which will aid in recruiting and retaining soldiers, airmen and airwomen in Iowa.

Bottom line under this sales tax modernization proposal: a few will pay more, most will pay less and all will benefit, as Iowa remains an education leader. Most important of all, our children will enjoy the fruits of educational excellence as they grow up and become the everyday leaders and heroes of tomorrow.

No doubt exists that smoking costs all of us and kills too many of us. Fairness and equity dictate that smokers should assume more of the responsibility of the costs of smoking-related illnesses. As they do, research tells us that fewer children will begin smoking and more lives will be saved.

With a 60-cent increase in the cost of every pack of cigarettes, resources will be freed up to keep faith with seniors and their long-term care needs. We can begin weaning ourselves from reliance on the senior living trust to help fund nursing home care. This fund can be preserved longer for its primary purpose of financing in-home care. The dignity and independence of seniors – an Iowa tradition, can be expanded and not curtailed.

Additional investments will be made to continue our children's health insurance effort; and to more adequately fund substance abuse treatment and smoking prevention efforts.

In response to the legislature's charge, the Mental Health Developmental Disabilities Commission issued a blueprint for redesigning the system of services for adults with disabilities.

Their recommendations will assure basic quality services statewide to support Iowans with mental retardation, mental illness, developmental disabilities and brain injury, to live to their God-given potential.

Revenue will now be available to fund the commission's recommendations bringing hope to those facing mental and physical challenges.

At the same time, the growing crisis in which tens of thousands of Iowa's children and seniors fail to get even simple routine dental care can be addressed. If children of low-income families or seniors cannot get to a dentist office, we will bring the office to them. These mobile offices will provide routine but necessary dental care that will improve health outcomes.

A few will pay more to offset the costs paid by all and our most vulnerable citizens will be assured of health care security.

Today, some avoid the payment of their fair share of the costs of essential services and some receive the benefit of property tax credits actually designed for others. A number of corporations, particularly non-Iowan, out-of-state corporations shift income and expenses to avoid paying millions of state taxes owed here. At the same time, the ag land tax credit (against property taxes) designed for those who farm the land is also available to those who own the farmland but allow others to farm it. Providing these credits to absentee landlords costs the state millions of dollars.

This corporate loophole should be closed and this special preference for absentee landowners should be ended. The revenues and savings should be dedicated to more fully funding local property tax credits and services assisting local governments. While a few may pay more, most will pay less, and essential services protecting our families and communities will continue.

Even with the approach I've outlined, some areas of state government will receive less and more sacrifice will be required. Efforts began four years ago to reduce the size of state government and to improve efficiency and effectiveness must continue. Budgets and workforces have been cut and more may be required, but I am confident in the commitment and ability of those working for us in state government to get the job done.

With a people's budget and a common-sense bridge approach to financing it, our responsibilities will be met and our priorities will be preserved in the short term. But this will not be so over the long term unless we continue the work begun over the last four years to transform our economy.

Before I talk about continued efforts to transform our economy, I want to talk about a transformation of a different type - the transformation of the heart. Bullying and harassment takes place in too many of our schools. No one has the right to harass or bully because of the color of one's skin, the language one speaks or the language one does not speak, a person's religion, a person's politics, a person's appearance, or of a person's perceived or real sexual orientation. Every child deserves a safe haven at school to learn and to grow. Teachers, administrators, and staff must guarantee that safe havens and schools must be held accountable when bullying or harassment takes place. I will present to the General Assembly legislation that will require that accountability and I ask for your consideration and support.

All around the state, evidence of change in our economy exists. The construction of new power facilities, expansion of high speed internet to many areas of the state, a doubling of ethanol production facilities, the commencement of bio diesel and bio-mass energy production, the building of the new beef harvesting facility at Tama, the creation of the Plant Science Center at Iowa State University, the establishment of state and local venture capital funds, and the locating of the nation's largest wind energy project reflect the emergence of the transformed Iowa 21st century economy.

The Grow Iowa Values Fund represents a major effort to continue our effort to transform the Iowa economy. In less than a year and with funding only guaranteed for two years, the Values Fund began to stabilize manufacturing jobs threatened by overseas competition, to create thousands of good paying opportunities in the financial services and insurance sector, and to form Iowa's special niche in the growing bio-economy. From Lenox in Marshalltown to Wells Fargo in West Des Moines and Des Moines to Trans Ova in Sioux Center, interest in Iowa opportunities continues to grow. Last year at this time, our Department of Economic Development listed 60 potential projects in the pipeline – today that number has quadrupled to 240 potential projects.

The vital work of the Grow Iowa Values Fund must continue, but under its current structure, assurances for funding remains guaranteed for only two of the seven years of the fund. Initial investments have been made in Iowa's growth. With the investment 3,557 new, good-paying jobs will be part of our future and almost 1,000 good-paying jobs, already part of our economy, will be retained. These new opportunities will generate over the next decade more than \$2 billion of additional income for Iowans and an additional \$197,000,000 in support of better schools for our children, accessible healthcare for seniors and veterans, and available fire and police protection when we need it for our families and communities.

The timid and the hesitant never lead a transformation. The better future belongs to those with faith in the future. Members of the General Assembly, finish the good work you started last year by eliminating any conditions on future funding for the Values Fund. Guarantee these funds for the full seven years of the program – and watch Iowa grow.

Four years ago, members of the General Assembly reflected a strong belief in our future by expanding the successful Community Attractions and Tourism program into the Vision Iowa program. This effort fueled a transformation of 119 communities into cultural and recreational centers. In Gladbrook, Iowa, I've seen a refurbished theatre providing family entertainment while acting as a powerful symbol of a small community's desire to remain strong. I've seen the America's River project, a celebration of the Mississippi River's many gifts to us, in Dubuque; the Tyson events Center in Sioux City; the Mid-American Convention Center in Council Bluffs; and the steam-powered carousel in my hometown, Mt. Pleasant. Projects border to border and places in between – encourage people from outside Iowa to enjoy a wide variety of cultural and recreational treats. These tourists and thousands like them will help spur the local and state economy. In addition, these programs led to thousands of good paying construction jobs and permanent jobs operating and managing the facilities.

The success of the CAT and Vision Iowa program and the wonderful variety of artistic, cultural, and recreational experiences in our state deserve recognition and celebration. It is in uncertain times like ours that we seek pleasure, solace, and instruction in the arts and humanities. A vibrant society gains meaning and direction

from its creative thinkers. We should celebrate and appreciate the impact arts; culture and recreation play in our lives during this year – 2004 – The Year of the Arts, Culture, and Recreation in Iowa. Studies show that creativity spurs economic growth; breakthroughs in understanding are essential to the task of building a world of opportunity. Creative thinking, the hallmark of Iowa's success, will lead us to a more dynamic future.

We should not and we must not be satisfied with what has been done with CAT and Vision Iowa. We must focus on what more can be done if the programs are continued and expanded.

We are blessed with breathtakingly beautiful open spaces and wonderful streams, rivers, and lakes. These natural resources should be celebrated and more fully utilized.

Last year thousands of Iowans participated in a consensus driven process to improve water quality that culminated in the water quality summit in Ames, Iowa. Summit participants identified many ways in which we could improve water quality with the ultimate goal of eliminating any impaired waters within our state.

From the summit there was broad consensus that our approach must be based on a respect for the natural lay of our land rather than artificial boundaries. As such, we must develop a watershed approach – locally led and locally based – to enable a holistic approach to improving water quality and targeting high priority watersheds. The Summit confirmed what we suspected: that existing efforts must be better coordinated and better focused on targeted areas for improvement. Our collective work to initiate a comprehensive water-monitoring program has greatly enhanced our efforts. Water monitoring must be continued and expanded. It was also evident from the Summit that additional research is necessary to enhance our ability to improve water quality.

Living in Iowa means accepting responsibility for preserving and protecting our natural resources. Every one of us should engage in the effort to preserve our soil and protect our air and water. Our state budget in every year, even in years of tight budgets, must reflect that responsibility.

Our ability to continue transformation depends on our ability to improve quality of life in Iowa. We sometimes fail to recognize how important the environment is to our quality of life. We must continue to invest in the protection of our natural resources to be true to our heritage and our name; Iowa – a beautiful land.

To that end I recommend an increase in our commitment to the Environment First Fund. We should also extend Vision Iowa and CAT by \$150 million to come from additional bonding and to be repaid over time from the Rebuild Iowa Infrastructure fund. With interest rates low and the State's exceptional bond rating the time will never be better. Repayment from RIIF insures no conflict with the important education, health care, and security protection of our general fund. These resources should be committed to protection and preservation of our natural resources, with emphasis on improving water quality and to expand our understanding of the environment and the important role it plays in transforming Iowa. There is unlimited potential for us and if we are as successful in expanding the program as we were in starting the program we could see up to a billion dollars invested in our quality of life in the next decade.

Today, and for the foreseeable future, Iowans will be placed in harms way in the service of liberty and freedom. Their task of improving the world in which we all live is our task as well. In our work at home we should draw inspiration from them to do our duty.

While they make the world safer, we must make our schools better, our health care more accessible and affordable, our families and communities more secure, and our environment cleaner and our economy stronger. They sacrifice to transform a nation and open up opportunity for someone else's child. We sacrifice to transform a state and open up opportunity for their children and all of our children.

They will not fail the world. We must not fail them ourselves.

God bless these brave young men and women – our troops here and abroad – and all those who serve and sacrifice for others. God bless our nation and God bless the great state of Iowa.

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 10:54 a.m.

COMMUNICATIONS RECEIVED

BOARD OF REGENTS

Estimated Fiscal Year 2003 savings associated with the use of the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF COMMERCE

Iowa Utilities Board

Annual report on the status of utility customers contribution funds, pursuant to Chapter 476.66(6), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

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

DEPARTMENT OF JUSTICE

Office of Consumer Advocate

Report of estimate of rate of return on the common equity of a local exchange carrier operating under price regulation, pursuant to Chapter 476.98, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Report for electronics waste management in Iowa, pursuant to Chapter 4550.6(7), Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES AND DEPARTMENT OF
TRANSPORTATION

Report if Full – Size Off – Highway Vehicle Registration Program – Plan, pursuant to Chapter 152, Code of Iowa.

DEPARTMENT OF PUBLIC DEFENSE

ICN Savings Report for Fiscal Year 2003 from Iowa Homeland Security and Emergency Management Division, pursuant to Chapter 8D, Code of Iowa.

DEPARTMENT OF REVENUE AND DEPARTMENT OF JUSTICE

Report on the Collection Partnership, pursuant to Chapter 602.8107 and 602.8107(5), Code of Iowa.

IOWA COMMUNICATIONS NETWORK

Summary of identified savings associated with ICN's use of the network during Fiscal Year 2003, 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

- | | |
|---------|--|
| 2004\11 | Cleo Dietsch, Waterloo – For celebrating her 80 th birthday. |
| 2004\12 | Helen Davis, Eldora – For celebrating her 90 th birthday. |
| 2004\13 | Helen Hartman, Clarinda – For celebrating her 89 th birthday. |
| 2004\14 | Faye McClarnon, Clarinda – For celebrating her 90 th birthday. |
| 2004\15 | Maxine and Archie Higgins, Clarinda – For celebrating their 65 th wedding anniversary. |
| 2004\16 | Dorothy and Willis Hollingsworth, Packwood – For celebrating their 50 th wedding anniversary. |
| 2004\17 | Agnes Parcell, Fairfield – For celebrating her 90 th birthday. |
| 2004\18 | Erma Smith, Fairfield – For celebrating her 90 th birthday. |

- 2004\19 Viola and George Jansen, George – For celebrating their 60th wedding anniversary.
- 2004\20 Ben Birks, Sioux Center – For being selected as one of the 400 students in the nation to participate in the National Youth Leadership Council in Washington, D.C., and therefore having the opportunity to play the roles of the United States Congress, the U.S. President and a Supreme Court Justice.
- 2004\21 Harley Behrens, George – For his 35 years of dedicated service to the Lyon County Agricultural Stabilization and Conservation Service and the Lyon County Farm Service Agency.
- 2004\22 Donald Baum, Vinton – For celebrating his 80th birthday.
- 2004\23 Frances Hull, Marengo – For celebrating her 90th birthday.
- 2004\24 Lorraine Steinfeld, Vinton – For celebrating her 80th birthday.
- 2004\25 Wesley and Betty Smith, Guthrie Center – For celebrating their 50th wedding anniversary.
- 2004\26 Edith Kading, Adair – For celebrating her 95th birthday.
- 2004\27 Nellie Watts, Guthrie Center – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 7 Reassigned

Education: Dolecheck, Chair; Dennis and Mascher.

House File 143 Reassigned

Education: Chambers, Chair; Berry and Dolecheck.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 122 Reassigned

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

House Study Bill 501

Appropriations: Dix, Chair; Jenkins and Kuhn.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 503 Human Resources

Relating to determining compliance with course of study requirements regarding cosmetology licensure.

H.S.B. 504 Human Resources

Relating to uniform school requirements related to noncustodial parents.

H.S.B. 505 Human Resources

Relating to the diversion of child support payments to a college savings plan.

H.S.B. 506 Environmental Protection

Relating to enforcement of waste volume reduction and recycling issues and providing a penalty.

H.S.B. 507 Environmental Protection

Appropriating moneys in the waste tire management fund.

H.S.B. 508 Public Safety

Relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties.

H.S.B. 509 Public Safety

Relating to the release of sex offender registry records, and providing an effective date.

H.S.B. 510 Judiciary

Relating to abandonment of a child as grounds for termination of parental rights.

H.S.B. 511 Judiciary

Relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

H.S.B. 512 Judiciary

Excluding certain funeral and burial expenses in the determination of medical assistance eligibility.

H.S.B. 513 Judiciary

Relating to an individual's right of publicity, providing remedies, and including an applicability provision.

H.S.B. 514 Education

Authorizing school districts and nonpublic schools to apply credit under the state education program for successful completion of military basic training.

H.S.B. 515 Local Government

Relating to membership on certain city planning and zoning commissions.

On motion by Klemme of Plymouth the House adjourned at 11:17 a.m., until 8:45 a.m., Wednesday, January 14, 2004.

JOURNAL OF THE HOUSE

Third Calendar Day - Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 14, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jim Black, pastor of the Four Square Church in Newton, he was the guest of Speaker pro tempore Danny Carroll of Poweshiek County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, January 13, 2004 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2001, by Freeman, a joint resolution designating the monarch butterfly as the official state insect of the State of Iowa.

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

House File 2017, by Greiner, a bill for an act relating to the regulation of swine dealers and providing for a penalty.

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

House File 2018, by Greiner, a bill for an act relating to registration of vehicles by owners of abandoned vehicles.

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

House File 2019, by Swaim, a bill for an act relating to access to patient medical records, copying costs, and related matters.

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

House File 2020, by Baudler, a bill for an act relating to the relocation of the child support recovery unit to the department of revenue.

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

House File 2021, by Foege, a bill for an act concerning vesting requirements under the judicial retirement system.

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

House File 2022, by Baudler, a bill for an act relating to the statute of limitations relative to a judgment of distribution of marital assets involving fraud.

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

House File 2023, by Swaim, a bill for an act providing driver's license sanctions for drive-off theft of motor fuel.

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

House File 2024, by Huser and Petersen, a bill for an act relating to the medical assistance eligibility for juveniles who are inmates of public institutions.

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

House File 2025, by Baudler, a bill for an act changing the bid letting requirements for the construction of county bridges.

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

House File 2026, by Alons, Lukan, Baudler, De Boef, Freeman, Greiner, Hoffman, Granzow, Carroll, Klemme, Boggess, Sands, Hutter, Rayhons, Dennis, Boddicker, Kurtenbach, Chambers, Huseman, Dolecheck, Tymeson, Paulsen, Roberts, Van Engelenhoven, and Hahn, a bill for an act relating to the excise tax imposed upon certain ethanol blended motor fuel.

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

House File 2027, by Horbach, a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

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

House File 2028, by Bell, a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes.

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

House File 2029, by Schickel, Tjepkes, and Maddox, a bill for an act appropriating state franchise tax revenues to cities and counties.

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

House File 2030, by Klemme, a bill for an act relating to the transfer of jurisdiction of primary road bridges leading to an adjoining state and providing effective and retroactive applicability dates.

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

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

The House resumed session at 9:45 a.m., Jacobs of Polk in the chair.

Speaker Rants in the chair at 9:48 a.m.

COMMITTEE TO NOTIFY THE SENATE

Paulsen of Linn 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 Paulsen of Linn, Boddicker of Cedar and Berry of Black Hawk.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Paulsen of Linn, 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.

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 102, duly adopted, the joint convention was called to order at 9:53 a.m., President Lamberti 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 Lamberti 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 Putney of Tama, Zieman of Allamakee and Dvorsky of Johnson, on the part of the Senate, and Representatives Tymeson of Madison, Tjepkes of Webster and Jacoby of Johnson 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 Louis A. Lavorato that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Redfern of Black Hawk, McKibben of Marshall and Fraise of Lee, on the part of the Senate, and Representatives Maddox of Polk, Van Fossen, J.R. of Scott and McCarthy of Polk on the part of the House.

Secretary of State, Chester J. Culver; Treasurer of State, Michael Fitzgerald; 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, the Judges of the Court of Appeals and the District Court Chief Judges, were escorted into the House Chamber.

Lieutenant Governor Sally Pederson was escorted into the House Chamber.

Mrs. Janis Lavorato, the wife of the Chief Justice; his sons, Anthony and Dominick Lavorato and his fiancée, Lori Wilson; his step daughter, Jenna Green; his sister-in-law, Delayne Johnson and her friend, Gary Kiehl; and his brother-in-law, Edward Busing were 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 Speakers station.

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

Mr. President, Mr. Speaker, Members of the General Assembly, Governor Vilsack, Lieutenant Governor Pederson, distinguished guests, and friends.

On behalf of all judges and court personnel, I want to thank the General Assembly for the invitation to talk about the condition of the Iowa Judicial Branch. Before I

begin, I would like to invite you to join us for refreshments and conversation downstairs in the courtroom following my remarks.

I also want to acknowledge the newest member of the Iowa Supreme Court, Justice David Wiggins, and our newest chief judge, David Schoenthaler of the Seventh Judicial District. I also want to recognize our new state court administrator, David Boyd, who succeeds William O'Brien. Mr. O'Brien retired last summer after ably serving the Court and the state for more than thirty-two years.

Today, we mark an important milestone. From this podium, twenty-five years ago, Chief Justice Ward Reynoldson delivered Iowa's first State of the Judiciary Address. Over the years this report has come to serve four important purposes:

- It symbolizes the judiciary's status as a separate, but co-equal branch of government.
- It reminds us of the vital mission of the judicial branch—to administer justice under the law equally to all.
- It reaffirms our dependence on the legislative and executive branches for the resources and tools we need to carry out our mission.
- And finally, it is the best forum we have to share with you and the people of Iowa our assessment of the state's judicial system.

This year our assessment is not uniformly positive. The judicial branch is struggling, but determined to perform its constitutional and statutory mandates. We are heartened by the indomitable spirit of our judges and employees, who are going to extraordinary lengths to serve the public. Their commitment to our state is truly remarkable and gratifying.

We are also encouraged by some exciting innovations under way and progress we've made on some important issues in the past year. I will discuss these topics first, and then I will review the condition of our day-to-day operation.

Statutory Improvements

We are grateful to you and the governor for responding last year to some of our suggestions for statutory changes that will reduce costs and enable us to stretch our resources farther.

Your approval of the law to allow a clerk of court to manage more than one office is paying off in several ways. Not only is this saving the state about \$450,000 a year, in some offices this policy has resulted in more efficient operations, more uniform procedures between counties, and improved public service.

Last fall, we used the new statutory procedure that allows us to reallocate a vacant judgeship to reduce disparities in judicial resources among the judicial districts. The vacancy occurred in Judicial District 8A, which covers a portion of southeast Iowa.

Two of our busiest districts requested the judgeship: District 5, which covers south-central Iowa, including Polk County, and District 6, which includes Linn and Johnson Counties and other counties in that vicinity. Both districts demonstrated a clear and pressing need for more judicial resources. After careful consideration, the judicial

council approved moving the judgeship to the Sixth Judicial District. I'm pleased to report that the additional judgeship has eased some of the pressures in that district.

I commend the chief judges for their cooperative spirit in moving this judgeship.

All of the new procedures I have just mentioned are steps in the right direction. They provide some relief to judges in our busiest courthouses; they enable us to allocate resources to our priorities; and they help keep down our operating expenses.

Searching for Savings

Last year, I announced that we had begun a program to identify best practices, streamline procedures, improve staffing formulas, and achieve uniformity throughout the state as much as possible. The first phase of the program involved four study committees composed of judges, court staff, and others—the people working in the trenches. This examination covers the clerks office staffing formula, clerks office management, juvenile court services, and district court administration.

Three of the committees have reported to the court, and the fourth committee will submit its report soon. The committee reports are full of good ideas for improving service and conserving resources. Although most of these ideas will not result in immediate improvements, they will pay off in the long run.

Innovations: Online Services

We're pleased to report that even in the present budget climate we're improving court services through the use of information technology. Here are some examples.

The success of our online records service, which provides basic court docket information at no charge, has exceeded our expectations. This service, which began in February 2002, averages about 200,000 hits a day.

Last year, the judicial branch added a subscription-based feature to this service. For \$25 per month, a subscriber can access more detailed court docket information such as court schedules, bonds, exhibits, liens, and judgments. Currently, we have 900 subscribers, including lawyers, abstractors, private investigators, businesses, and individuals with a personal interest in court information.

Another component of our online service offers government agencies access to detailed court docket information at no cost. Presently, more than 2700 state, local, and federal government officials take advantage of this tremendously useful tool.

Our newest online service is E-pay—a mechanism that enables one to pay traffic fines and court fees online. In the first four months of operation, we've collected \$73,000 through online payments. This is a good start.

E-Juror is an exciting online service under development. This feature will enable citizens called for jury duty to respond online to the summons. We expect to have this new service available in late fall.

Our online services provide significant benefits. They expand access to the courts. They are convenient to use. They enable state and local government officials to

retrieve court information faster and at less cost. They also ease the burden on our clerk of court offices by reducing the number of telephone calls and walk-in customers they receive.

Innovation: Criminal Justice Information System

We are pleased to be working closely with the executive branch and others on long-range plans for an integrated criminal justice information system that will cover the entire state. This is an ambitious plan that will lead to the automated exchange of critical information among local, state, and federal agencies.

The benefits of this project will be far reaching. An integrated information system will enhance public safety by providing agencies with faster access to information they need to effectively perform their duties. It will improve the efficiency of agency participants by reducing redundant data entry and by streamlining procedures. It will also expand the pool of statistical information that you and other government officials need for making important policy decisions.

Innovation: Juvenile Court Assessment Program

We are also harnessing the power of information technology to benefit children under the jurisdiction of the juvenile court. Recently, we teamed with the Division of Criminal and Juvenile Justice Planning to design, develop, and implement an assessment tool for juvenile court services. This tool will eventually provide standardized assessments of children's needs, a key element in the new design for the child welfare system. Our overarching goal is, as always, to achieve better outcomes for children.

Technology Support and Funding

Innovative new services such as those I've described require careful planning, hard work, and a long-term commitment of resources. Many people deserve credit for our success. I want to recognize and thank our technology committees that have guided our efforts over the years. I also want to commend Larry Murphy, who skillfully manages our technology program, and his highly talented staff of computer wizards, who patiently support our system every day. In addition, I applaud the General Assembly for having the wisdom and foresight to provide the judicial branch with a dedicated and reliable funding stream—an essential element for a program of this scope, magnitude, and importance.

Iowa's Trial Court Caseload: 2000 to 2003

While technology is a tremendous help to Iowa's courts, in the final analysis we depend on judges and court staff to fulfill our important mission. Judges serve the public by resolving disputes according to the rule of law. And in many cases they use their legal expertise to interpret the laws you pass. Judges are indispensable, but their ability to perform their jobs effectively in our increasingly complicated and litigious society requires the assistance of a professional support team—clerks of court, court attendants, court reporters, law clerks, juvenile court officers, technology experts, and others. This team works closely with our judges to coordinate the disposition of hundreds of thousands of cases each year.

Collectively, the cases pouring into the courts reflect critical social issues of our time. Listen to this description from District Judge Artis Reis of what she observes every day in court: "I'm seeing people with tremendous life problems such as drug addiction, domestic violence, dissolution, delinquent children, and overwhelming debt. These problems cut across all economic classes."

Our statistics confirm many of the judge's observations: In the past three years, we've seen a disproportionate increase in serious cases. For instance, felony filings other than OWI have increased 23%. While drug charges account for nearly a quarter of our indictable criminal caseload, judges and law enforcement professionals will tell you that over 80% of all criminal cases have their roots in substance abuse.

Tragically for many people, substance abuse contributes to domestic violence, child abuse and neglect, delinquency, unemployment, and divorce. Our courts are seeing an increase in some of these cases. For instance, since 2000 the number of juvenile court cases has increased 20% and domestic abuse civil cases 22%.

Serious criminal cases, juvenile cases, and family law cases are time-consuming and labor intensive. Our latest calculation of judicial workloads bears this out. According to a workload model developed by the National Center for State Courts, recent data shows that in the past three years the amount of time required for our judges to address the caseload has increased 7%.

During this same period, the judicial branch has sustained a \$9.5 million dollar reduction to its budget. To handle the cuts, we've reduced our non-judicial workforce by nearly 11%, drastically cut travel and supplies, and imposed other stringent measures.

Budgets vs. Justice

How do the competing demands of deep budget cuts and justice play out in the courtrooms? Chief Judge Alan Pearson recently said: "If I could have one thing, it would be more time."

Chief Judge Pearson is not alone. Our judges are so busy that they are increasingly turning to the most expedient means of addressing cases—through paper rather than personal appearances. For instance, in our busiest trial courts, most serious and aggravated misdemeanors are handled entirely by paper from arraignment to plea to sentencing. These defendants never see a judge. In other types of cases—such as dissolutions—hearings, if requested, are limited to thirty minutes. Time limits for hearings used to be rare; now such limits are routine. Another district judge told me of having to handle 38 pre-trial orders in one hour. She had to do this entirely by paper, relying on forms completed by attorneys, and without the benefit of face-to-face meetings with anyone, not even the lawyers. This is a troubling state of affairs. In too many cases justice has become an impersonal matter of shuffling papers.

We serve the same constituents you do, and for most of them justice means the right to come before a judge. Depriving them of this opportunity diminishes their confidence in the justice system and undermines the effectiveness of court orders and ultimately the effectiveness of the law.

The judicial time crunch is exacerbated by the shortage of support staff. When we cut our workforce in 2002, we cut back on court attendant services. Court attendants provide invaluable administrative assistance to judges. They manage juries, type and copy orders, retrieve files, and handle reception duties. Now, without the aid of court attendants, many judges are performing these administrative tasks themselves. By mentioning this, I do not intend to suggest that judges are above doing these tasks—not at all. I mention this to illustrate how scarce judicial resources are being diverted from decision-making. Unfortunately, this is a sacrifice we must bear for the time being.

Innovative Courtroom Programs

Amid the pressures of the current environment, judges and court personnel around the state are finding innovative solutions for easing courtroom congestion. I would like to mention one example—the compliance review procedure used in Black Hawk County for the batterer's education program in domestic abuse cases.

State law requires all persons convicted of domestic abuse to attend a domestic abuse education program as part of their sentence. If they willfully refuse to comply, the court can find them in contempt. In Black Hawk County the non-compliance rates were high, and contempt actions were piling up in the district court. This situation was unacceptable and something had to be done.

A group consisting of representatives from local justice system agencies and the courts found a solution. Before this, any number of different judges heard these particular contempt actions. Now, all such actions proceed before one district associate judge. This new procedure adds consistency to sanctions that gives them more teeth. According to District Associate Judge Nathan Callahan, the compliance rate for the education program has improved dramatically. Finally, this procedure frees up the schedules of other judges so that they may focus their time on different types of cases waiting to be heard.

Now, I want to turn to our other court components and describe how they are faring.

Clerks Offices

As you know, more than sixty clerk of court offices cut back their public hours in 2002 after budget cuts necessitated drastic staff reductions. Reduced public hours provided offices with some uninterrupted time to catch up on filing, data entry, issuing notices, and other essential duties. The resulting increased efficiency compensated, in a small way, for the shortage of personnel. However, because of its impact on the public we viewed this measure as a temporary management tool only. Last October, most of these offices resumed regular public business hours. This action was prompted by an order of our court on the advice of the judicial council.

I want to emphasize that returning to traditional public hours does not mean these offices are having an easy time. To the contrary, staffing levels have not improved and all of our clerks offices are struggling. The fact that they manage as well as they do reflects the immense pride they have in doing their jobs well.

Take for example Sharon Modracek, the Clerk for both Linn County and Jones County. Sharon frequently arrives at work before many people wake up in the morning. She also works most Saturdays. Sharon's effort is typical of the efforts of many clerks and their supervisors.

Some clerks offices have adjusted their business practices and have found creative solutions for doing the job. For instance, Warren County Clerk of Court Sherry Sharp uses an inventive and complicated flextime schedule to keep her office running smoothly. Sherry says the schedule is also a morale booster — something we could all use these days.

Juvenile Court Offices

Juvenile court operates under similar circumstances. As a result of the budget cuts, juvenile court services like other court components lost a sizable share of its workforce. It also lost funds for successful programs such as peer court and juvenile victim restitution. But like other court personnel, our juvenile court judges and staff are determined to keep the system going.

Juvenile Court Officer Steve Bernemann is a shining example of this dedication. Steve works with children and families in Poweshiek County and Keokuk County. Since the first round of budget cuts, he has been working alone without support staff, handling all of the office's administrative tasks, while maintaining an active caseload of 75 children. Even though he's swamped with paperwork, Steve continues to meet regularly with all of the children and their families. This is not easy. To get the job done, Steve puts in long hours, working evenings and most Saturdays. We're proud of Steve and the other members of our juvenile court who are striving to provide high quality services during these difficult times.

Many juvenile court offices are finding ways to make the most of limited resources. For instance, Juvenile Court Officer Sharon Lamb coordinates the Early Services Project in Polk County. ESP, as the program is called, is a diversion program for children age 11 and under who are at risk of becoming repeat criminal offenders. Thirty to forty children participate in this program at any given time. These troubled children have done such things as assault teachers, destroy school property, set fires, and steal. When this happens, ESP steps in and provides the children with immediate consequences for their actions. They also receive intense supervision and counseling, and they perform community services.

Chief Juvenile Court Officer Marilyn Lantz says: "Successful intervention with these children at the time of their first offense will yield big payoffs down the line for the juvenile and adult correctional systems."

Court of Appeals

Finally, I want to shift my focus from the trial courts to the appellate courts, specifically the fine work of the Iowa Court of Appeals. Our hard driving appeals judges, with the help of their able staff, handle the bulk of the appellate cases that are disposed of by opinion.

In 1999 you increased the court of appeals from six to nine judges. Now your action, coupled with the outstanding work of the court of appeals, is paying off. In 1999

that court issued nearly 750 opinions; last year it issued around 1200—an increase of 60%. Moreover, the court has reduced the time it takes to dispose of an appeal. What used to take 18 months in 1999 now takes less than 12 months. This is a huge benefit for litigants anxiously awaiting final resolution of their cases. I applaud the court of appeals for these notable achievements.

Conclusion

Today, I have mentioned many examples of innovative programs, difficult problems, and exceptional people. These examples are the best way to describe the state of Iowa's Judicial Branch. And I have only touched the surface. Regrettably, time does not permit me to mention more examples of the countless individuals who are making extraordinary efforts in the name of justice.

So what is the state of the judiciary?

In short, information technology continues to offer new and exciting methods for expanding access, improving service, and controlling costs. At the same time, we're struggling to address Iowan's heightened need for justice during a period of fiscal austerity. It's a tribute to our exceptional judges and staff that we are balancing the competing demands of justice and budget cuts to the extent that we are. Words cannot express the pride and respect we have for them.

Now, I have some final thoughts.

We recognize that we are part of the budget equation and have a duty to the taxpayers of Iowa to operate as efficiently as possible, in good times and in bad. We pledge to continue doing everything in our power to conserve the state's resources. However, the savings realized from further efficiency measures and innovations, though important, will be modest at best.

Given our efforts over the past few years and the current statutory framework within which we must operate, the state cannot realistically expect the judicial branch to achieve substantial budget savings while continuing to provide the current level of court services. By this statement, I do not intend to convey that it is my desire, or the desire of the court, to radically alter court services. Nor do I intend this as a criticism of your policies. I am simply stating reality.

We understand and appreciate the difficult choices you must make. Should you decide that significant reforms in the delivery of court services are necessary, we are open to ideas and will work closely with you to ensure the judicial branch continues to fulfill its vital mission. In the end, we trust you will respond to the people's need for justice.

Thank you.

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

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 10:37 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

- | | |
|---------|--|
| 2004\28 | George B. Aden, Webster City – For celebrating his 98 th birthday. |
| 2004\29 | Cleo Bosworth, Webster City – For celebrating her 90 th birthday. |
| 2004\30 | Junior Pandil, Dows – For celebrating his 80 th birthday. |
| 2004\31 | Pearl Simpson, Clarion – For celebrating her 80 th birthday. |
| 2004\32 | Richard Vilmain, Eagle Grove – For celebrating his 85 th birthday. |
| 2004\33 | Robert and Ula Mae Young, Stanhope – For celebrating their 60 th wedding anniversary. |
| 2004\34 | Dale and Shirley Adolf, Everly – For celebrating their 50 th wedding anniversary. |
| 2004\35 | Charolotte Opperman, Oelwin – For celebrating her 80 th birthday. |
| 2004\36 | Lester Matthias, Denver – For celebrating his 85 th birthday. |
| 2004\37 | Mildred Begalske, Hawkeye – For celebrating her 90 th birthday. |
| 2004\38 | Katherine Berger, Sumner – For celebrating her 90 th birthday. |
| 2004\39 | Brandon Punt, Orange City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\40 | Anthony Otten, Orange City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\41 | Andrew Lundgren, Orange City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\42 | Samuel Hickman, Orange City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

- 2004\43 Bob and Becky Wilson, Cedar Falls – For celebrating their 60th wedding anniversary.
- 2004\44 Donald Stainbrook, Cedar Falls – For celebrating his 90th birthday.
- 2004\45 Dorothy Greiner, Keota – For celebrating her 80th birthday.
- 2004\46 Doris Richardson, Williamsburg – For celebrating her 80th birthday.
- 2004\47 Cyrena Buschmann, Sigourney – For being selected as a Teacher Honoree by the University of Iowa Belin–Blank Center for Gifted Education and Talent Development.
- 2004\48 Kenneth Dewey Spears, Hedrick – For celebrating his 85th birthday.
- 2004\49 Delbert Striegel, Harper – For celebrating his 90th birthday.
- 2004\50 Dorothy Eichhorn, Brooklyn – For celebrating her 90th birthday.
- 2004\51 Wilma and Jack Crosson, Brooklyn – For celebrating their 70th wedding anniversary.
- 2004\52 Kristine Horras, Keota – For being a United States National Award winner in Honor Roll.
- 2004\53 Fern McKinley, Rowan – For celebrating her 100th birthday.
- 2004\54 Jill Grandgeorge, Eagle Grove – For being chosen to participate in the all Iowa Honor Squad for cheerleading.
- 2004\55 Todd Lundgren, Lehigh – For receiving the Better Boardmanship Award from the Iowa Association of School Boards.
- 2004\56 Eagle Grove Golden Stars Drill Team, Eagle Grove – For winning the National Championship.
- 2004\57 Cindi Sweedler, Williams – For receiving the Williams Area Development Corporation's Volunteer of the Year Award.
- 2004\58 Victoria T. Leto, Des Moines – For celebrating her 80th birthday.
- 2004\59 Ralph J. Leto, Des Moines – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 40 Reassigned

Human Resources: Heaton, Chair; Granzow and Miller.

House File 42 Reassigned

Human Resources: Upmeyer, Chair; Jacoby and Tymeson.

House File 45 Reassigned

Human Resources: Heaton, Chair; Granzow and Jacoby.

House File 62 Reassigned

Human Resources: Granzow, Chair; Jacoby and Upmeyer.

House File 89 Reassigned

Local Government: Schickel, Chair; Hanson and Olson, D.

House File 114 Reassigned

Education: Boal, Chair; Upmeyer and Wise.

House File 124 Reassigned

Education: Dolecheck, Chair; Foege and Upmeyer.

House File 155 Reassigned

Education: Roberts, Chair; Chambers and Foege.

House File 164 Reassigned

Education: Chambers, Chair; Boal and Wendt.

House File 167 Reassigned

Education: Tymeson, Chair; Paulsen and Winckler.

House File 172 Reassigned

Education: Tymeson, Chair; Dolecheck and Winckler.

House File 237 Reassigned

Education: Tymeson, Chair; Paulsen and Stevens.

House File 243 Reassigned

Education: Tymeson, Chair; Schickel and Wendt.

House File 264 Reassigned

Education: Schickel, Chair; Bukta and Dolecheck.

House File 269 Reassigned

Education: Dennis, Chair; Roberts and Winckler.

House File 271 Reassigned

Education: Tymeson, Chair; Boal and Mascher.

House File 303 Reassigned

Education: Kramer, Chair; Bukta and Paulsen.

House File 323 Reassigned

Education: Dolecheck, Chair; Kramer, and Wendt.

House File 409 Reassigned

Human Resources: Heaton, Chair; Smith and Upmeyer.

House File 418 Reassigned

Education: Schickel, Chair; Berry and Upmeyer.

House File 421

Natural Resources: Baudler, Chair; Frevert and Lukan.

House File 439 Reassigned

Education: Tymeson, Chair; Chambers and Mascher.

House File 448

Commerce, Regulation and Labor: Kurtenbach, Chair; Jacoby and Sands.

House File 474 Reassigned

Education: Tjepkes, Chair; Berry and Kramer.

House File 488

Local Government: Fallon, Chair; Arnold and Hanson.

House File 513

Natural Resources: Lukan, Chair; Rayhons and Taylor, D.

House File 519

Natural Resources: Boddicker, Chair; Lukan and Whitaker.

House File 533

Environmental Protection: Kurtenbach, Chair; Gaskill and Klemme.

House File 552

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

House File 568

Education: Tymeson, Chair; Boal and Wendt.

House File 572

Environmental Protection: Drake, Chair; Hogg and Watts.

House File 579

Education: Tymeson, Chair; Boal and Wendt.

House File 589

State Government: Raecker, Chair; Lykam and Rasmussen.

House File 605

State Government: Greiner, Chair; Jones and Petersen.

House File 618

Natural Resources: Frevert, Chair; Baudler and Freeman.

House File 638

Public Safety: Baudler, Chair; Chambers and McCarthy.

House File 649

Public Safety: Chambers, Chair; De Boef and Heddens.

House File 693 Reassigned

Education: Roberts, Chair; Boal, Dolecheck, Mascher, Schickel, and Winckler.

House File 2001

Commerce, Regulation and Labor: Jacobs, Chair; Hoffman and Quirk.

House File 2003

Human Resources: Granzow, Chair; Heaton and Heddens.

House File 2006

Human Resources: Smith, Chair; Boddicker and Roberts.

House File 2009

Human Resources: Carroll, Chair; Hunter and Roberts.

House File 2012

Human Resources: Roberts, Chair; Foegel and Granzow.

House File 2016

Human Resources: Heaton, Chair; Granzow and Miller.

Senate File 203 Reassigned

Environmental Protection: Greimann, Chair; Olson, D., Olson, S. and Wilderdyke.

Senate File 313 Reassigned

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

Senate File 449

Commerce, Regulation and Labor: Dix, Chair; Freeman, Osterhaus, Taylor, D. and Watts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 200 Reassigned

Local Government: Schickel, Chair; Maddox and Shomshor.

House Study Bill 502

Education : Paulsen, Chair; Cohoon and Tjepkes.

House Study Bill 506

Environmental Protection: Kurtenbach, Chair; Olson, D. and Olson, S.

House Study Bill 507

Environmental Protection: De Boef, Chair; Olson, D. and Watts..

House Study Bill 508

Public Safety: Eichhorn, Chair; Hogg and Klemme.

House Study Bill 509

Public Safety: Tjepkes, Chair; Chambers and McCarthy.

House Study Bill 510

Judiciary: Boddicker, Chair; Hutter and Swaim.

House Study Bill 511

Judiciary: Eichhorn, Chair; Paulsen and Reasoner.

House Study Bill 512

Judiciary: Heaton, Chair; Kramer and Winckler.

House Study Bill 513

Judiciary: Schickel, Chair; Berry and Boal.

House Study Bill 514

Education: Chambers, Chair; Schickel and Stevens.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 516 Appropriations**

Urging state employee unions and the Governor to renegotiate and establish a pay freeze for the fiscal year beginning July 1, 2004.

H.S.B. 517 Human Resources

Providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

H.S.B. 518 Public Safety

Making substances which are precursors to amphetamine and methamphetamine schedule V controlled substances, and providing a penalty.

H.S.B. 519 Public Safety

Relating to fire safety issues, including the promulgation of administrative rules by the state fire marshal and the definitions of the criminal offenses of arson and harassment, and providing for a penalty.

H.S.B. 520 Public Safety

Relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

H.S.B. 521 Human Resources

Making technical changes to programs under the purview of the department of human services.

On motion by Gipp of Winneshiek the House adjourned at 10:51 a.m., until 8:45 a.m., Thursday, January 15, 2004.

JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 15, 2004

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

Prayer was offered by Reverend Mark Osterhaus, pastor of St. Matthew's Church, Cedar Rapids. He was the guest of Minority Leader, Pat Murphy of Dubuque and son of Representative Robert Osterhaus of Jackson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, January 14, 2004 was approved.

INTRODUCTION OF BILLS

House File 2031, by Alons, Klemme, Huseman, Chambers, and Mertz, a bill for an act relating to persons engaged in the business of buying or selling feeder pigs.

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

House File 2032, by Alons, Baudler, Boal, De Boef, Granzow, Boddicker, Watts, Kurtenbach, Chambers, Tymeson, Paulsen, Lukan, Roberts, and Hahn, a bill for an act relating to the liability derived from human cloning, and providing civil remedies.

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

House File 2033, by Connors, a bill for an act relating to ownership of vehicles abandoned in repair shops.

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

House File 2034, by Miller, a bill for an act requiring consent of the parent of a minor to obtain body piercing and providing a penalty.

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

House File 2035, by Carroll, a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability.

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

House File 2036, by Alons, Baudler, Boal, De Boef, Boddicker, Watts, Chambers, Lukan, Roberts, and Hahn, a bill for an act establishing a legal process for an adult pregnant woman to obtain an abortion, including the appointing of a guardian ad litem to represent the fetus, and providing a penalty.

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

House File 2037, by McCarthy and J.R. Van Fossen, a bill for an act creating a criminal offense for using a cellular telephone with a fitted camera in certain areas, and providing a penalty.

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

SUPPLEMENTAL 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 supplemental report:

Name	Round Trip Miles
Bruce L. Hunter.....	NONE
David J. Jacoby.....	230
Paul C. Shomshor, Jr.....	270
James L. Van Engelenhoven.....	104

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

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Annual Report for the Center for Health Effects of Environmental Contamination, pursuant to Chapter 263.17(4b), Code of Iowa.

Annual Report on Minority and Women Educators for Fiscal Year 2003, pursuant to Chapter 262.82 and 262.93, Code of Iowa.

2003 Annual Report for Iowa's Center for Agricultural Safety and Health, pursuant to Chapter 262.78, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Energy and Waste Management Bureau

Report of Household Hazardous Materials Program, pursuant to Chapter 455F.8 and 455F.8A, Code of Iowa.

DEPARTMENT OF PUBLIC DEFENSE

Iowa Homeland Security and Emergency Management Division

Annual Report on the status of 9-1-1 service in Iowa, pursuant to Chapter 34A.7A, 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

- | | |
|---------|--|
| 2004\60 | Omer and Iola Fleck, Oskaloosa – For celebrating their 65 th wedding anniversary. |
| 2004\61 | Norman and Mildred Schroeder, Grinnell – For celebrating their 50 th wedding anniversary. |
| 2004\62 | Richard Hasselbrink, Grinnell – For celebrating his 80 th birthday. |
| 2004\63 | Roger and Shirley Broerman, Oskaloosa – For celebrating their 50 th wedding anniversary. |
| 2004\64 | Marvin and Delores Lacaeyse, Oskaloosa – For celebrating their 50 th wedding anniversary. |

- 2004\65 Lois Scharff, Grinnell – For celebrating her 90th birthday.
- 2004\66 Vivian Graff, Grinnell – For celebrating her 80th birthday.
- 2004\67 Louise Doty, Grinnell – For celebrating her 85th birthday.
- 2004\68 Richard E. Hayes, Sioux City – For receiving the 2004 MLK Lifetime Achievement Award.
- 2004\69 Joe and Betty Griffin, Denison – For celebrating their 60th wedding anniversary.
- 2004\70 Erma Dorfler, Charter Oak – For celebrating her 90th birthday.
- 2004\71 Hulda Baade, Elkader – For celebrating her 93rd birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 590

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

House File 649 Reassigned

Public Safety: Tjepkes, Chair; Heddens, Horbach, Klemme and McCarthy.

House File 2004

Local Government: Hahn, Chair; Olson, D. and Schickel.

House File 2005

Education: Carroll, Chair; Chambers and Wise.

House File 2008

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen, and Rasmussen.

House File 2014

Judiciary: Van Fossen, J.R., Chair; Greimann and Paulsen.

House File 2018

Transportation: Greiner, Chair; Hunter and Olson, S.

House File 2019

Human Resources: Upmeyer, Chair; Berry and Watts.

House File 2022

Judiciary: Boal, Chair; Baudler and Struyk.

House File 2024

Human Resources: Granzow, Chair; Heaton, Roberts, Smith and Wendt.

House File 2030

Transportation: Klemme, Chair; Arnold, Bukta, Cohoon and Huseman.

Senate File 185 Reassigned

Public Safety: Baudler, Chair; Chambers and McCarthy.

Senate File 203 Reassigned

Environmental Protection: Greiner, Chair; Greimann, Olson, D., Olson, S. and Wilderdyke.

Senate File 448

Public Safety: Baudler, Chair; Chambers and McCarthy.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 500**

Ways and Means: Van Fossen, J.K., Chair; Kramer and Shoultz.

House Study Bill 517

Human Resources: Roberts, Chair; Heaton and Smith.

House Study Bill 518

Public Safety: Eichhorn, Chair; Baudler, Heddens, Klemme and McCarthy.

House Study Bill 519

Public Safety: Alons, Chair; Chambers and Hunter.

House Study Bill 520

Public Safety: Klemme, Chair; Boddicker and Shoultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 522 State Government

Relating to the quorum requirement for the Iowa Access advisory council.

H.S.B. 523 State Government

Restricting executive branch authority to transfer appropriations between departments.

H.S.B. 524 State Government

To eliminate the inspections division of the department of inspections and appeals.

H.S.B. 525 State Government

Concerning the postmortem examination of a horse that dies at a racetrack and including an effective and retroactive applicability date provision.

H.S.B. 526 State Government

Relating to ethics provisions by reducing the length of a prohibition for certain activities, creating a prohibition pertaining to certain conflicts of interest, creating a new nepotism provision, and making penalties applicable.

H.S.B. 527 State Government

Relating to ethics laws and the Iowa ethics and campaign disclosure board.

H.S.B. 528 State Government

Establishing a health insurance contract administrative fee for health plans of retired state employees.

H.S.B. 529 Economic Growth

Providing income tax credits for equity investments in businesses that are primarily engaged in the business of the production of value-added agricultural products and including a retroactive applicability date provision.

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 HSB 501), relating to the state general fund expenditure limitation by revising the percentage amount used for the limitation and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** January 14, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly HSB 500), relating to the phaseout of the sales and the use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.

Fiscal Note is not required.

Recommended **Do Pass** January 14, 2004.

RESOLUTION FILED

HR 105, by Jenkins and Hoffman, a resolution designating January 21, 2004, as Iowa Insurance Day.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 8:54 a.m., until 9:00 a.m., Friday, January 16, 2004.

JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 16, 2004

The House met pursuant to adjournment at 8:50 a.m.; Watts of Dallas in the chair.

The Journal of Thursday, January 15, 2004 was approved.

INTRODUCTION OF BILLS

House File 2038, by committee on ways and means, a bill for an act relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.

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

House File 2039, by committee on appropriations, a bill for an act relating to the state general fund expenditure limitation by revising the percentage amount used for the limitation and including effective date and applicability provisions.

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

House File 2040, by Sands, a bill for an act requiring daytime running lights on new motor vehicles sold in Iowa, making a penalty applicable, and providing an effective date.

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

House File 2041, by Fallon, a bill for an act relating to the power of a city to acquire property outside the city.

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

House File 2042, by Whitaker, Hutter, Granzow, Gaskill, Rayhons, Hogg, Connors, Smith, Greimann, Frevert, Struyk, Mertz, Davitt, Boggess, Lukan, Reasoner, Murphy, Osterhaus, and Shoultz,

a bill for an act relating to the donation of blood by persons sixteen years of age.

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

House File 2043, by Carroll, a bill for an act exempting sales made to nonprofit child care centers from the sales and use taxes.

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

House File 2044, by Fallon, a bill for an act relating to the amount of territory that may be annexed by involuntary petition.

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

House File 2045, by Murphy, Wilderdyke and Heddens, a bill for an act relating to and making appropriations of birth certificate fees to the birth defects registry and for child abuse prevention programs, and providing an effective date.

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

House File 2046, by Struyk, a bill for an act relating to the recovery of service of process fees from an obligor in nonassistance child support cases.

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

House File 2047, by Struyk, a bill for an act relating to model year registration plates for antique vehicles and making a penalty applicable.

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

House File 2048, by Struyk, a bill for an act relating to child development home provider qualifications.

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

House File 2049, by Struyk, a bill for an act allowing certain senior residents to hunt deer during the youth and severely disabled deer hunting season.

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

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

2004\72 Nick Swenson, Waukon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 591

Economic Growth: Boggess, Chair; Granzow and Thomas.

House File 611

Economic Growth: Olson, S., Chair; Lalk and Struyk.

House File 621

Economic Growth: Olson, S., Chair; Lensing and Wilderdyke.

House File 2037

Public Safety: Van Fossen, J.R., Chair; McCarthy and Sands.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 530 Judiciary

Relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

H.S.B. 531 Judiciary

Creating a private cause of action for certain consumer fraud violations.

H.S.B. 532 Judiciary

Prohibiting an attorney from testifying against a defendant in certain criminal proceedings.

On motion by Lukan of Dubuque the House adjourned at 8:53 a.m., until 1:00 p.m., Tuesday, January 20, 2004.

JOURNAL OF THE HOUSE

Ninth Calendar Day - Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 20, 2004

The House met pursuant to adjournment at 1:01 p.m., Speaker Rants in the chair.

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

The Journal of Friday, January 16, 2004 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Chief Clerk's Page, Johanna Bergan of Decorah.

INTRODUCTION OF BILL

House File 2050, by Manternach, a bill for an act relating to the sale of nursery stock by state nurseries.

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

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD SUBMITTED TO THE 80TH GENERAL ASSEMBLY May 2003 through January 2004

CLAIM	FULL NAME	CITY	STATE	TYPE	AMOUNT
G020637	Scottie L. Eateringer	Sioux City	IA	Fuel Tax Credit	\$407.00
G020906	Sno Co - B. Jay Johnson	Mason City	IA	IRP Refund	Unspecified
G020929	Sno Co - B. Jay Johnson	Mason City	IA	IRP Refund	Unspecified
G030148	GNS Farms Inc.	Sumner	IA	Penalty Refund	\$ 174.92
G030305	(Robert) Methers Trucking Co Inc.	Waterloo	IA	Penalty Refund	\$ 465.90

CLAIM	FULL NAME	CITY	STATE	TYPE	AMOUNT
G030306	Kirby L. Koch	Sheffield	IA	Refund Penalty	\$ 334.95
G030389	Auto Rental Services LLC (Molly Flodman)	Carter Lake	IA	License Refund	Unspecified
G030390	Auto Rental Services LLC (Molly Flodman)	Carter Lake	IA	License Refund	Unspecified
G030391	Auto Rental Services LLC (Molly Flodman)	Carter Lake	IA	License Refund	Unspecified
G030555	Danny Antle	Muscatine	IA	License Refund	Unspecified
G030638	Vickey L. Zickel	Oskaloosa	IA	Foster Care Check	\$1,300.00
G030639	Kevin Dale Clift	Johnston	IA	License Refund	\$189.00
G030777	Michael P. Sondag	Woodbine	IA	License Refund	Unspecified
G030844	Ronald Hoeger	Dyersville	IA	Refund Penalty	\$ 61.00
G030863	Kenneth Kyle	Davenport	IA	License Refund	\$ 78.00
G030881	Keizer Trucking	Rock Valley	IA	IRP Fee/ Penalty Ref.	\$3,081.27
G030913	Brian Allen Wedemeyer	Minden	IA	Refund Penalty	\$106.00
G030920	Rodney Brannan	Ankeny	IA	License Refund	Unspecified
G030978	Plumb Supply Company	Des Moines	IA	License Refund	\$253.00
G030990	Chad Michael Ditter	Johnston	IA	Refund Penalty	\$76.00
G031091	Cyrus Leslie Trout	Newton	IA	Military Tx Exemption	\$491.00
G031106	Cyrus Leslie Trout	Newton	IA	Military Tx Exemption	\$491.00
G031107	Michael Anthony Sadler	Urbandale	IA	Refund Penalty	\$393.00
G031118	Michael Anthony Sadler	Urbandale	IA	Refund Penalty	\$327.00
G031122	Benjamin Franklin Ruley	Normal	IL	License Refund	\$42.00
G040048	Lisa Fay Osthus	Waverly	NE	License Refund	\$125.00
G040057	Ronald Wilfred Lundin	Ankeny	IA	License Refund	\$33.00
G040099	AT&T Corporation	Bedminster	NJ	Refund	\$87,095.16

PRESENTATION OF VISITORS

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

One-hundred forty high school students from Denison, Iowa, accompanied by their government teacher Crystal Holt. By Hoffman of Crawford.

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Report on commercialization of research at the University of Iowa, Iowa State University, and the University of Northern Iowa, pursuant to Chapter 441.19, Code of Iowa.

Annual report for Telemedicine in the University of Iowa Hospitals and Clinics Indigent Patient Care Program, pursuant to Chapter 182.9(2b), Code of Iowa.

Annual submittal of the Board of Regents Five-Year Capital Building Program, pursuant to Chapter 262A, Code of Iowa.

DEPARTMENT OF ELDER AFFAIRS

2003 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

Progress report on the development and implementation of a disease management program, pursuant to Chapter 249A.20B, Code of Iowa.

DEPARTMENT OF JUSTICE

Prosecutor Intern Program Annual Report for 2003, pursuant to Chapter 12.2(12), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Annual Obstetrical and Gynecological Report, pursuant to Chapter 135.11(19), Code of Iowa.

Division of Tobacco Use Prevention and Control Annual Report, pursuant to Chapter 142A.4(12), Code of Iowa.

Iowa Donor Network

Anatomical Gifts annual donation and compliance report for 2003, pursuant to Chapter 142C.17, Code of Iowa.

IOWA COMMUNICATIONS NETWORK
Division of Vocational Rehabilitation Services

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

LEGISLATIVE OVERSIGHT COMMITTEE

2003 Report of activities, pursuant to Chapter 1162, 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

- | | |
|---------|--|
| 2004\73 | Carol Siepert Renner, Cedar Falls – For celebrating her 80 th birthday. |
| 2004\74 | Oscar Hurd, Cedar Falls – For celebrating his 89 th birthday. |
| 2004\75 | Edna Terry, Independence – For celebrating her 90 th birthday. |
| 2004\76 | Marge and Louie Zieser, Independence – For celebrating their 50 th wedding anniversary. |
| 2004\77 | Agnes Anderson, La Porte City – For celebrating her 90 th birthday. |
| 2004\78 | Daryl and Helen Burtis, Mason City – For celebrating their 60 th wedding anniversary. |
| 2004\79 | Fred Bernhardt, Mason City – For celebrating his 88 th birthday. |
| 2004\80 | Zola Bohnsack, Mason City – For celebrating her 90 th birthday. |
| 2004\81 | Dale and Carol Huebner, Mason City – For celebrating their 50 th wedding anniversary. |
| 2004\82 | Jeremy Crecelius, Atlantic – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\83 | Alice Andreae, Elkader – For celebrating her 100 th birthday. |

- 2004\84 Eldean and Cheryll Scherf, Farmersburg – For celebrating their 50th wedding anniversary.
- 2004\85 Ms. Jodella Legvold, Eagle Grove – For celebrating her 90th birthday.
- 2004\86 Bob Horsfall, Webster City – For celebrating his 80th birthday.
- 2004\87 Gertrude Parker, Webster City – For being awarded the Poetry Silver Award Cup by the International Society of Poets.
- 2004\88 Margie and Robert Ballard, Marengo – For celebrating their 60th wedding anniversary.
- 2004\89 Karilea and Paul Ries, Cameron Clothing Company, Vinton – For receiving a Century Award from the Iowa Department of Economic Development and the Association of Business and Industry.
- 2004\90 Ruth Olson, Vinton – For celebrating her 80th birthday.
- 2004\91 Helen and Marshall Freeman, Luzerne – For celebrating their 50th wedding anniversary.
- 2004\92 Doris Ellison, Davenport – For celebrating her 80th birthday.
- 2004\93 Evelyn Bachelder, Elkader – For celebrating her 80th birthday.
- 2004\94 Ferne Dickson, Fontanelle – For celebrating her 94th birthday.
- 2004\95 Laura Fisher, Adair – For celebrating her 90th birthday.
- 2004\96 Tony Miller, Des Moines – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 503

Human Resources: Tymeson, Chair; Berry and Upmeyer.

House Study Bill 504

Human Resources: Carroll, Chair; Roberts and Wendt.

House Study Bill 505

Human Resources: Boddicker, Chair; Greimann and Lukan.

House Study Bill 521

Human Resources: Heaton, Chair; Carroll and Smith.

House Study Bill 522

State Government: Jones, Chair; Fallon and Roberts.

House Study Bill 523

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts, and Watts.

House Study Bill 524

State Government: Watts, Chair; Manternach and Whitead.

House Study Bill 525

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

House Study Bill 526

State Government: Raecker, Chair; Mascher and Rasmussen.

House Study Bill 527

State Government: Raecker, Chair; Mascher and Rasmussen.

House Study Bill 528

State Government: Dennis, Chair; Elgin, Hutter, Oldson and Petersen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 533 Oversight**

Requiring the lottery authority to submit budget information to the legislature.

AMENDMENTS FILED

H—8001	H.F.	2039	Wise of Lee Petersen of Polk Dandekar of Linn Bell of Jasper
H—8002	H.F.	2039	Dix of Butler
H—8003	H.F.	2039	Dix of Butler Heaton of Henry
H—8004	H.F.	2039	Kuhn of Floyd

On motion by Gipp of Winneshiek the House adjourned at 1:08 p.m., until 8:45 a.m., Wednesday, January 21, 2004.

JOURNAL OF THE HOUSE

Tenth Calendar Day - Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 21, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend John Spiegel, pastor of St. Mary's and St. Patrick's Church, Ottumwa. He was the guest of Representative Mary Gaskill of Wapello County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, January 20, 2004 was approved.

INTRODUCTION OF BILLS

House File 2051, by Wilderdyke, a bill for an act allowing 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 2052, by Wise, a bill for an act extending the early intervention block grant program, making an appropriation, and providing an effective date.

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

House File 2053, by Wilderdyke, a bill for an act relating to the appointment of county solid waste commissioners and providing a penalty.

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

House File 2054, by Baudler, a bill for an act relating to the regulation of target shooting near buildings and feedlots.

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

House File 2055, by Freeman, Dandekar and Jacobs, a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights.

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

House File 2056, by Rasmussen, a bill for an act relating to the statewide welcome center program.

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

House File 2057, by Wise, Petersen, Dandekar and Struyk, a bill for an act relating to the funding of the grow Iowa values fund, providing for the issuance of tax-exempt bonds, and providing an effective date.

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

ADOPTION OF HOUSE RESOLUTION 105

Jenkins of Black Hawk called up for consideration **House Resolution 105**, a resolution designating January 21, 2004, as Iowa Insurance Day, and moved its adoption.

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

- 2004\98 Charles Cochran, Davenport – For celebrating his 93rd birthday.
- 2004\99 Hank and Margaret Motter, Mason City – For celebrating their 50th wedding anniversary.
- 2004\100 Orville Johnson, Mason City – For celebrating his 83rd birthday.
- 2004\101 Henry Arends, Mason City – For celebrating his 80th birthday.
- 2004\102 Irene and Ralph Jipson, Oelwein – For celebrating their 65th wedding anniversary.
- 2004\103 Alice and Blair Bowling, Sumner – For celebrating their 70th wedding anniversary.
- 2004\104 Marlys and Duane Bahe, Sumner – For celebrating their 50th wedding anniversary.
- 2004\105 Marion Rogahn, Sumner – For celebrating her 80th birthday.
- 2004\106 Miriam Salisbury, Tripoli – For celebrating her 90th birthday.
- 2004\107 Alma and Ray Puhrmann, Paullina – For celebrating their 65th wedding anniversary.
- 2004\108 Mary and Chuck Oostenbrug, Sanborn – For celebrating their 60th wedding anniversary.
- 2004\109 Mr. and Mrs. Robert Reinke, Sanborn – For celebrating their 50th wedding anniversary.
- 2004\110 Pat and Walter Jeffers, Primghar – For celebrating their 50th wedding anniversary.
- 2004\111 Ethel Wright, Clarinda – For celebrating her 90th birthday.
- 2004\112 Fern Ruse, Tabor – For celebrating her 90th birthday.
- 2004\113 Lucille Bateman, Tabor – For celebrating her 90th birthday.
- 2004\114 Dorothy and Max Reed, Hamburg – For celebrating their 65th wedding anniversary.
- 2004\115 Honor and John McLaren, Shenandoah – For celebrating their 60th wedding anniversary.
- 2004\116 David, Diane and Dresden Petty, Eldora – For receiving Iowa's Good neighbor Award for Land Stewardship.
- 2004\117 Marie W. Miller, Waterloo – For celebrating her 95th birthday.

- 2004\118 J.P. and Barbara Huff, Waterloo – For celebrating their 60th wedding anniversary.
- 2004\119 Ray and Dorothy Murphy, Waterloo – For celebrating their 50th wedding anniversary.
- 2004\120 Paul and Delores Koch, Waterloo – For celebrating their 50th wedding anniversary.
- 2004\121 Melvin and Geraldine Burns, Waterloo – For celebrating their 68th wedding anniversary.
- 2004\122 Donald P. Rowen, Des Moines – For celebrating his 75th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 52 Reassigned

Commerce, Regulation and Labor: Raecker, Chair; Ford and Watts.

House File 86 Reassigned

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

House File 308 Reassigned

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

House File 353 Reassigned

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

House File 370 Reassigned

Commerce, Regulation and Labor: Jacobs, Chair; Petersen and Sands.

House File 414 Reassigned

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

House File 469 Reassigned

Government Oversight: Raecker, Chair; Baudler and Lensing.

House File 550 Reassigned

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

House File 609 Reassigned

Government Oversight: Alons, Chair; Kramer and Lensing.

House File 660

Government Oversight: Kramer, Chair; Raecker and Wendt.

House File 2002

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

House File 2017

Agriculture: Greiner, Chair; Lalk and Struyk.

House File 2020

Human Resources: Boddicker, Chair; Hunter and Lukan.

House File 2021

State Government: Drake, Chair; Connors, Elgin, Jones and Lykam.

House File 2031

Agriculture: Olson, S., Chair; Klemme and Quirk.

House File 2032

Human Resources: Roberts, Chair; Boddicker and Smith.

House File 2034

Human Resources: Miller, Chair; Carroll and Upmeyer.

House File 2035

Human Resources: Carroll, Chair; Heaton and Smith.

House File 2041

Local Government: Tjepkes, Chair; Fallon and Jones.

House File 2042

Human Resources: Carroll, Chair; Smith and Watts.

House File 2043

Human Resources: Carroll, Chair; Greimann and Roberts.

House File 2044

Local Government: Tjepkes, Chair; Fallon and Jones.

House File 2045

Human Resources: Wilderdyke, Chair; Granzow and Heddens.

House File 2046

Human Resources: Lukan, Chair; Boddicker and Foegen.

House File 2048

Human Resources: Granzow, Chair; Miller and Tymeson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 515

Local Government: Tjepkes, Chair; Fallon and Jones.

House Study Bill 530

Judiciary: Hutter, Chair; Boddicker and Struyk.

House Study Bill 531

Judiciary: Dennis, Chair; Baudler and Swaim.

House Study Bill 532

Judiciary: Kramer, Chair; Hutter and Reasoner.

House Study Bill 533

Government Oversight: Alons, Chair; Raecker and Wendt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 534 Appropriations

Making transfers to the salary adjustment fund and the senior living trust fund for the fiscal year beginning July 1, 2003, and providing an effective date.

H.S.B. 535 Economic Growth

Requiring an economic impact statement for all administrative rules.

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 OF APPROPRIATIONS

Committee Bill (Formerly House Study Bill 516), urging state employee unions and the Governor to renegotiate and establish a pay freeze for the fiscal year beginning July 1, 2004.

Fiscal note is not required.

Recommended **Do Pass** January 20, 2004.

AMENDMENT FILED

H—8005	H.F.	2039	Wise of Lee Hogg of Linn Struyk of Pottawattamie
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On motion by Klemme of Plymouth the House adjourned at 8:52 a.m., until 8:45 a.m., Thursday, January 22, 2004.

JOURNAL OF THE HOUSE

Eleventh Calendar Day - Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 22, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Spencer D. Keroff, pastor of the Centerville Assembly of God Church, Centerville. He was the guest of Representative Kurt Swaim of Davis County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, January 21, 2004 was approved.

INTRODUCTION OF BILLS

House File 2058, by Swaim, a bill for an act relating to filling the office of county attorney by appointment.

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

House File 2059, by Quirk, a bill for an act prohibiting consideration of certain traffic accidents occurring in the course of a peace officer's employment in establishment of motor vehicle insurance rates.

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

House File 2060, by Carroll, a bill for an act relating to business relationships between persons involved in the sale of personal mobile vehicles, including motorcycles, all-terrain vehicles, snowmobiles, and personal watercraft, and providing for applicability.

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

House File 2061, by Lalk, Lukan, Paulsen, Greiner, Freeman, Horbach, Chambers, Wise, Huser, Connors, Wilderdyke, Hanson, Kurtenbach, Thomas, Huseman, Dolecheck, Upmeyer, Alons, J. R. Van Fossen, Gaskill, Hahn, Dennis, Hutter, Drake, S. Olson, Jones, J. K. Van Fossen, Raecker, Roberts, Van Engelenhoven, Arnold, Kramer, Rayhons, Schickel, Tjepkes, Boddicker, Heaton, Boggess, Sands, Granzow, Klemme, Boal, Tymeson, Struyk, Whitaker, Carroll, Osterhaus, Lykam, Whitead, Manternach, Watts, Wendt, Baudler, McCarthy, and De Boef, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

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

House File 2062, by Whitaker, Wendt, Greiner, Connors, Fallon, Frevert, Struyk, Mertz, Chambers, Davitt, Lukan, Reasoner, Baudler, and Jacoby, a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer.

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

House File 2063, by Shoultz, a bill for an act establishing motor vehicle registration fees for hybrid vehicles.

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

House File 2064, by Freeman, a bill for an act relating to the regulation of vessels by increasing certain vessel registration fees, regulating the operation of certain vessels by minors, providing for increased inspections of certain vessels, increasing pilot and engineer licensing fees, appropriating the moneys collected to the state fish and game protection fund, and specifying the use of the moneys.

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

House File 2065, by Kramer, Wilderdyke, Connors, and Raecker, a bill for an act relating to licensing of nonresident bait dealers.

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

House File 2066, by Maddox, a bill for an act providing an additional homestead property tax credit reimbursement payment for certain consolidated local governments.

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

House File 2067, by Swaim, a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

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

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 1:01 p.m., Speaker pro tempore Carroll in the chair.

INTRODUCTION OF BILLS

House File 2068, by Carroll, a bill for an act changing the budget certification deadline for counties and providing an applicability date.

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

House File 2069, by Quirk, a bill for an act relating to an exemption from the sales and use taxes of building materials used in the construction of certain nonprofit hospitals, providing refunds, and including effective and retroactive date provisions.

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

House File 2070, by Jenkins, Dennis and Kurtenbach, a bill for an act relating to the financing and approval of projects utilizing revenue bonds undertaken at institutions of higher education under the control of the state board of regents.

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

House File 2071, by Lalk, a bill for an act requiring the natural resource commission to increase the number of nonresident deer hunting licenses available.

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

HOUSE FILES WITHDRAWN

Gipp of Winneshiek asked and received unanimous consent to withdraw the following House Files:

House Joint Resolution 10
 House Joint Resolution 11
 House File 517
 House File 528
 House File 669
 House File 691

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-seven members present, twenty-three absent.

CONSIDERATION OF BILLS Appropriations Calendar

House File 2039, a bill for an act relating to the state general fund expenditure limitation by revising the percentage amount used for the limitation and including effective date and applicability provisions, was taken up for consideration.

Dix of Butler offered amendment H-8002 filed by him as follows:

H-8002

- 1 Amend House File 2039 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. 100. CASH RESERVE TRANSFER TO GENERAL FUND.
- 5 Notwithstanding any conflicting provisions of section
- 6 8.56, there is transferred from the cash reserve fund
- 7 created in section 8.56, to the general fund of the
- 8 state for the fiscal year beginning July 1, 2002, and
- 9 ending June 30, 2003, the following amount:
- 10 \$ 45,828,000"
- 11 2. Page 1, line 10, by striking the word
- 12 "Section" and inserting the following:
- 13 "1. Section 100 of this Act, providing a cash
- 14 reserve transfer to the general fund of the state,
- 15 being deemed of immediate importance, takes effect

- 16 upon enactment and is retroactively applicable to June
17 30, 2003.
18 2. Section".
19 3. Title page, line 1, by inserting after the
20 words "relating to" the following: "state budget
21 provisions involving the ending balance in the general
22 fund of the state and".
23 4. Title page, line 1, by inserting after the
24 word "limitation" the following: "by transferring
25 funds from the cash reserve fund and".
26 5. By renumbering as necessary.

The House stood at ease at 1:08 p.m., until the fall of the gavel.

The House resumed session at 1:37 p.m., Speaker pro tempore Carroll in the chair.

Hogg of Linn offered the following amendment H-8007, to amendment H-8002, filed by Hogg and Wise of Lee from the floor and moved its adoption:

H-8007

- 1 Amend the amendment, H-8002, to House File 2039 as
2 follows:
3 1. Page 1, by inserting after line 10, the
4 following:
5 "___ Page 1, by inserting after line 9, the
6 following:
7 "Sec. ___. Section 8.56, Code Supplement 2003, is
8 amended by adding the following new subsection:
9 NEW SUBSECTION. 5. Notwithstanding conflicting
10 provisions of this section, there is appropriated from
11 the cash reserve fund to the general fund of the state
12 for a fiscal year, an amount not to exceed fifty
13 million dollars, for the purposes of reducing or
14 preventing any overdraft on or deficit in the general
15 fund of the state. An appropriation made pursuant to
16 this subsection is subject to all of the following
17 conditions:
18 a. The revenue estimating conference has agreed to
19 an estimate for reduced general fund receipts for the
20 fiscal year in progress that results in a
21 determination that budget resources are insufficient
22 to pay all appropriations in full.
23 b. The appropriation expenditure is made only for
24 the fiscal year to which the appropriation applies and
25 the general assembly is not in session.
26 c. The governor determines that the expenditure of
27 the appropriation is a necessary alternative to

28 applying uniform reductions in accordance with section
 29 8.31. Prior to the expenditure of an appropriation
 30 made under this subsection, the governor shall notify
 31 the cochairpersons of the fiscal committee of the
 32 legislative council and the legislative services
 33 agency that the conditions described in this
 34 subsection exist.""
 35 2. By renumbering as necessary.

Amendment H-8007 lost.

Dix of Butler moved the adoption of amendment H-8002.

Roll call was requested by Murphy of Dubuque and Fallon of Polk.

On the question "Shall amendment H-8002 be adopted?" (H.F. 2039)

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	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	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

Osterhaus

Rants, Spkr.

Amendment H-8002 was adopted.

Kuhn of Floyd offered the following amendment H-8004 filed by him and moved its adoption:

H-8004

1 Amend House File 2039 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Sec. ____ Section 8.54, subsection 1, Code 2003,
5 is amended by adding the following new paragraph
6 before paragraph a and relettering the succeeding
7 paragraphs:

8 NEW PARAGRAPH. 1a. "Actual revenue" is the amount
9 of revenue credited to the general fund of the state
10 during a designated period."

11 2. Page 1, by striking lines 6 through 9, and
12 inserting the following:

13 "3. Except as otherwise provided in this section,
14 the state general fund expenditure limitation for a
15 fiscal year shall be one of the following:

16 a. If, at the time the revenue estimating
17 conference agrees to a revenue estimate used to
18 establish the appropriate adjusted revenue estimate
19 for a fiscal year, the conference agrees to an
20 estimate for the amount of revenue to be credited to
21 the general fund of the state during the fiscal year
22 in progress that is more than one hundred two percent
23 of the actual revenue credited to the general fund of
24 the state at the close of the most recently completed
25 fiscal year, the state general fund expenditure
26 limitation shall be ninety-eight percent of the
27 adjusted revenue estimate.

28 b. If, at the time the revenue estimating
29 conference agrees to a revenue estimate used to
30 establish the appropriate adjusted revenue estimate
31 for a fiscal year, the conference agrees to an
32 estimate for the amount of revenue to be credited to
33 the general fund of the state during the fiscal year
34 in progress that is one hundred two percent or less of
35 the actual revenue credited to the general fund of the
36 state at the close of the most recently completed
37 fiscal year, the state general fund expenditure
38 limitation shall be ninety-nine percent of the
39 adjusted revenue estimate."

Roll call was requested by Kuhn of Floyd and Fallon of Polk.

On the question "Shall amendment H-8004 be adopted?" (H.F. 2039)

The ayes were, 41:

Bell	Berry	Bukta	Cohon
Connors	Davitt	Fallon	Foege
Frevért	Gaskill	Greimann	Heddens
Hogg	Hunter	Jacoby	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller	Murphy	Oldson
Olson, D.	Petersen	Quirk	Reasoner
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Wendt	Whitaker	Whitead
Winckler			

The nays were, 56:

Alons	Arnold	Baudler	Boal
Boddicker	Boggest	Chambers	Dandekar
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Maddox
Manternach	Mertz	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Struyk	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderydyke	Wise	Carroll, Presiding

Absent or not voting, 3:

Ford Osterhaus Rants, Spkr.

Amendment H-8004 lost.

Heaton of Henry offered amendment H-8003 filed by Heaton and Dix of Butler as follows:

H-8003

- 1 Amend House File 2039 as follows:
- 2 1. Page 1, by inserting after line 9 the

3 following:

4 "Sec. ____ Section 8.57, Code Supplement 2003, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 1A. a. There is appropriated
7 from the surplus existing in the general fund of the
8 state at the conclusion of the fiscal year beginning
9 July 1, 2005, and ending June 30, 2006, and at the
10 conclusion of each succeeding fiscal year for
11 distribution to the senior living trust fund, an
12 amount equal to one percent of the adjusted revenue
13 estimate for the current fiscal year. The
14 appropriation made in this paragraph shall be
15 distributed to the senior living trust fund in the
16 succeeding fiscal year. For the purposes of this
17 subsection, "surplus" means the same as defined in
18 subsection 1, paragraph "b".

19 b. The appropriation made in paragraph "a" shall
20 be made before the appropriations are made pursuant to
21 subsections 1, 2, and 3, of the surplus existing in
22 the general fund of the state at the conclusion of the
23 fiscal year beginning July 1, 2005, and ending June
24 30, 2006, and each succeeding fiscal year.

25 c. The appropriation made in paragraph "a" shall
26 continue until the aggregate of the appropriations
27 made or transferred to the senior living trust fund
28 pursuant to paragraph "a" of this subsection and
29 section 8.55, subsection 2, paragraph "c", is equal to
30 one hundred eighteen million dollars.

31 d. The aggregate amount of the appropriations to
32 be transferred from the Iowa economic emergency fund
33 to the senior living trust fund pursuant to section
34 8.55, subsection 2, paragraph "c", shall be reduced by
35 the appropriations made pursuant to paragraph "a" of
36 this subsection.

37 e. This subsection is repealed when the aggregate
38 amount of appropriations specified in paragraph "c"
39 has been distributed or transferred to the senior
40 living trust fund. The director of the department of
41 management shall notify the Iowa Code editor when the
42 aggregate amount has been distributed or transferred."

43 2. Title page, line 2, by inserting after the
44 word "limitation" the following: ", providing for a
45 standing limited appropriation to the senior living
46 trust fund,".

47 3. By renumbering as necessary.

Kurtenbach of Story offered the following amendment H-8006, to amendment H-8003, filed by him from the floor and moved its adoption:

H-8006

1 Amend the amendment, H-8003, to House File 2039 as
2 follows:

3 1. Page 1, line 13, by inserting after the word
4 "year." the following: "However, if the amount of the
5 surplus existing in the general fund of the state at
6 the conclusion of a fiscal year is less than two
7 percent of the adjusted revenue estimate for that
8 fiscal year, the amount of the appropriation made in
9 this paragraph shall be equal to fifty percent of the
10 surplus amount."

Amendment H-8006 was adopted.

Heaton of Henry moved the adoption of amendment H-8003, as amended.

Roll call was requested by Murphy of Dubuque and Mascher of Johnson.

On the question "Shall amendment H-8003, as amended, be adopted?" (H.F. 2039)

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	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	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
Carroll,
Presiding

Wilderdyke

Winckler

Wise

The nays were, none.

Absent or not voting, 3:

Ford

Osterhaus

Rants, Spkr.

Amendment H-8003, as amended, was adopted.

Wise of Lee offered the following amendment H-8005 filed by Wise, et al., and moved its adoption:

H-8005

- 1 Amend House File 2039 as follows:
- 2 1. Page 1, by inserting after line 9 the
- 3 following:
- 4 "Sec. 200. Section 8.55, subsection 2, paragraph
- 5 a, as enacted by 2002 Iowa Acts, Second Extraordinary
- 6 Session, chapter 1001, section 25, and as made
- 7 effective by 2003 Iowa Acts, chapter 179, section 40,
- 8 is amended to read as follows:
- 9 a. The maximum balance of the fund is the amount
- 10 equal to ~~two and one-half~~ five percent of the adjusted
- 11 revenue estimate for the fiscal year. If the amount
- 12 of moneys in the Iowa economic emergency fund is equal
- 13 to the maximum balance, moneys in excess of this
- 14 amount shall be transferred to the general fund."
- 15 2. Page 1, by inserting after line 20 the
- 16 following:
- 17 "Sec. _____. CONTINGENT EFFECTIVE DATE. Section 200
- 18 of this Act, amending Code section 8.55, takes effect
- 19 on July 1 of the fiscal year immediately following the
- 20 fiscal year in which all transfers have been made from
- 21 the Iowa economic emergency fund, as required by
- 22 section 8.55, subsection 2, paragraphs "b", "c", and
- 23 "d". The director of the department of management
- 24 shall notify the Iowa Code editor when the transfers
- 25 have been made."
- 26 3. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment H-8005 be adopted?" (H.F. 2039)

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Drake
Eichhorn	Fallon	Foege	Frevort
Gaskill	Greimann	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

The nays were, 50:

Alons	Arnold	Baudler	Boal
Boddicker	Boguess	Chambers	De Boef
Dennis	Dix	Dolecheck	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	Carroll, Presiding		

Absent or not voting, 3:

Ford	Osterhaus	Rants, Spkr.
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Amendment H-8005 lost.

Wise of Lee offered the following amendment H-8001 filed by him and moved its adoption:

H-8001

- 1 Amend House File 2039 as follows:
- 2 1. Page 1, by striking lines 10 through 20, and
- 3 inserting the following:
- 4 "Sec. __. CONTINGENT EFFECTIVE DATE -

5 APPLICABILITY. If, on the date the revenue estimating
6 conference meets to agree to the revenue estimate for
7 the following fiscal year pursuant to section 8.22A,
8 subsections 3 and 4, both the actual total revenues
9 and the actual sales and use tax revenues credited to
10 the general fund of the state during the most recently
11 available twelve-month period exceed by two percent or
12 more both the actual total revenues and the actual
13 sales and use tax revenues credited to the general
14 fund of the state, respectively, during the twelve
15 months immediately preceding that period, section 1 of
16 this Act, amending section 8.54, shall take effect on
17 that date. Section 1 of this Act is first applicable
18 to the expenditure limitation calculated in accordance
19 with section 8.54 for the fiscal year succeeding the
20 fiscal year in which section 1 of this Act takes
21 effect. The revenue estimating conference shall
22 notify the Code editor in writing of the date that the
23 conditions for the effectiveness of section 1 of this
24 Act were met."

25 2. Title page, line 3, by inserting after the
26 word "including" the following: "contingent".
27 3. By renumbering as necessary.

Roll call was requested by Wise of Lee and T. Taylor of Linn.

On the question "Shall amendment H-8001 be adopted?" (H.F. 2039)

The ayes were, 45:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Foegel
Frevert	Gaskill	Greimann	Heaton
Heddens	Hogg	Hunter	Huser
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Petersen	Quirk	Reasoner	Shomshor
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	Fallon	Freeman
Gipp	Granzow	Greiner	Hahn

Hanson	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	Wildurdyke	Carroll, Presiding

Absent or not voting, 3:

Ford Osterhaus Rants, Spkr.

Amendment H-8001 lost.

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?" (H.F. 2039)

The ayes were, 60:

Alons	Arnold	Baudler	Boal
Boddicker	Boguess	Chambers	Dandekar
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	Mertz	Olson, S.	Paulsen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Struyk	Swaim	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wildurdyke	Carroll, Presiding

The nays were, 38:

Bell	Berry	Bukta	Cohoon
Connors	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Greimann
Heddens.	Hunter	Huser	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Miller	Murphy
Oldson	Olson, D.	Petersen	Shomshor

Shoultz
Taylor, T.
Winckler

Smith
Wendt
Wise

Stevens
Whitaker

Taylor, D.
Whitead

Absent or not voting, 2:

Osterhaus

Rants, Spkr.

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 2039** be immediately messaged to the Senate.

HOUSE FILES 142 and 626 WITHDRAWN

Dix of Butler asked and received unanimous consent to withdraw House Files 142 and 626 from further consideration by the House.

HOUSE FILE 2053 REREFERRED

The Speaker announced that House File 2053, previously referred to committee on **Local Government** was rereferred to committee on **Environmental Protection**.

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Annual Report on the Beginning Farmer Center at Iowa State University, pursuant to Chapter 266.39E, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Report identifying the impact on the hawk-i program of the elimination of the six-month waiting period for children with employer sponsored insurance, pursuant to Chapter 514.7(g), Code of Iowa.

IOWA JUDICIAL BRANCH

Report concerning the Enhanced Court Collections Fund and the Court Technology and Modernization fund, pursuant to Chapter 173.1(7), Code of Iowa.

IOWA VETERANS HOME

2003 Annual Cost-Savings Report on Iowa Communications Network usage, 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

- 2004\123 Jamie Brejcha, Ankeny – For being selected as the Ankeny Community School District, Elementary School 2004 AEA Educator of the Year.
- 2004\124 Mary McMurry, Ankeny – For being selected as the Ankeny Community School District, Secondary School 2004 AEA Educator of the Year.
- 2004\125 Terry Peter, Ankeny – For being selected as Ankeny Chamber of Commerce 2003 Small Business Person of the Year.
- 2004\126 Kevin Koester, Ankeny – For being selected as the Ankeny Chamber of Commerce 2003 Outstanding Citizen of the Year.
- 2004\127 Albert and Viola Harms, Sioux City – For celebrating their 75th wedding anniversary.
- 2004\128 Marylin and Joe Shipley, Ottumwa – For celebrating their 50th wedding anniversary.
- 2004\129 Alvin and Darlene Segebart, Ida Grove – For celebrating their 50th wedding anniversary.
- 2004\130 Dorothy Pope, Battle Creek – For celebrating her 90th birthday.
- 2004\131 Evelyn Stallers, Denison – For celebrating her 90th birthday.
- 2004\132 Gladys Wiegel, Denison – For celebrating her 80th birthday.
- 2004\133 Ben Siemer, Dow City – For celebrating his 90th birthday.
- 2004\134 Martha Timm, Charter Oak – For celebrating her 100th birthday.
- 2004\135 Pauline Allen, Ottumwa – For celebrating her 80th birthday.
- 2004\136 George Leonard, Holstein – For celebrating his 80th birthday.

- 2004\137 Mary Millard, Ottumwa – For celebrating her 80th birthday.
- 2004\138 William Covert, Ottumwa – For celebrating his 80th birthday.
- 2004\139 Betty Kinney, Ottumwa – For celebrating her 80th birthday.
- 2004\140 Carl Shepherd, Ottumwa – For celebrating his 80th birthday.
- 2004\141 Jean Zollars, Ottumwa – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 259

Judiciary: Maddox, Chair; Hutter and Reasoner.

House File 433

Commerce, Regulation and Labor: Hoffman, Chair; Osterhaus and Wilderdyke.

House File 566

Judiciary: Maddox, Chair; Paulsen and Swaim.

House File 573

Judiciary: Maddox, Chair; Dennis and Swaim.

House File 580

Judiciary: Maddox, Chair; Eichhorn and Winckler.

House File 581

Judiciary: Maddox, Chair; Paulsen and Swaim.

House File 587

Judiciary: Eichhorn, Chair; Paulsen and Winckler.

House File 607

Judiciary: Maddox, Chair; Heaton and Reasoner.

House File 635

Judiciary: Maddox, Chair; Boal and Reasoner.

House File 693 Reassigned

Education: Roberts, Chair; Boal, Dandekar, Dolecheck, Mascher, Schickel and Winckler.

House File 2049

Natural Resources: Arnold, Chair; Bell and Rayhons.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 535**

Economic Growth: Lukan, Chair; Olson, D. and Wilderdyke.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 536 Local Government**

Relating to the determination of the cost for access to a public record in an electronic format.

H.S.B. 537 Commerce, Regulation and Labor

Relating to the reorganization of the division of banking of the department of commerce and its regulation of banking.

H.S.B. 538 Commerce, Regulation and Labor

Relating to housing assistance and improvement funds.

H.S.B. 539 Judiciary

Relating to payment of legal expenses for indigent persons by the state public defender.

H.S.B. 540 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. 541 Transportation

Relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, and providing effective dates.

RESOLUTION FILED

HCR 104, by committee on appropriations, a concurrent resolution urging state employee unions and the Governor to renegotiate and establish a pay freeze for the fiscal year beginning July 1, 2004.

Placed on the **appropriations calendar**.

On motion by Gipp of Winneshiek the House adjourned at 3:14 p.m., until 9:00 a.m., Friday, January 23, 2004.

JOURNAL OF THE HOUSE

Twelfth Calendar Day - Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 23, 2004

The House met pursuant to adjournment at 9:18 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Chuck Gipp, state representative from Winneshiek County.

The Journal of Thursday, January 22, 2004 was approved.

INTRODUCTION OF BILLS

House File 2072, by Alons, a bill for an act relating to the selling of bait by an aquaculture unit licensee.

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

House File 2073, by Lukan, a bill for an act providing an individual income tax credit for volunteer fire fighters and emergency medical services personnel and providing effective and retroactive applicability dates.

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

House File 2074, by Petersen, Carroll, Heddens, Huser, and Upmeyer, a bill for an act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

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

House File 2075, by Hutter, a bill for an act requiring the use of certain vehicle lights when a vehicle's windshield wipers are in use and making a penalty applicable.

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

House File 2076, by Carroll, a bill for an act relating to insurance coverage under a medical support order.

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

House File 2077, by Hutter, a bill for an act providing for legislative membership on the state racing and gaming commission.

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

House File 2078, by Smith, a bill for an act relating to the provision of support including a postsecondary education subsidy for children born out of wedlock.

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

House File 2079, by De Boef, Arnold, Van Engelenhoven, Tymeson, Boddicker, Boal, and Carroll, a bill for an act relating to the costs of physical examinations and related tests performed in the course of a child abuse assessment.

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

House File 2080, by Wise, Dandekar, Petersen, Struyk, and Foege, a bill for an act relating to the funding of the grow Iowa values fund through the issuance of tax-exempt bonds, making appropriations, and providing an effective date.

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

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, 2004, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, a concurrent resolution designating a joint convention on Tuesday, January 13, 2004, at 10:00 a.m. for Governor Thomas J. Vilsack to deliver his condition of the state and budget message.

Also: That the Senate has on January 13, 2004, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 102, a concurrent resolution designating a joint convention on January 14, 2004, at 10:00 a.m. for Chief Justice Louis A. Lavorato to deliver his condition of the judicial branch.

MICHAEL E. MARSHALL, Secretary

CERTIFICATE OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

2004\142 Trenton D. Eyman, Bettendorf – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENT

House File 2052

Education: Dolecheck, Chair; Tymeson and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 536

Local Government: Jones, Chair; Olson, D. and Schickel.

House Study Bill 537

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 542 State Government

Concerning employees of the racing and gaming commission and including an effective and retroactive applicability date provision.

H.S.B. 543 State Government.

Relating to gambling by persons under the age of twenty-one and providing penalties.

H.S.B. 544 Commerce, Regulation and Labor

Regarding public utility rights-of-way and providing an effective date.

H.S.B. 545 Commerce, Regulation and Labor

Relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state.

H.S.B. 546 Commerce, Regulation and Labor

Relating to the telemarketing provisions of the consumer fraud act, and applying remedies and penalties.

H.S.B. 547 Commerce, Regulation and Labor

Providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 516), urging state employee unions and the Governor to renegotiate and establish a pay freeze for the fiscal year beginning July 1, 2004.

Fiscal Note is not required.

Recommended **Do Pass** January 20, 2004.

COMMITTEE ON NATURAL RESOURCES

House File 421, a bill for an act relating to the registration of hunting outfitters or hunting guides and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** January 22, 2004.

On motion by Boal of Polk the House adjourned at 9:20 a.m., until 1:00 p.m., Monday, January 26, 2004.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 26, 2004

The House met pursuant to adjournment at 1:07 p.m., Speaker Rants in the chair.

Prayer was sung by Lauren Hummel, a freshman from Spirit Lake High School and her sister, Sara Hummel, a seventh-grader at Spirit Lake Middle School. They were the guests of Representative Greg Stevens of Dickinson County.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Friday, January 23, 2004 was approved.

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Report on commercialization of research at the University of Iowa, Iowa State University, and the University of Northern Iowa, pursuant to Chapter 441, Code of Iowa.

DEPARTMENT OF EDUCATION

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

DEPARTMENT OF ELDER AFFAIRS

2003 Iowa Communications Network savings, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Mental Health and Developmental Disabilities Commission

Annual Report, Pursuant to chapter 225C.6, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Annual Report covering expenditures of Petroleum Violation Escrow (PVE) funds, pursuant to Chapter 455G.4, Code of Iowa.

DEPARTMENT OF OCCUPATIONAL AND ENVIRONMENTAL HEALTH

Iowa's Center for Agriculture Safety and Health

2003 Annual Report, pursuant to Chapter 262.78, Code of Iowa.

IOWA STREAMLINED SALES TAX ADVISORY COUNCIL

2003 Annual Report, pursuant to Chapter 204, Code of Iowa.

IOWA WORKFORCE DEVELOPMENT

Annual Report on the use of videoconferencing on Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

THE STATE PSEUDORABIES ADVISORY COMMITTEE

2003 Annual Report, pursuant to Chapter 166D.3, 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

- | | |
|----------|---|
| 2004\143 | Hilda Mackey-Beresford, Vinton – For celebrating her 97 th birthday. |
| 2004\144 | Delmer Hessenius, Vinton – For celebrating his 80 th birthday. |
| 2004\145 | Bernard Ollinger, Vinton – For celebrating his 80 th birthday. |
| 2004\146 | Phoebe and Tom Sima, Vinton – For celebrating their 50 th wedding anniversary. |
| 2004\147 | Louise and Lowell Fenton, Strawberry Point – For celebrating their 70 th wedding anniversary. |
| 2004\148 | Sarah and Micheal VerSteeg, Inwood – For receiving 2 nd place in the American Farm Bureau Federation Young Farmer and Rancher Achievement award contest and 1 st place in the Iowa Farm Bureau Contest. |

- 2004\149 Reinhardt Jensen, Larchwood – For celebrating his 90th birthday.
- 2004\150 Emma Gerber, Lester – For celebrating her 94th birthday.
- 2004\151 Coba Slager, Hull – For celebrating her 99th birthday.
- 2004\152 Mildred Beem, Grinnell – For celebrating her 100th birthday.
- 2004\153 Michelle and Rick Meyer, Iowa Falls – For receiving Iowa's Good Neighbor Award for Land Stewardship.
- 2004\154 Max Higgason, Eldora – For celebrating his 88th birthday.
- 2004\155 Gladys Higgason, Eldora – For celebrating her 85th birthday.
- 2004\156 Thelma G. Knopf, Lehigh – For celebrating her 90th birthday.
- 2004\157 Mr. John Peters, Webster City – For celebrating his 100th birthday.
- 2004\158 Mr. and Mrs. Eugene Frohling, Clarion – For celebrating their 50th wedding anniversary.
- 2004\159 Jeanne and Richard Janes, Webster City – For celebrating their 50th wedding anniversary.
- 2004\160 Mr. and Mrs. Floyd Stevenson, Goldfield – For celebrating their 55th wedding anniversary.
- 2004\161 Hazel and Delbert Arndt, Mason City – For celebrating their 65th wedding anniversary.
- 2004\162 Betty and Keith Walsh, Mason City – For celebrating their 50th wedding anniversary.
- 2004\163 Newman Catholic Schools, Mason City – For their outstanding academic and religious contributions.
- 2004\164 Madge Peters, Webster City – For celebrating her 85th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2026

Agriculture: Alons, Chair; Kuhn and Lalk.

House File 2070

Education: Dennis, Chair; Berry and Kramer.

Senate File 384 Reassigned

Ways and Means: Kramer, Chair; Frevert and Olson, S.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 539

Judiciary: Schickel, Chair; Boal and Reasoner.

House Study Bill 540

Judiciary: Dennis, Chair; Boal and Struyk.

House Study Bill 542

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

House Study Bill 543

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

House Study Bill 544

Commerce, Regulation and Labor: Freeman, Chair; Manternach and Taylor, T.

House Study Bill 545

Commerce, Regulation and Labor: Sands, Chair; Manternach and Oldson.

House Study Bill 546

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

House Study Bill 547

Commerce, Regulation and Labor: Hoffman, Chair; Osterhaus and Wilderdyke.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 548 State Government

Relating to the Iowa public employees' retirement system by providing for contributions to the system, the calculation of retirement allowance, and the calculation of an early retirement allowance.

RESOLUTION FILED

HR 106, by Carroll, Drake, Wilderdyke, and Swaim, a resolution designating January 28, 2004, as Iowa Telecommunications Association Day.

Laid over under **Rule 25**

On motion by Gipp of Winneshiek the House adjourned at 1:12 p.m., until 8:45 a.m., Tuesday, January 27, 2004.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 27, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Lance Horbach, state representative from Tama County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, January 26, 2004 was approved.

INTRODUCTION OF BILLS

House File 2081, by Alons, Huseman, Whitaker, Chambers, Lukan, Wilderdyke, Tymeson, D. Taylor, Manternach, Baudler, Lalk, and De Boef, a bill for an act relating to motor vehicle registration fees for certain resident military personnel.

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

House File 2082, by Lukan, a bill for an act exempting the amounts received from bingo games operated by certain tax-exempt entities from sales and use taxes.

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

House File 2083, by Wise, a bill for an act changing the budget certification deadline for cities and counties and providing an applicability date.

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

House File 2084, by Maddox, a bill for an act relating to railroads by requiring the posting of close-clearance warning devices and providing a penalty.

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

House File 2085, by Van Engelenhoven, a bill for an act relating to the use of lights while hunting rabbits or fur-bearing animals and providing penalties.

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

House File 2086, by Whitaker and Rayhons, a bill for an act relating to fees retained by county treasurers for the issuance of driver's licenses and nonoperator identification cards.

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

House File 2087, by Connors, a bill for an act concerning children as eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing effective and retroactive applicability dates.

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

House File 2088, by Horbach, a bill for an act relating to product liability actions.

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

House File 2089, by Lukan, a bill for an act relating to the approval of administrative rules by the administrative rules review committee and setting standards for that approval.

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

House File 2090, by Maddox, a bill for an act relating to the confidentiality of certain information relating to homeless individuals.

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

House File 2091, by Carroll, a bill for an act relating to rural improvement zones.

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

House File 2092, by Greiner, a bill for an act relating to the regulation of pseudorabies.

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

House File 2093, by Hutter, a bill for an act relating to the charge imposed to obtain a copy of a public record.

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

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2004\165 | Emery Schnack, Waterloo – For celebrating his 90 th birthday. |
| 2004\166 | Joan and Archie Thomas, Waterloo – For celebrating their 50 th wedding anniversary. |
| 2004\167 | Matt Anderson, Sioux City East High School – For being selected to participate in the Honor String Orchestra at the University of Iowa School of Music. |
| 2004\168 | Kali Lewis, Sioux City East High School – For being selected to participate in the Honor String Orchestra at the University of Iowa School of Music. |
| 2004\169 | Micheal Luebke, Sioux City East High School – For being selected to participate in the Honor String Orchestra at the University of Iowa School of Music. |
| 2004\170 | Esther Moss, Sioux City East High School – For being selected to participate in the Honor String Orchestra at the University of Iowa School of Music. |

- 2004\171 Claire May-Patterson, Sioux City East High School – For being selected to participate in the Honor String Orchestra at the University of Iowa School of Music.
- 2004\172 Luke Scroggin, Sioux City East High School – For being selected to participate in the Honor String Orchestra at the University of Iowa School of Music.
- 2004\173 Lisa Smith, Sioux City East High School – For being selected to participate in the Honor String Orchestra at the University of Iowa School of Music.
- 2004\174 Kelsey Swaney, Sioux City East High School – For being selected to participate in the Honor String Orchestra at the University of Iowa School of Music.
- 2004\175 Rebecca Vanderham, Sioux City East High School – For being selected to participate in the Honor String Orchestra at the University of Iowa School of Music.
- 2004\176 Amah Vollstedt, Sioux City East High School – For being selected to participate in the Honor String Orchestra at the University of Iowa School of Music.
- 2004\177 Jolie Farley-Wamberg, Sioux City East High School – For being selected to participate in the Honor String Orchestra at the University of Iowa School of Music.
- 2004\178 Alo Yearous, Elgin – For celebrating her 90th birthday.
- 2004\179 Nathan Robert Ross, Iowa City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\180 Robbie Nelson, Audubon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\181 Nick Krauel, Audubon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\182 Mitchell Meier, Mason City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\183 Kyle Lucas, Mason City – For attaining the rank of Eagle Scout the highest rank in the Boy Scouts of America.
- 2004\184 Aaron Halfpap, Mason City – For attaining the rank of Eagle Scout the highest rank in the Boy Scouts of America.
- 2004\185 Dorothy Sjostrand, Rockwell – For receiving the KIMT “Giving Your Best” Award for her 25 years of volunteer service to the Rockwell Care Center.

- 2004\186 Elsie Mae Van Wert, Garner – For being inducted into the 4–H Hall of Fame for her years of service as an ISU Extension Home Economist for Hancock County.
- 2004\187 Dave Suntken, Clear Lake – For being named the State Boys' Track and Field Official of the Year by the Iowa Association of Track Coaches.
- 2004\188 Mark Orton, Mason City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\189 Matt Orton, Mason City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 12

Ways and Means: Van Fossen, J.K., Chair; Kramer and Shoultz.

House File 96

Ways and Means: Van Fossen, J.K., Chair; Kramer and Shoultz.

House File 139

Transportation: Alons, Chair; Chambers, Hunter, Rayhons and Thomas.

House File 532

Transportation: Chambers, Chair; Bukta and Klemme.

House File 666

Ways and Means: Van Fossen, J.K., Chair; Kramer and Shoultz.

House File 690

Ways and Means: Van Fossen, J.K., Chair; Kramer and Shoultz.

House File 2050

Natural Resources: Granzow, Chair; Davitt and Van Engelenhoven.

House File 2053

Environmental Protection: Wilderdyke, Chair; Gaskill and Klemme.

House File 2054

Natural Resources: Baudler, Chair; Granzow and McCarthy.

House File 2056

Transportation: Rasmussen, Chair; Chambers and Hunter.

House File 2059

Public Safety: Chambers, Chair; Alons and Osterhaus.

House File 2062

Natural Resources: Lukan, Chair; Baudler and Whitaker.

House File 2064

Natural Resources: Freeman, Chair; Bell and Rasmussen.

House File 2065

Natural Resources: Van Fossen, J.R., Chair; Boggess and Frevert.

House File 2067

Public Safety: Sands, Chair; Alons and Ford.

House File 2071

Natural Resources: Arnold, Chair; Rayhons and Whitaker.

House File 2072

Natural Resources: Van Fossen, J.R., Chair; Boggess and Lykam.

House File 2077

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

House File 2085

Natural Resources: Van Engelenhoven, Chair; Boddicker and Whitead.

House File 2092

Agriculture: Drake, Chair; Manternach and Mertz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 548

State Government: Drake, Chair; Connors, Elgin, Jones and Lykam.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 549 Judiciary**

Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

H.S.B. 550 Judiciary

Relating to the civil commitment of sexually violent predators.

H.S.B. 551 Judiciary

Relating to reopening of a judgment and sentence for a person serving a sentence that requires the maximum accumulation of earned time credits of fifteen percent of the total sentence of confinement.

H.S.B. 552 Commerce, Regulation & Labor

Concerning monetary limits on appeal bonds.

H.S.B. 553 Commerce, Regulation & Labor

Changing workers' compensation disability coverage under certain circumstances.

H.S.B. 554 Commerce, Regulation & Labor

Relating to the characterization of personal injuries for purposes of workers' compensation liability.

H.S.B. 555 Commerce, Regulation & Labor

Relating to an application for alternate medical care pursuant to the workers' compensation laws.

H.S.B. 556 Commerce, Regulation & Labor

Modifying the rate of interest payable on weekly workers' compensation benefits.

H.S.B. 557 Commerce, Regulation & Labor

Relating to occupational safety and health training and consultation services and employee and employer education.

H.S.B. 558 Commerce, Regulation & Labor

To require a waiting period prior to eligibility for unemployment benefits.

H.S.B. 559 Commerce, Regulation & Labor

To provide additional requirements for minimum earned wages for eligibility for unemployment benefits.

H.S.B. 560 Commerce, Regulation & Labor

To disqualify individuals unemployed due to a strike or lockout from eligibility for unemployment benefits.

H.S.B. 561 Commerce, Regulation & Labor

Regarding the calculation of the weekly benefit amount and taxable wages for unemployment compensation.

H.S.B. 562 Commerce, Regulation & Labor

To provide for additional able and available work requirements for eligibility for unemployment benefits.

H.S.B. 563 Commerce, Regulation & Labor

Relating to occupational safety and health audits, including privilege and immunity protections, and providing a penalty.

H.S.B. 564 Commerce, Regulation & Labor

To eliminate additional wage credits in cases of plant closings.

H.S.B. 565 Natural Resources

Relating to turkey and deer hunting by nonresidents and deer population management.

H.S.B. 566 Natural Resources

Relating to certain activities under the jurisdiction of the natural resource commission and the department of natural resources, including leases of property and the issuance and suspension of certain licenses.

H.S.B. 567 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 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 retroactive applicability date provisions.

H.S.B. 568 Public Safety

Relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

H.S.B. 569 Public Safety

Providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

H.S.B. 570 Human Resources

Relating to confidentiality and liability provisions involving the child advocacy board and the programs and volunteers associated with the board and making a penalty applicable.

RESOLUTION FILED

HR 107, by Dandekar, a resolution honoring the Kirkwood Community College Women's Volleyball Team.

Laid over under **Rule 25**.

AMENDMENT FILED

H—8008 HCR 104 Horbach of Tama

On motion by Gipp of Winneshiek the House adjourned at 8:52 a.m., until 8:45 a.m., Wednesday, January 28, 2004.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 28, 2004

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

Prayer was offered by Reverend David Clark, pastor of the First United Methodist Church, Indianola. He was the guest of Representative Mark Davitt from Warren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, January 27, 2004 was approved.

INTRODUCTION OF BILLS

House File 2094, by Horbach, a bill for an act relating to the recovery of attorney fees in an award of punitive or exemplary damages.

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

House File 2095, by Stevens, a bill for an act allowing voting under certain circumstances at the commissioner's office on election day and providing an effective date.

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

House File 2096, by Huser and T. Taylor, a bill for an act requiring the posting of close-clearance warning devices by railroads and providing a penalty.

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

House File 2097, by Horbach, a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment.

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

House File 2098, by Thomas, a bill for an act relating to special emergency medical services motor vehicle registration plate fees.

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

House File 2099, by Horbach, a bill for an act relating to an award of noneconomic damages.

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

House File 2100, by Hutter, a bill for an act relating to the allocation of motor vehicle use tax revenues and creating an Iowa state patrol fund.

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

House File 2101, by Dix, a bill for an act relating to right to work provisions involving a condition of employment or continuation of employment.

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

House File 2102, by Lukan, a bill for an act providing a limitation on liability for any injury or death resulting from the use of donated fire safety or related equipment.

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

House File 2103, by Schickel, a bill for an act relating to the filing of an application for involuntary substance abuse or hospitalization commitment.

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

House File 2104, by Greimann, a bill for an act relating to the creation of a watershed management task force in order to preserve and enhance state resources.

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

House File 2105, by Dandekar, Jacobs, Petersen, Upmeyer, and Huser, a bill for an act creating a women entrepreneurs in business program.

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

House File 2106, by Greimann, a bill for an act relating to enforcement of the beverage containers control law and providing a penalty.

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

House File 2107, by Maddox, a bill for an act providing for an increase in the barrel tax.

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

House File 2108, by Hutter, a bill for an act to eliminate the school start date and providing for related matters.

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

ADOPTION OF HOUSE RESOLUTION 106

Carroll of Poweshiek called up for consideration **House Resolution 106**, a resolution designating January 28, 2004, as Iowa Telecommunications Association Day, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Jacobs of Polk, the House was recessed at 8:54 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:58 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 2109, by Gaskill, Arnold, Jacoby, Mertz, Swaim, Heddens, Lensing, Osterhaus, Jochum, Whitaker, Connors, Berry, and Bell, a bill for an act relating to the personal needs allowance under the medical assistance program for persons in nursing facilities.

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

House File 2110, by Alons and Chambers, a bill for an act providing for expansion of the children-at-home program for families with special needs children and providing an appropriation.

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

House File 2111, by Alons, Chambers, Heaton, Kurtenbach, and Heddens, a bill for an act modifying income requirements for the child and dependent care state income tax credit for taxpayers with a child with special needs and providing for retroactive applicability.

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 seventy-eight members present, twenty-two absent.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 104

Horbach of Tama called up for consideration **House Concurrent Resolution 104**, a concurrent resolution urging state employee unions and the Governor to renegotiate and establish a pay freeze for the fiscal year beginning July 1, 2004.

Horbach of Tama offered the following amendment H-8008 filed by him and moved its adoption:

H-8008

- 1 Amend House Concurrent Resolution 104 as follows:
 2 1. Page 2, line 16, by inserting after the words
 3 "pay freeze on" the following: "all union and
 4 nonunion".
 5 2. Page 2, by inserting after line 28 the
 6 following:
 7 "BE IT FURTHER RESOLVED, That the General Assembly
 8 encourages leaders of each state employee union
 9 representing state employees to call for a vote of
 10 their members to reopen contract negotiations with the
 11 Governor in order to renegotiate the current
 12 collective bargaining agreement and accept a wage
 13 freeze for the fiscal year beginning July 1, 2004;
 14 and".

Amendment H-8008 was adopted.

Horbach of Tama moved the adoption of House Concurrent Resolution 104, as amended.

On the question "Shall House Concurrent Resolution 104, as amended, be adopted?" (H.C.R. 104)

The ayes were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carrroll	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	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdryke	Mr. Speaker
			Rants

The nays were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy

Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 1:

Tymeson

The motion prevailed and the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 104** be immediately messaged to the Senate.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, 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 changes in the classification of the indicated officers and employees to be effective on the date indicated:

The following are resignations from the officers and employees of the House:

Leg Research Analyst		Stefani K. Millie		08-01-03
<u>Position</u>	<u>Name</u>	<u>Grade Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Confidential Sec II to Chief Clerk	Jacquelyn M. Seymour	32-2 to 32-3	P-FT	05-23-03
Admin Asst to Speaker	Timothy J. Albrecht	27-1 to 27-2	P-FT	06-20-03
Leg Research Analyst I	Dwayne Dean Fihr, Jr.	29-2 to 29-3	P-FT	06-20-03

<u>Position</u>	<u>Name</u>	<u>Grade- Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Leg Research Analyst	Kelly M. Ryan	27-1 to 27-2	P-FT	06-20-03
Leg Research Analyst	Mary K. Earnhardt	27-3 to 29-3	P-FT	07-04-03
Leg Research Analyst I				
Assistant Editor Editor I	Vicki L. Jones	19-2 to 22-1	P-FT	07-04-03
Leg Research Analyst III Sr Leg Research Analyst	Lewis E. Olson	35-5 to 38-3	P-FT	07-04-03
Leg Research Analyst I	Kellie L. Paschke	29-2 to 29-5	P-FT	07-04-03
Supervisor of Secretaries I	Linda C. Rosky	24-3 to 24-4	P-FT	07-04-03
Leg Research Analyst III	Bradley A. Trow	35-1 to 35-3	P-FT	07-04-03
Indexing Assistant	Barry J. Hartman	19-1 to 19-2	P-FT	07-18-03
Chief Clerk	Margaret Thomson	\$89,356.80 to \$93,620.80	P-FT	09-12-03
Assistant Legal Counsel	Doreen R. Terrell	27-4 to 27-5	P-FT	11-21-03
Sr Caucus Secretary	David L. Epley	24-4 to 24-5	P-FT	12-05-03
Research Assistant	Marc A. Elcock	24-1	S-O	12-15-03
Research Assistant	Amy L. Meyer	24-1	S-O	12-17-03
Sr Editor	Gayle A. Goble	30-3 to 30-4	P-FT	12-19-03
Sr Leg Research Analyst	Jenifer L. Parsons	38-5 to	P-FT	12-19-03
Assistant Bill Clerk Bill Clerk	Marie A. Kirby	12-5 to 14-5	S-O	01-07-04
Assistant Bill Clerk	Dee A. Lindsey	12-1	S-O	01-12-04
Legislative Committee Secretary	Juliana P. Anderson	17-1	S-O	01-12-04
Legislative Secretary	Sara R. Bahlmann	17-1	S-O	01-12-04
Legislative Secretary	Steven A. Beckerman	15-1	S-O	01-12-04
Legislative Secretary	Curtis I. Bigsby	16-1	S-O	01-12-04
Legislative Secretary	Mary M. Bonnett	15-1	S-O	01-12-04
Legislative Committee Secretary	Kyle G. Butson	17-1	S-O	01-12-04
Legislative Secretary	Joel S. Coon	15-1	S-O	01-12-04
Legislative Secretary	Leah E. Cullis	15-1	S-O	01-12-04
Legislative Committee Secretary	Wendy Jo Dayton	17-1	S-O	01-12-04
Legislative Secretary	Cory A. De Garmo	16-1	S-O	01-12-04
Legislative Secretary	Aaron J. DeKock	16-1	S-O	01-12-04
Legislative Secretary	Adam M. Elliott	16-1	S-O	01-12-04
Legislative Secretary	Brad T. Frevert	15-1	S-O	01-12-04
Legislative Secretary	Donna W. Greenwood	16-6 to	S-O	01-12-04

<u>Position</u>	<u>Name</u>	<u>Grade Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Legislative Committee Secretary		17-6		
Legislative Committee Secretary	Matthew J. Gronewald	17-1	S-O	01-12-04
Legislative Secretary	Sarah A. Halbrook	15-1	S-O	01-12-04
Legislative Secretary	John D. Harrenstein	16-1	S-O	01-12-04
Legislative Secretary	H. Kay Jenkins	16-3 to	S-O	01-12-04
Legislative Committee Secretary		18-3		
Legislative Secretary	Jonah W. Katz	16-1	S-O	01-12-04
Legislative Secretary	Alison N. Kurth	16-1	S-O	01-12-04
Legislative Secretary	Amy L. Lynch	15-1	S-O	01-12-04
Legislative Secretary	Susan M. Mahedy- Ridgway	16-1	S-O	01-12-04
Legislative Secretary	Jason W. Martell	16-1	S-O	01-12-04
Legislative Secretary	Clark E. McMullen	15-2	S-O	01-12-04
Legislative Secretary	Susan G. Meimann	16-1	S-O	01-12-04
Legislative Secretary	Diane E. Nandell	17-3 to	S-O	01-12-04
		16-3		
Legislative Secretary	Adam L. Phillips	16-1	S-O	01-12-04
Legislative Secretary	Virginia A. Rowen	15-6	S-O	01-12-04
Legislative Secretary	Erin M. Sanders	15-1	S-O	01-12-04
Legislative Secretary	Stephanie M. Schaan	16-1	S-O	01-12-04
Legislative Secretary	Chad M. Schreck	16-1	S-O	01-12-04
Legislative Secretary	Melissa R. Singer	17-1	S-O	01-12-04
Legislative Secretary	Tasha M. Skei	16-1	S-O	01-12-04
Legislative Secretary	Sadie L. Stellish	15-1	S-O	01-12-04
Legislative Secretary	Dan Stevens	17-1	S-O	01-12-04
Legislative Secretary	Trenton M. Stout	16-1	S-O	01-12-04
Legislative Secretary	Nicholas L. Sunderbruch	17-2	S-O	01-12-04
Legislative Secretary	Gary M. Thelen	15-1	S-O	01-12-04
Legislative Secretary	Alesha W. W. Tomlinson	16-1	S-O	01-12-04
Legislative Secretary	Paula J. Toms	16-1	S-O	01-12-04
Legislative Committee Secretary	Amanda H. Wacha	17-1	S-O	01-12-04
Legislative Committee Secretary	Megan M. Warner	17-1	S-O	01-12-04
Legislative Secretary	Yvonne S. Welshhons	15-1	S-O	01-12-04
Legislative Secretary	Anita R. Wendt	15-1 to	S-O	01-12-04
		16-1		

PAGES-GROUP I

Speaker's Page	Kirk A. Bates	9-1	S-O
Chief Clerk's Page	Johanna C. M. Bergan	9-1	S-O
Chief Clerk's Page	Stephanie D. Dillon	9-1	S-O
Page	Valerie J. Biddick	9-1	S-O
Page	Danae J. Carroll	9-1	S-O

Page	Amanda M. Crawford	9-1	S-O
Page	Donald J. Halferty	9-1	S-O
Page	Tiffanee L. Hokel	9-1	S-O
Page	Kimberly A. Hope	9-1	S-O
Page	Chuck R. Hurley	9-1	S-O
Page	Jared A. Mietzner	9-1	S-O
Page	Megan T. Miller	9-1	S-O
Page	Amber D. Nelson	9-1	S-O
Page	SallyAnna R. Shonka	9-1	S-O
Page	Eva L. Tavernier	9-1	S-O
Page	Jennifer J. Townsend	9-1	S-O
Page	Alex J. Watters	9-1	S-O
Page	Spencer M. Willems	9-1	S-O
Page	Kevin C. Wilmarth	9-1	S-O

PAGES-GROUP II

Page	Chris E. Bouwman	9-1	S-O
Page	Katie J. Bunkofske	9-1	S-O
Page	Jason J. Heki	9-1	S-O
Page	Brandon G. Johnsen	9-1	S-O
Page	Laurianne Miller	9-1	S-O
Page	James D. Morrison	9-1	S-O
Page	Robert E. Paulsen	9-1	S-O
Page	James P. Sullivan	9-1	S-O
Page	Katie J. Van Zee	9-1	S-O
Page	Curtis R. Wright	9-1	S-O

The following is a list of changes for the officers and employees of the Joint Senate/House and their recommended classification grades and steps:

Legislative Security Officer I	Nickolas S. Brown	20-2 to 20-3	P-FT	07-18-03
Legislative Security Officer I	Richard A. Crawford	20-2 to 20-3	P-FT	07-18-03
Legislative Security Secretary I	Shawna S. Ferguson	19-2 to 9-3	P-FT	07-18-03
Legislative Security Officer I	Marshall T. Irwin	20-2 to 20-3	P-FT	07-18-03
Legislative Security Officer I	Carl E. Lami	20-2 to 20-3	P-FT	07-18-03
Legislative Security Officer I	Roy E. Paradise	20-2 to 20-3	P-FT	07-18-03
Legislative Security Officer I	Robert J. Porter	20-2 to 20-3	P-FT	07-18-03
Legislative Security Officer I	Judith A. Salier	20-2 to 20-3	P-FT	07-18-03
Legislative Security Officer I	Kert J. Schnell	20-1 to 20-2	P-FT	07-18-03
Legislative Security Officer I	Steven D. Marsh	20-2 to 20-3	P-FT	12-05-03
Legislative Security Officer I	Trudy Paulson	20-2 to 20-3	P-FT	12-19-03

<u>Position</u>	<u>Name</u>	<u>Grade</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Security Secretary I	Shawna S. Ferguson	19-3 to	P-FT	01-02-04
Legislative Security Officer II		23-2		
Legislative Security Officer I	Leo Robert Skeffington	20-1	P-FT	01-08-04

COMMUNICATIONS RECEIVED

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

IOWA CHILD ADVOCACY BOARD

Annual Report of Court Appointed Special Advocates (CASA) and the Iowa Citizen Foster Care Review Board (ICFCRB), pursuant to Chapter 237.18(2)(b), Code of Iowa.

IOWA DEPARTMENT FOR THE BLIND

Report concerning the plastic and recycled content products and soy-based inks purchased, pursuant to Chapter 216B.3(12d), 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

- | | |
|----------|---|
| 2004\190 | Marie Vileta, Tama – For celebrating her 90 th birthday. |
| 2004\191 | Mr. and Mrs. William Lane, Council Bluffs – For celebrating their 50 th wedding anniversary. |
| 2004\192 | Mr. and Mrs. Tom Backhuus, Council Bluffs – For celebrating their 50 th wedding anniversary. |
| 2004\193 | Mr. and Mrs. Emmett Dofner, Sr., Council Bluffs – For celebrating their 60 th wedding anniversary. |
| 2004\194 | Mr. and Mrs. Manuel Barges, Council Bluffs – For celebrating their 65 th wedding anniversary. |
| 2004\195 | Mary M. Olsen, Council Bluffs – For celebrating her 80 th birthday. |

- 2004\196 Donna Foje, Council Bluffs – For celebrating her 85th birthday.
- 2004\197 Marie and Ray Langenfeld, Mapleton – For celebrating their 65th wedding anniversary.
- 2004\198 Ina Ulmer, Denison – For celebrating her 80th birthday.
- 2004\199 Margaret Tracy, Denison – For celebrating her 90th birthday.
- 2004\200 Frances Schmeling, Mapleton – For celebrating her 80th birthday.
- 2004\201 Glenn and Lavaun Fancher, Audobon – For celebrating their 60th wedding anniversary.
- 2004\202 Gladys Beck, Exira – For celebrating her 90th birthday.
- 2004\203 Lenita Jordan Carstens, Ames – For celebrating her 80th birthday.
- 2004\204 George M. Burnet, Ames – For celebrating his 80th birthday.
- 2004\205 Norma J. Horner, Ames – For celebrating her 80th birthday.
- 2004\206 Robert E. Van Doren, Ames – For celebrating his 90th birthday.
- 2004\207 Dorothy Marie Collins, Ames – For celebrating her 104th birthday.
- 2004\208 Bessie Bernice Gildersleeve, Gilbert – For celebrating her 100th birthday.
- 2004\209 Jackie Ritchie, Guthrie Center – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 211 Reassigned

State Government: Elgin, Chair; Jacobs and Jochum.

House File 606

State Government: Elgin, Chair; Jacobs and Jochum.

House File 2028

Ways and Means: Olson, S., Chair; Lalk and Shoultz.

House File 2055

State Government: Jacobs, Chair; Dennis and Whitead.

House File 2058

Local Government: Schickel, Chair; Huser and Van Engelenhoven.

House File 2068

Local Government: Van Engelenhoven, Chair; Huser and Schickel.

House File 2074

Human Resources: Upmeyer, Chair; Carroll and Heddens.

House File 2078

Human Resources: Boddicker, Chair; Berry and Lukan.

House File 2079

Human Resources: Roberts, Chair; Boddicker and Greimann.

House File 2087

State Government: Drake, Chair; Connors, Elgin, Jones and Lykam.

House File 2090

State Government: Jones, Chair; Petersen and Roberts.

House File 2091

Economic Growth: Lalk, Chair; Hanson and Stevens.

House File 2093

State Government: Hutter, Chair; Drake and Oldson.

House File 2103

Human Resources: Upmeyer, Chair; Roberts and Smith.

House File 2105

Economic Growth: Granzow, Chair; Boggess and Dandekar.

Senate File 440 Reassigned

Appropriations: Roberts, Chair; Dolecheck and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 549

Judiciary: Eichhorn, Chair; Boal and Winckler.

House Study Bill 550

Judiciary: Paulsen, Chair; Berry and Boddicker.

House Study Bill 551

Judiciary: Kramer, Chair; Lensing and Schickel.

House Study Bill 552

Commerce, Regulation and Labor: Horbach, Chair; Oldson and Watts.

House Study Bill 553

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

House Study Bill 554

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

House Study Bill 555

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

House Study Bill 556

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

House Study Bill 557

Commerce, Regulation and Labor: Freeman, Chair; Osterhaus and Wilderdyke.

House Study Bill 558

Commerce, Regulation and Labor: Freeman, Chair; Connors and Manternach.

House Study Bill 559

Commerce, Regulation and Labor: Horbach, Chair; Connors and Wilderdyke.

House Study Bill 560

Commerce, Regulation and Labor: Watts, Chair; Connors and Horbach.

House Study Bill 561

Commerce, Regulation and Labor: Horbach, Chair; Connors and Freeman.

House Study Bill 562

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

House Study Bill 563

Commerce, Regulation and Labor: Horbach, Chair; Oldson and J.K. Van Fossen.

House Study Bill 564

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

House Study Bill 565

Natural Resources: Baudler, Chair; Boggess and Whitaker.

House Study Bill 566

Natural Resources: Lukan, Chair; Granzow and Mertz.

House Study Bill 568

Public Safety: Sands, Chair; De Boef and T. Taylor.

House Study Bill 569

Public Safety: Klemme, Chair; Chambers and Heddens.

House Study Bill 570

Human Resources: Hutter, Chair; Granzow and Hunter.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 571 Local Government

Relating to the temporary absence of an elected city official on active military duty and the appointment of a temporary replacement.

H.S.B. 572 Public Safety

Allowing a modified criminal penalty for certain thefts from retailers.

H.S.B. 573 Education

Relating to the school calendar and start date.

H.S.B. 574 State Government

Relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa

public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates.

H.S.B. 575 Natural Resources

Relating to the regulation of vessels by increasing certain vessel registration fees, regulating the operation of certain vessels by minors, providing for increased inspections of certain vessels, providing for pilot and engineer licensing fees, and appropriating the moneys collected to the state fish and game protection fund.

H.S.B. 576 Judiciary

Relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

H.S.B. 577 Judiciary

Relating to the uniform limited partnership Act and providing a penalty and effective dates.

H.S.B. 578 State Government

Providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

H.S.B. 579 State Government

Relating to the filing of statements of organization or dissolution by a political or candidate's committee, and regulating campaign and other contributions.

H.S.B. 580 State Government

Relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs.

H.S.B. 581 Commerce, Regulation and Labor

Governing the regulation of elevators and other conveyances and providing penalties.

H.S.B. 582 Commerce, Regulation and Labor

Relating to the registration and titling of wrecked or salvage travel trailers and fifth-wheel travel trailers.

H.S.B. 583 Commerce, Regulation and Labor

Relating to municipal utilities that provide local exchange services, including nonsubscriber costs, the confidentiality and audits of certain accounting records, and exemption from sales and use taxes.

H.S.B. 584 Commerce, Regulation and Labor

Relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records and provision of property tax exemptions.

H.S.B. 585 Commerce, Regulation and Labor

To permit additional fees for residential real estate loans.

H.S.B. 586 Commerce, Regulation and Labor

Relating to the temporary authority of a public utility to place certain rates into effect, and making related changes.

H.S.B. 587 Commerce, Regulation and Labor

To require delayed deposit services businesses to disclose annual percentage rates.

H.S.B. 588 Commerce, Regulation and Labor

Relating to rules of the Iowa utilities board regarding rate regulation proceedings.

H.S.B. 589 Commerce, Regulation and Labor

Relating to consideration of costs and revenues by the utilities board in rate regulatory proceeding, and making related changes.

H.S.B. 590 Commerce, Regulation and Labor

Relating to industry standards for boilers, directing the labor commissioner to adopt emergency rules when the industry standards are supplemented, and providing an effective date.

H.S.B. 591 Commerce, Regulation and Labor

Relating to the regulation of attorney fees in workers' compensation cases.

H.S.B. 592 Commerce, Regulation and Labor

Concerning regulatory and statutory requirements relating to liability reform.

H.S.B. 593 Commerce, Regulation and Labor

Relating to certain notice requirements for cooperative associations retaining abandoned property.

H.S.B. 594 Commerce, Regulation and Labor

Relating to cemeteries and cemetery regulation; establishing requirements for interment rights agreements and reporting; establishing and appropriating fees; and providing administration and enforcement procedures and penalties.

AMENDMENT FILED

H—8009	H.F.	2038	Jenkins of Black Hawk Tjepkes of Webster Wilderdike of Harrison Drake of Pottawattamie
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On motion by Gipp of Winneshiek the House adjourned at 4:59 p.m., until 8:45 a.m., Thursday, January 29, 2004.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day - Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 29, 2004

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

Prayer was offered by Reverend Richard Sorrentino, pastor of the New Hope in Christ Church, Parkview. He was the guest of Representative James Van Fossen from Scott County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Speaker announced a second for the roll call vote on House Concurrent Resolution 104, (found on pages 128 and 129 of the House Journal of January 28, 2004), should have been recognized.

The Journal of Wednesday, January 28, 2004 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2002, by De Boef, Granzow, Boal, Van Engelenhoven, Chambers, Manternach, Paulsen, Baudler, Drake, Hanson, Elgin, Kurtenbach, Lukan, Wilderdyke, Hutter, Watts, Upmeyer, Kramer, Greiner, Alons, Lalk, Sands, Hahn, Eichhorn, J.R. Van Fossen, Dennis, Dolecheck, Quirk, Arnold, Carroll, Roberts, Huseman, Boddicker, Klemme, Raecker, J.K. Van Fossen, Tymeson, Boggess, Dix, Mertz, Jenkins, Heaton, Freeman, Rayhons, Horbach, Frevert, Whitaker, Maddox, Thomas, Osterhaus and Rasmussen, a resolution petitioning Congress to propose an amendment to the Constitution of the United States defining marriage as the legal union between one man and one woman as husband and wife.

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

House File 2112, by Heaton, a bill for an act relating to the creation of resident advocate committees for assisted living programs, and providing an appropriation.

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

House File 2113, by Carroll, 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**.

House File 2114, by Heaton, a bill for an act requiring a counting mechanism on electrical and mechanical amusement devices that are required to be registered by the department of inspections and appeals.

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

House File 2115, by Frevert, a bill for an act relating to soil and water conservation districts by providing for offices and staff.

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

House File 2116, by Heaton, a bill for an act directing the department of human services to request federal waivers related to transfers of assets provisions under the medical assistance program, and providing an effective date and contingent effective dates.

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

House File 2117, by Heaton, a bill for an act to strike retirement income as compensation for disqualification from unemployment benefits.

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

SPECIAL PRESENTATION

Dandekar of Linn introduced to the House, Eagles Head Coach DeAnn Woodin and the Kirkwood Women's Volleyball Team.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 107

Hogg of Linn called up for consideration **House Resolution 107**, a resolution honoring the Kirkwood Community College Women's Volleyball Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPONSOR ADDED

Fallon of Polk requested to be added as a sponsor of House File 2013.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

Iowa Mental Health and Development Disabilities Commission

Corrected report of 12-31-03, pursuant to Chapter 225C.6(1)(q), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Fiscal year 2003 Report of Biodiesel Fuel Revolving Fund Expenditures, pursuant to Chapter 307.20, Code of Iowa.

Fiscal Year 2003 report of savings by using videoconferencing through Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

Office of Contracts Letting Summary

Annual Report, pursuant to Chapter 307.12(14), 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

- | | |
|----------|---|
| 2004\210 | Ruth and Wayne Dale, Indianola – For celebrating their 50 th wedding anniversary. |
| 2004\211 | Kenneth D. Green, New Virginia – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\212 | Russell Adams, Orange City – For receiving the 2003 Milken National Educator Award. |
| 2004\213 | Coach Bob Walker, Clinton – For Clinton Community College's 400 th win on the basketball court. |
| 2004\214 | Miguel Rangel, Muscatine – For receiving 1 st place in the Iowa Energy State Center Poster contest and receiving 1 st place in the Muscatine Power and Water contest. |

SUBCOMMITTEE ASSIGNMENTS

House File 156

Human Resources: Boddicker, Chair; Roberts and Smith.

House File 330

Human Resources: Boddicker, Chair; Carroll and Foege.

House File 481

Human Resources: Boddicker, Chair; Greimann and Tymeson.

House File 527

Human Resources: Heaton, Chair; Carroll and Greimann.

House File 610

Human Resources: Hutter, Chair; Carroll and Smith.

House File 627

Human Resources: Boddicker, Chair; Heaton and Smith.

House File 630

Human Resources: Granzow, Chair; Boddicker and Smith.

House File 2007

Transportation: Alons, Chair; Chambers, Hunter, Rayhons and Thomas.

House File 2081

Transportation: Alons, Chair; Chambers and Whitaker.

House File 2086

Transportation: Rayhons, Chair; Chambers and Whitaker.

House File 2098

Transportation: Alons, Chair; Chambers, Hunter, Rayhons and Thomas.

House File 2108

Education: Boal, Chair; Dolecheck and Wendt.

House File 2112

Human Resources: Heaton, Chair; Miller and Upmeyer.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 567

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

House Study Bill 571

Local Government: Schickel, Chair; Boal and Connors.

House Study Bill 572

Public Safety: Chambers, Chair; Horbach and Shoultz.

House Study Bill 573

Education: Boal, Chair; Dolecheck and Wendt.

House Study Bill 574

State Government: Drake, Chair; Connors, Elgin, Jones and Lykam.

House Study Bill 575

Natural Resources: Freeman, Chair; Bell and Rasmussen.

House Study Bill 576

Judiciary: Boal, Chair; Eichhorn and Jochum.

House Study Bill 577

Judiciary: Kramer, Chair; Swaim and Van Fossen, J.R.

House Study Bill 578

State Government: Watts, Chair; Fallon and Manternach.

House Study Bill 579

State Government: Raecker, Chair; Mascher and Rasmussen.

House Study Bill 580

State Government: Raecker, Chair; Mascher and Rasmussen.

House Study Bill 582

Commerce, Regulation and Labor: Jacobs, Chair; Jacoby and Wilderdyke.

House Study Bill 583

Commerce, Regulation and Labor: Kurtenbach, Chair; Quirk and Sands.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 595 Education**

Relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, the imposition of penalties and collection of fees by those state agencies and offices, and the authorization of the commission of garnishee loan defaulters' wages.

H.S.B. 596 State Government

Providing for exemptions from massage therapy licensure requirements.

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 GOVERNMENT OVERSIGHT

Committee Bill (Formerly House Study Bill 533), requiring the lottery authority to submit budget information to the legislature.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 2004.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2006), making changes to sex offender registry requirements for persons convicted of incest.

Fiscal Note is not required

Recommendation **Amend and Do Pass** January 29, 2004.

Committee Bill (Formerly House File 2034), requiring consent of the parent of a minor to obtain body piercing and providing a penalty.

Fiscal Note is not required

Recommendation **Do Pass** January 29, 2004.

Committee Bill (Formerly House File 2035), relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability.

Fiscal Note is not required

Recommendation **Do Pass** January 29, 2004.

Committee Bill (Formerly House File 2045), relating to and making appropriations of birth certificate fees to the birth defects registry and for child abuse prevention programs, and providing an effective date.

Fiscal Note is required

Recommendation **Do Pass** January 29, 2004.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 539), relating to payment of legal expenses for indigent persons by the state public defender.

Fiscal Note is not required.

Recommended **Do Pass**, January 29, 2004.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 508), relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 29, 2004.

Committee Bill (Formerly File 2037), creating a criminal offense for using a cellular telephone with a fitted camera in certain areas, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 29, 2004

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** January 29, 2004.

RESOLUTIONS FILED

HCR 105, by Jacobs, a concurrent resolution concerning the Midwestern Legislative Conference of the Council of State Governments.

Laid over under **Rule 25**.

HR 108, by De Boef, a resolution declaring February 12, 2004, Marriage and Family Day.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 9:11 a.m., until 9:00 a.m., Friday, January 30, 2004.

JOURNAL OF THE HOUSE

Nineteenth Calendar Day - Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 30, 2004

The House met pursuant to adjournment at 8:53 a.m., Manternach of Jones in the chair.

The Journal of Thursday, January 29, 2004 was approved.

INTRODUCTION OF BILLS

House File 2118, by Ford, a bill for an act relating to the statutory duties of the commission of Latino affairs regarding Spanish language interpreter qualifications.

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

House File 2119, by Miller, a bill for an act providing for a deduction in computing individual income tax for gains from the sale of works of fine art or written materials by or on behalf of the artist or author and including a retroactive applicability date.

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

House File 2120, by Ford, a bill for an act requesting that the legislative council create a water quality interim study committee.

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

House File 2121, by Fallon and Raecker, a bill for an act making an appropriation from the grow Iowa values fund to the department of education for kindergarten through grade twelve education funding, and providing an effective date.

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

House File 2122, by Ford, a bill for an act repealing the Iowa English Language Reaffirmation Act and rules of construction for English language laws.

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

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

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

House File 2124, by Lensing, Tjepkes, Hogg, J. R. Van Fossen, Oldson, Baudler, and Petersen, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

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

House File 2125, by Schickel, Tjepkes, and Davitt, a bill for an act providing that certain meetings of members of the legislature are subject to open meeting requirements.

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

House File 2126, by Ford, a bill for an act relating to the establishment of a commission to review the implementation of the Iowa supreme court's equality in the courts task force and providing an effective date.

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

House File 2127, by Whitead, Wendt, Lykam, Hogg, Ford, Greimann, Swaim, Jacoby, Oldson, Shomshor, Reasoner, Bukta, Jochum, Murphy, Cohoon, D. Olson, Miller, Connors, T. Taylor, Heddens, Smith, D. Taylor, Wise, Mascher, Foege, Whitaker, Hunter, Osterhaus, Winckler, Gaskill, Berry, Lensing, McCarthy, Dandekar, Kuhn, Mertz, Shoultz, and Frevert, a bill for an act providing for waiver of penalties for late motor vehicle registration for activated national guard and reserve forces members.

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

House File 2128, by Shoultz, Osterhaus, Wendt, Fallon, D. Olson, Smith, Hunter, and Jochum, a bill for an act requiring the state capitol to remain open to the public seven days a week.

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

House File 2129, by Ford, a bill for an act relating to the use of consular identification cards as a means of personal identification.

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

House File 2130, by Lukan, a bill for an act permitting certain individuals to use a crossbow to hunt deer and subjecting violators to a scheduled fine.

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

House File 2131, by Maddox, a bill for an act requiring counties to conduct referenda on sharing services.

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

House File 2132, by Ford, a bill for an act relating to conditions barring changes in motor vehicle franchises and providing an effective date.

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

House File 2133, by committee on government oversight, a bill for an act requiring the lottery authority to submit budget information to the legislature.

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

House File 2134, by committee on human resources, a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability.

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

House File 2135, by committee on human resources, a bill for an act requiring consent of the parent of a minor to obtain body piercing and providing a penalty.

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

House File 2136, by committee on human resources, a bill for an act relating to and making appropriations of birth certificate fees to the birth defects registry and for child abuse prevention programs, and providing an effective date.

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

House File 2137, by Paulsen, Wilderdyke, Baudler, and Tjepkes, a bill for an act establishing a surcharge for certain speeding violations, creating a state patrol revolving fund, and making an appropriation.

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

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH

Division of Tobacco Use Prevention and Control

Annual Report, pursuant to Chapter 142A.3, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 2109

Human Resources: Heaton, Chair; Boddicker and Hunter.

House File 2110

Human Resources: Heaton, Chair; Berry and Boddicker.

House File 2116

Human Resources: Heaton, Chair; Carroll and Jacoby.

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 LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 515), relating to membership on certain city planning and zoning commissions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 29, 2004.

On motion by Lukan of Dubuque the House adjourned at 8:57 a.m., until 1:00 p.m., Monday, February 2, 2004.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day - Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 2, 2004

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

Prayer was offered by the Honorable Kent Kramer, state representative from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Friday, January 30, 2004 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dandekar of Linn, until her arrival, on request of Murphy of Dubuque.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2004\215 | Gladys and Clifford Traum, Sioux City – For celebrating their 50 th wedding anniversary. |
| 2004\216 | Willis Dake, Vinton – For celebrating his 95 th birthday. |
| 2004\217 | Lillian Caldwell, Shellsburg – For celebrating her 80 th birthday. |
| 2004\218 | Terry and Dee Anderson, Cedar Falls – For celebrating their 50 th wedding anniversary. |
| 2004\219 | Robert and Margaret McGill, Cedar Falls – For celebrating their 55 th wedding anniversary. |

- 2004\220 Esther Johnson, Independence – For celebrating her 90th birthday.
- 2004\221 Madeline Steinbron, Jesup – For celebrating her 80th birthday.
- 2004\222 Shirley and Derrell Scott, Dunkerton – For celebrating their 60th wedding anniversary.
- 2004\223 Marian and Frank Hare, Independence – For celebrating their 60th wedding anniversary.
- 2004\224 Robert and Ruth Ites, Alden – For celebrating the 60th wedding anniversary.
- 2004\225 Chris Stern, Waterloo – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\226 Bill Rickert, Waterloo – For celebrating his 80th birthday.
- 2004\227 Pauline Bingman, Waterloo – For celebrating her 89th birthday.
- 2004\228 Ruth Donohoo, Davenport – For celebrating her 95th birthday.
- 2004\229 Agnes Neumann, Davenport – For celebrating her 90th birthday.
- 2004\230 Austin Dean Kimler, Bettendorf – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\231 Fred Sick, DVM, Sioux Center – For being honored as the Iowa Association of County Extension Councils' Distinguished Extension Council Member for 2003.
- 2004\232 Barb Severson, R.N., Inwood – For being selected 2003 Long Term Care (LTC) Sioux Valley Regional Health Services Peer of the Year.
- 2004\233 Mattie and John Dieken, Little Rock – For celebrating their 70th wedding anniversary.
- 2004\234 Roger and Nedra Adkins, Farmington – For celebrating their 50th wedding anniversary.
- 2004\235 Harry and Nannette Holcomb, Agency – For celebrating their 50th wedding anniversary.
- 2004\236 Myron and Mildred Johnson, Packwood – For celebrating their 65th wedding anniversary.
- 2004\237 Stacie Chally, Stratford – For being inducted into the National Honor Roll.
- 2004\238 Amy Simonson, Stratford – For being inducted into the National Honor Roll.

- 2004\239 Ashlee Walton, Clarion/Goldfield – For being inducted into the National Honor Roll.
- 2004\240 Clark Bradshaw, Clarion/Goldfield – For being inducted into the National Honor Roll.
- 2004\241 Robert Evans, Webster City – For celebrating his 80th birthday.
- 2004\242 Mr. And Mrs. Robert Jackson, Dows – For celebrating their 50th wedding anniversary.
- 2004\243 Mildred Backen, Tama – For celebrating her 90th birthday.
- 2004\244 Gerald and Marcella Wilkinson, Traer – For celebrating their 65th wedding anniversary.
- 2004\245 Lloyd Vorwald, Holy Cross – For his 40 years of dedicated service to the Holy Cross Volunteer Fire Department.
- 2004\246 Madeline Wagner, Dubuque – For receiving 2nd place in the Kindergarten division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\247 Allison Robinson, Dubuque – For receiving 3rd place in the Kindergarten division of the Martin Luther King Jr. Essay/Multi Media Contest.

SUBCOMMITTEE ASSIGNMENTS

House File 2095

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

House File 2114

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 581

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

House Study Bill 584

Commerce, Regulation and Labor: Kurtenbach, Chair; Quirk and Sands.

House Study Bill 585

Commerce, Regulation and Labor: Jacobs, Chair; Jacoby and Sands.

House Study Bill 586

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

House Study Bill 588

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

House Study Bill 589

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

House Study Bill 590

Commerce, Regulation and Labor: Watts, Chair; Jenkins and Taylor, D.

House Study Bill 591

Commerce, Regulation and Labor: Horbach, Chair; Freeman and Oldson.

House Study Bill 592

Commerce, Regulation and Labor: Horbach, Chair; Hoffman and Oldson.

House Study Bill 593

Commerce, Regulation and Labor: Freeman, Chair; Jacoby and Manternach.

House Study Bill 594

Commerce, Regulation and Labor: Manternach, Chair; Kurtenbach and Taylor, T.

House Study Bill 595

Education: Upmeyer, Chair; Dolecheck and Foege.

House Study Bill 596

State Government: Hutter, Chair; Greiner and Whitead.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 597 Local Government

Providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

H.S.B. 598 Local Government

Relating to a limitation on liability for injury resulting from the use of donated fire safety and related equipment.

H.S.B. 599 Public Safety

Relating to regulation of sales at unused property markets and providing penalties.

On motion by Gipp of Winneshiek the House adjourned at 1:05 p.m., until 8:45 a.m., Tuesday, February 3, 2004.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 3, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Kevin Gingerich, pastor of the Bloomfield United Methodist Church, Bloomfield. He was the guest of Representative Kurt Swaim from Davis County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, February 2, 2004 was approved.

INTRODUCTION OF BILLS

House File 2138, by committee on judiciary, a bill for an act relating to payment of legal expenses for indigent persons by the state public defender.

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

House File 2139, by Horbach, a bill for an act relating to Iowa public employees' retirement system coverage for elected township officials and certain township employees.

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

House File 2140, by Jenkins, a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

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

House File 2141, by Lukan, a bill for an act relating to the scheduled fines for littering or placing debris on a public highway and for littering in a state park.

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

House File 2142, by Alons, Freeman, De Boef, Chambers, Boal, Lukan, and Mertz, a bill for an act relating to the eligibility of children under the healthy and well kids in Iowa program, and providing effective dates.

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

House File 2143, by Shoultz, a bill for an act relating to percentage of actual value at which residential property shall be assessed.

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

House File 2144, by Whitaker, Struyk, Miller, Wise, Hogg, Swaim, Wendt, Whitead, Kuhn, Davitt, Bukta, Foege, Berry, Mertz, and Jacoby, a bill for an act relating to reductions in the standing appropriations to reimburse local jurisdictions for certain property tax credits and including effective and applicability date provisions.

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

House File 2145, by committee on local government, a bill for an act relating to membership on certain city planning and zoning commissions.

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

House File 2146, by committee on human resources, a bill for an act making changes to sex offender registry requirements for persons convicted of incest against a dependent adult.

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

HOUSE FILE 477 REREFERRED

The Speaker announced that House File 477, previously referred to committee on **state government** was rereferred to committee on **human resources**.

HOUSE FILE 2118 REREFERRED

The Speaker announced that House File 2118, previously referred to committee on **state government** was rereferred to committee on **judiciary**.

HOUSE FILE 2132 REREFERRED

The Speaker announced that House File 2132, previously referred to committee on **commerce, regulation and labor** was rereferred to committee on **transportation**.

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

Annual Report, pursuant to Chapter 216A.51, 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

- 2004\246 Madeline Wagner, Dubuque – For winning 2nd place in the Kindergarten division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\247 Allison Robinson, Dubuque – For receiving 3rd place in the Kindergarten division of the Martin Luther King Jr. Essay/Multi Media Contest.

- 2004\248 Logan Meyer, Dubuque – For winning 1st place in the First Grade division of the Martin Luther King Jr. Essay/ Multi Media Contest.
- 2004\249 Jade Lynch, Dubuque – For receiving 2nd place in the First Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\250 Ryan Larsen, Dubuque – For receiving 3rd place in the First Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\251 Jake Berger, Dubuque – For receiving 2nd place in the Second Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\252 Parker Hammel, Dubuque – For receiving 3rd place in the Second Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\253 Logan Lynch, Dubuque – For winning 1st place in the Third Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\254 Morgan Dolan, Dubuque – For receiving 2nd place in the Third Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\255 Cole Crawford, Dubuque – For winning 1st place in the Fourth Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\256 Alex Wiezorek, Dubuque – For receiving 2nd place in the Fourth Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\257 Sarah Baer, Dubuque – For receiving 2nd place in the Fifth Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\258 Troy Laufenberg, Dubuque – For winning 1st place in the Sixth Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\259 Molly Glynn, Dubuque – For receiving 2nd place in the Sixth Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\260 Eric Ferring, Dubuque – For receiving 3rd place in the Sixth Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\261 Micheal Nieman, Dubuque – For receiving 3rd place in the Sixth Grade Division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\262 Natalie Benda, Dubuque – For winning 1st place in the Seventh Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.

- 2004\263 Lydia Feldman, Dubuque – For winning 1st place in the Seventh Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\264 Brian Gonner, Dubuque – For receiving 2nd place in the Seventh Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\265 Nathan Williams, Dubuque – For receiving 3rd place in the Eighth Grade division of the Martin Luther King Jr. Essay/Multi Media Contest.
- 2004\266 Jack Franklin, Ottumwa – For celebrating his 90th birthday.
- 2004\267 Kenneth McIntosh, Ottumwa – For celebrating his 90th birthday.
- 2004\268 Robert Leahy, Ottumwa – For celebrating this 90th birthday.
- 2004\269 Richard Gibson, Ottumwa – For celebrating his 90th birthday.
- 2004\270 Mary Adcock, Ottumwa – For celebrating her 80th birthday.
- 2004\271 Richard Graham, Ottumwa – For celebrating his 80th birthday.
- 2004\272 Faye Walton, Ottumwa – For celebrating her 80th birthday.
- 2004\273 Dorothy Criswell, Ottumwa – For celebrating her 80th birthday.
- 2004\274 Billy Amos, Ottumwa – For celebrating his 80th birthday.
- 2004\275 Donald Brooks, Ottumwa – For celebrating his 80th birthday.
- 2004\276 Kenneth Davis, Ottumwa – For celebrating his 80th birthday.
- 2004\277 Norma Joseph, Ottumwa – For celebrating her 80th birthday.
- 2004\278 Phyllis Cullinan, Ottumwa – For celebrating her 80th birthday.
- 2004\279 Cecil Simonton, Ottumwa – For celebrating his 80th birthday.
- 2004\280 Catherine Newquist, Ottumwa – For celebrating her 80th birthday.
- 2004\281 Harry Boughton, Ottumwa – For celebrating his 80th birthday.
- 2004\282 Marvel McCarroll, Agency – For celebrating her 80th birthday.
- 2004\283 M. Lucille Lee, Hedrick – For celebrating her 80th birthday.
- 2004\284 Grace Davis, Ottumwa – For celebrating her 90th birthday.
- 2004\285 Alice Hein, Guthrie Center – For celebrating her 85th birthday.

- 2004\286 Tena Peters, Kanawha – For celebrating her 100th birthday.
- 2004\287 Angela Marquard, Hampton – For winning the Area Education Agency 267 Spelling Bee.
- 2004\288 Chris Stern, Waterloo – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\289 Ed and Wanda Mulder, Spirit Lake – For celebrating their 50th wedding anniversary.
- 2004\290 Betty and Maurice Germain, Dubuque – For celebrating their 50th wedding anniversary.
- 2004\291 Tom Duggan, Hempstead High School, Dubuque – For receiving “National Outstanding” ranking in the international High School mathematical Modeling Contest.
- 2004\292 Josh Lichti, Hempstead High School, Dubuque – For receiving “National Outstanding” ranking in the international High School Mathematical Modeling Contest.
- 2004\293 Cory McDermott, Hempstead High School, Dubuque – For receiving “National Outstanding” ranking in the international High School Mathematical Modeling Contest.
- 2004\294 Brad Willenbring, Hempstead High School, Dubuque – For receiving “National Outstanding” ranking in the international High School Mathematical Modeling Contest.
- 2004\295 Arlis Meyer, Mason City – For celebrating her 93rd birthday.
- 2004\296 Paulette Garcia, Mason City – For celebrating her 80th birthday.
- 2004\297 Charles Heller, Sumner – For celebrating his 85th birthday.
- 2004\298 Adaline Snively, West Union – For celebrating her 90th birthday.
- 2004\299 James and Kathryn Frazer, Oelwein – For celebrating their 50th wedding anniversary.
- 2004\300 Warren and Delores Loban, Oelwein – For celebrating their 60th wedding anniversary.
- 2004\301 Maria Abens, Manson – For celebrating her 100th birthday.
- 2004\302 Louie Krausman, Collins – For celebrating his 80th birthday.
- 2004\303 Richard “Short” Wilson, Colo – For celebrating his 80th birthday.
- 2004\304 Pierce Jones, Nevada – For celebrating his 90th birthday.

- 2004\305 John and Pauline Andrew, Colo – For celebrating their 65th wedding anniversary.
- 2004\306 Burdette and Barb Olson, Randall – For celebrating their 50th wedding anniversary.
- 2004\307 Mary and Heiko Beenken, Emmetsburg – For celebrating their 70th wedding anniversary.
- 2004\308 Julius Delagardelle, Gilbertville – For celebrating his 80th birthday.
- 2004\309 David and Margaret Danner, Russell -- For celebrating their 50th wedding anniversary.
- 2004\310 Mary and Richard Mitchell, Chariton – For celebrating their 50th wedding anniversary.
- 2004\311 Beulah Grismore, Chariton – For celebrating her 90th birthday.
- 2004\312 David and Betty McClure, Lakefield -- For celebrating their 50th wedding anniversary.
- 2004\313 Eleanor Daniel, Spirit Lake – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2002

Judiciary: Schickel, Chair; Greimann and Heaton.

House File 2130

Natural Resources: Lukan, Chair; Baudler and Whitaker.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 579 Reassigned

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

House Study Bill 580 Reassigned

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

House Study Bill 597

Local Government: Hahn, Chair; Arnold and Lensing.

House Study Bill 598

Local Government: Schickel, Chair; Huser and Jones.

House Study Bill 599

Public Safety: Chambers, Chair; Heddens and Sands.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 600 Environmental Protection**

Relating to the powers of soil and water conservation districts and county conservation boards.

H.S.B. 601 Judiciary

Relating to the statute of limitations in an action for damages for injury suffered as a result of childhood sexual abuse.

H.S.B. 602 Judiciary

Relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

H.S.B. 603 Agriculture

Relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

H.S.B. 604 Agriculture

Relating to agricultural contracts and providing penalties.

H.S.B. 605 Human Resources

Relating to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers.

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 Study Bill 503), relating to determining compliance with course of study requirements regarding cosmetology licensure.

Fiscal Note is not required.

Recommended **Do pass** February 03, 2004.

Committee Bill (Formerly House Study Bill 517), providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

Fiscal Note is not required.

Recommended **Do pass** February 03, 2004.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 587), relating to product liability actions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 03, 2004.

Committee Bill (Formerly House File 2014), establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or possession violation occurs and providing a penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 29, 2004.

Committee Bill (Formerly House Study Bill 510), relating to abandonment of a child as grounds for termination of parental rights.

Fiscal Note not required.

Recommended **Do Pass** February 03, 2004.

COMMITTEE ON LOCAL GOVERNMENT

House File 2058, a bill for an act relating to filling the office of county attorney by appointment.

Fiscal Note not required.

Recommended **Do Pass** February 03, 2004

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 605), 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 not required.

Recommended **Amend and Do Pass** February 03, 2004

Committee Bill (Formerly House Study Bill 524), to eliminate the inspections division of the department of inspections and appeals.

Fiscal Note not required.

Recommended **Do Pass** February 03, 2004

RESOLUTION FILED

HR 109, by Foege, D. Taylor, T. Taylor, Dandekar, Hogg, Lensing, Mascher, Jacoby, Paulsen, and Elgin, a resolution honoring Dr. Norm Nielsen, President of Kirkwood Community College.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 8:53 a.m., until 8:45 a.m., Wednesday, February 4, 2004.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 4, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Troy Richmond, Associate Pastor of St. Mary's and St. Patrick's Church, Ottumwa, and St. Mary Magdeline of Bloomfield. He was the guest of Representative Mary Gaskill from Wapello County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, February 3, 2004 was approved.

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 3, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2059, a bill for an act relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2147, by Mascher, a bill for an act relating to the reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

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

House File 2148, by Jacobs, a bill for an act relating to the use of a certain transaction fee collected by the county recorder.

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

House File 2149, by committee on public safety, a bill for an act relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties.

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

House File 2150, by committee on judiciary, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or product possession violation occurs and providing a penalty.

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

House File 2151, by committee on public safety, a bill for an act creating a criminal offense for using any type of equipment capable of taking a photograph including but not limited to a cellular telephone with a fitted camera in certain areas, and providing a penalty.

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

House File 2152, by Lukan, a bill for an act permitting games using pull-tab tickets conducted by qualified organizations.

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

House File 2153, by Chambers, a bill for an act relating to the amount retained by county treasurers for issuance of motor vehicle registrations.

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

House File 2154, by Mascher and Heddens, a bill for an act to require the Iowa finance authority to implement minimum universal design standards, relating to accessibility for persons with

disabilities, applicable to all public housing constructed using public funds.

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

House File 2155, by Whitaker, Hogg, D. Taylor, Miller, Dandekar, Wendt, Davitt, Thomas, Bukta, Connors, Foege, Frevert, Berry, Mertz, and Jacoby, a bill for an act making an appropriation to the college student aid commission for purposes of the national guard educational assistance program.

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

House File 2156, by Mascher and Heddens, a bill for an act to require that public housing constructed using public funds incorporate minimum universal design standards relating to accessibility.

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

House File 2157, by Mascher and Heddens, a bill for an act to require that public housing constructed using Iowa finance authority funds incorporate minimum universal design standards relating to accessibility.

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

House File 2158, by Mascher, a bill for an act relating to the use of a handheld cellular telephone while operating a motor vehicle and providing a penalty.

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

House File 2159, by Mascher and Stevens, a bill for an act relating to increasing the personal needs allowance under the medical assistance program for residents of nursing facilities.

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

House File 2160, by Mascher, a bill for an act relating to filling a vacancy in the office of county attorney.

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

House File 2161, by Roberts, a bill for an act relating to the threshold at which a contract is required for certain corrections institution improvement projects where inmate labor is to be used.

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

House File 2162, by Elgin, a bill for an act relating to activities of licensed private investigation businesses in regard to abandoned property.

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

House File 2163, by Hunter, Gaskill, Shoultz, Lensing, Greimann, and Fallon, a bill for an act to increase the state minimum hourly wage rate.

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

House File 2164, by Mascher, a bill for an act relating to professional 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**.

House File 2165, by Hunter, Greimann, and Foege, a bill for an act relating to the regulation of renal dialysis facilities and providing for injunctive relief.

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

House File 2166, by Elgin, a bill for an act eliminating a time limit on executions of judgments and orders.

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

SENATE MESSAGE CONSIDERED

Senate File 2059, by committee on appropriations, a bill for an act relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date.

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

HOUSE FILE 2094 REREFERRED

The Speaker announced that House File 2094, previously referred to committee on **commerce, regulation and labor** was rereferred to committee on **judiciary**.

HOUSE FILE 2097 REREFERRED

The Speaker announced that House File 2097, previously referred to committee on **commerce, regulation and labor** was rereferred to committee on **judiciary**.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2004\314 | Earl Anderson, Coralville – For celebrating his 90 th birthday. |
| 2004\315 | Walt Stevens, Fort Dodge – For recognition for his 50 years of dedicated service to the Fort Dodge and surrounding community in his capacity as Editor and Editor Emeritus of the Messenger. |
| 2004\316 | Patrick Krier, Ollie – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\317 | Eric Kephart, Ollie – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\318 | Lucia Swaim, Drakesville – For celebrating her 90 th birthday. |
| 2004\319 | Helen Wiggins, North English – For celebrating her 102 nd birthday. |

- 2004\320 Opal Mason, North English – For celebrating her 101st birthday.
- 2004\321 Don and Marilyn Morrison, South English – For celebrating their 50th wedding anniversary.
- 2004\322 Freda Winter, Iowa Falls – For celebrating her 90th birthday.
- 2004\323 Rollie and Marguerite Markle, Newton + For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2002 Reassigned

Judiciary: Boddicker, Chair; Eichhorn and Greimann.

House File 257 Reassigned

Natural Resources: Boddicker, Chair; Freeman and Mertz.

House File 2027

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

House File 2051

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

House File 2101

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

House File 2120

Environmental Protection: Greiner, Chair; Ford and Klemme.

House File 2123

State Government: Roberts, Chair; Dennis and Oldson.

House File 2131

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

House File 2137

Public Safety: Tjepkes, Chair; Bell and Chambers.

House File 2139

State Government: Drake, Chair; Connors, Elgin, Jones and Lykam.

House File 2141

Natural Resources: Lukan, Chair; Davitt and Granzow.

House File 2152

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 600

Environmental Protection: Olson S., Chair; Greimann and Hahn.

House Study Bill 601

Judiciary: Eichhorn, Chair; Boal and Swaim.

House Study Bill 602

Judiciary: Kramer, Chair; Jochum and Schickel.

House Study Bill 603

Agriculture: Rayhons, Chair; Frevert and Olson S.

House Study Bill 604

Agriculture: Rayhons, Chair; Olson S. and Struyk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 606 Public Safety

Relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties.

H.S.B. 607 Commerce, Regulation and Labor

Authorizing the creation of and regulating private health insurance purchasing cooperatives.

H.S.B. 608 Commerce, Regulation and Labor

Relating to the collection of costs associated with residential real estate loans.

H.S.B 609 Commerce, Regulation and Labor

Relating to fees charged for delayed redemption of electronic gift cards.

H.S.B. 610 Education

Relating to residency qualifications for purposes of postsecondary tuition and fees paid at public institutions of higher education in this state.

H.S.B. 611 Human Resources

Relating to family investment program eligibility requirements involving motor vehicle equity, family investment plans, limited benefit plans, and required school attendance and including an applicability provision.

H.S.B. 612 Commerce, Regulation and Labor

Relating to immunity form third-party liability for claims resulting from contaminated property.

H.S.B. 613 Commerce, Regulation and Labor

Relating to powers and duties of state credit unions, including amendment of bylaws, account liens and setoffs, examinations, boards of directors and officers, expulsion of members, suspension or restriction of services, and related matters.

H.S.B 614 Human Resources

Relating to child protection confidentiality requirements involving the department of human services.

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 NATURAL RESOURCES

Committee Bill (Formerly House File 2062), increasing the damages payable upon conviction of certain unlawful activities involving antlered deer.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 04, 2004.

On motion by Jacobs of Polk the House adjourned at 8:51 a.m., until 8:45 a.m., Thursday, February 5, 2004.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 5, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jamie Johnson, pastor of the Stavanger Lutheran Church, Garden City. He was the guest of Representative George Eichhorn from Hamilton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, February 4, 2004 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Arnold of Lucas, from one hundred twenty-two constituents of the seventy-second district favoring the Iowa bottle bill and keeping the redemption centers open.

By Swaim of Davis, from citizens of Corydon and the surrounding area favoring the Iowa bottle bill, keeping our redemption centers open and supporting a one cent increase in the amount paid to redemption centers.

By Whitaker of Van Buren, from the House of Canz favoring the Iowa bottle bill and supporting a one cent increase in the amount paid to redemption centers.

INTRODUCTION OF BILLS

House File 2167, by committee on state government, a bill for an act to eliminate the inspections division of the department of inspections and appeals.

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

House File 2168, by Lukan, a bill for an act creating a board to oversee the administration of the veterans trust fund.

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

House File 2169, by Wise, Struyk, Hogg, and Dandekar, a bill for an act increasing the maximum balance of the Iowa economic emergency fund and providing a contingent effective date.

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

House File 2170, by committee on judiciary, a bill for an act relating to product liability actions.

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

House File 2171, by Alons, a bill for an act to exempt a successor employer from the assumption of a bankrupt predecessor's unemployment contribution rate.

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

House File 2172, by Hogg and Struyk, a bill for an act allowing schools to conduct an annual cash raffle.

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

House File 2173, by Dandekar, Paulsen, Hogg, Elgin, Foege, D. Taylor and T. Taylor, a bill for an act relating to the number of signatures required on nomination petitions for school board elections.

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

House File 2174, 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 2175, by Jones, a bill for an act relating to sanitary landfills, including closure and postclosure accounts maintained by sanitary landfills and tonnage fees paid by sanitary landfills.

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

House File 2176, by committee on judiciary, a bill for an act relating to abandonment of a child as grounds for termination of parental rights.

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

House File 2177, by Lukan, a bill for an act relating to bingo jackpots.

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

House File 2178, by Dandekar and Paulsen, a bill for an act establishing a fine arts motor vehicle registration plate, creating a fine arts fund, and making an appropriation.

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

House File 2179, by Hutter, a bill for an act relating to the establishment of a toll-free telephone service by the department of justice to assist persons interested in receiving consumer fraud information.

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

House File 2180, by committee on local government, a bill for an act relating to filling the office of county attorney by appointment.

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

House File 2181, by Stevens, Dandekar, Struyk, and Quirk, a bill for an act creating a Persian Gulf conflict veterans bonus and providing a tax exemption and a penalty.

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

House File 2182, by Baudler, a bill for an act relating to agreements for purses and supplements for pari-mutual horse racing.

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

House File 2183, by Tjepkes, a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

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

House File 2184, by Upmeyer, a bill for an act relating to third-party payor, compensation of certified registered nurse first assistants.

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

House File 2185, by Frevert and Kuhn, a bill for an act relating to confinement feeding operations by providing for the siting of certain operations, and making penalties applicable.

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

House File 2186, by committee on natural resources, a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer.

Read first time and 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

- | | |
|----------|---|
| 2004\324 | Markham Harris, North Liberty – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\325 | Leslie and Luella Neubauer, Battle Creek – For celebrating their 60 th wedding anniversary. |

- 2004\326 Elaine Rickert, Denison – For celebrating her 80th birthday.
- 2004\327 Maude B. Basey Schauper, Maxwell – For celebrating her 90th birthday.
- 2004\328 Grace Frette, Story City – For celebrating her 90th birthday.
- 2004\329 Mr. and Mrs. Marion Smith, Nevada – For celebrating their 50th wedding anniversary.
- 2004\330 Curran Cotton, Newton – For being nominated as a finalist for the Des Moines Register's 2003 Star and Aurora Award.

SUBCOMMITTEE ASSIGNMENTS

House File 2094

Judiciary: Eichhorn, Chair; Baudler and Reasoner.

House File 2097

Judiciary: Paulsen, Chair; Dennis and Swaim.

House File 2140

Education: Tjepkes, Chair; Mascher and Schickel.

House File 2142

Human Resources: Lukan, Chair; Berry, Freeman, Greimann and Heaton.

House File 2161

Judiciary: Kramer, Chair; Berry and Schickel.

House File 2166

Judiciary: Schickel, Chair; Paulsen and Struyk.

House File 2168

State Government: Greiner, Chair; Hutter, Manternach, Mascher and Whitead.

House File 2177

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

House File 2179

Judiciary: Hutter, Chair; Heaton and Struyk.

House File 2182

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 605

Human Resources: Boddicker, Chair; Roberts and Smith.

House Study Bill 606

Public Safety: Baudler, Chair; Chambers, Eichhorn, Heddens and McCarthy.

House Study Bill 607

Commerce, Regulation and Labor: Hoffman, Chair; Oldson and Wilderdyke.

House Study Bill 608

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

House Study Bill 609

Commerce, Regulation and Labor: Wilderdyke, Chair; Ford and Watts.

House Study Bill 610

Education: Tymeson, Chair; Dandekar, Raecker, Roberts and Wendt.

House Study Bill 611

Human Resources: Carroll, Chair; Heaton and Hunter.

House Study Bill 612

Commerce, Regulation and Labor: Sands, Chair; Manternach and Quirk.

House Study Bill 613

Commerce, Regulation and Labor: J.K. Van Fossen, Chair; Oldson and Sands.

House Study Bill 614

Human Resources: Boddicker, Chair; Foege and Roberts.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 615 Economic Growth

Relating to a study identifying new sources of revenue for the state.

H.S.B. 616 Education

Providing supplementary weighting for pupils attending classes taught via the Iowa communications network.

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 2042, a bill for an act relating to the donation of blood by persons sixteen years of age.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2004.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 540) 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 **Amend and Do Pass** February 5, 2004.

Committee Bill (Formerly House Study Bill 549) relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2004.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 2058), relating to filling the office of county attorney by appointment.

Fiscal Note is not required.

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

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 596), providing for exemptions from massage therapy licensure requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2004.

AMENDMENT FILED

H—8010 H.F. 2134 Carroll of Poweshiek

On motion by Gipp of Winneshiek the House adjourned at 8:53 a.m., until 1:00 p.m., Monday, February 9, 2004.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day - Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 9, 2004

The House met pursuant to adjournment at 1:10 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Noelle Andrews, pastor of Rowley Presbyterian Church, Rowley. She was the guest of Representative Dan Rasmussen from Buchanan County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, February 5, 2004 was approved.

INTRODUCTION OF BILLS

House File 2187, by committee on human resources, a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

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

House File 2188, by De Boef, Carroll, Wilderdyke, Dix, Alons, Lalk, Paulsen, Boal, Chambers, Eichhorn, Boddicker, Van Engelenhoven, Hahn, Dolecheck, Sands, Huseman, Klemme, Mertz, Quirk and Davitt, a bill for an act establishing covenant marriages and providing an effective date.

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

House File 2189, by Huser, a bill for an act appropriating moneys for the lighting of certain monuments on the capitol complex.

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

House File 2190, by Connors, a bill for an act prohibiting discrimination by specified insurers, plans, and health maintenance organizations in entering into contracts for participation with health care providers.

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

House File 2191, by Murphy, a bill for an act providing for the establishment of a cancer drug repository program.

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

House File 2192, by Raecker, a bill for an act to disqualify persons who commit child abuse and adult dependent abuse from receiving unemployment benefits.

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

House File 2193, by committee on human resources, a bill for an act relating to determining compliance with course of study requirements regarding cosmetology licensure.

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

House File 2194, by D. Olson, a bill for an act providing for the purchase of special service credit under the Iowa public employees' retirement system.

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

House File 2195, by D. Olson, a bill for an act relating to region and grant requirements for the comprehensive substance abuse treatment program administered by the Iowa department of public health.

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

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF MANAGEMENT

Annual report of savings associated with the use of the Iowa Communications Network, 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

- 2004\331 Elaine and Robert Johnson, Onawa – For celebrating their 50th wedding anniversary.
- 2004\332 Genevieve Boelman, Cedar Falls – For celebrating her 80th birthday.
- 2004\333 Camilla F. Evans, Cedar Falls – For celebrating her 80th birthday.
- 2004\334 Floyd Perry, LaPorte City, – For celebrating his 89th birthday.
- 2004\335 Irene and Cletus Thome, Jesup – For celebrating their 55th wedding anniversary.
- 2004\336 Beverlyann and William Ciesielski, Independence – For celebrating their 50th wedding anniversary.
- 2004\337 Elizabeth O'Hara Lindburg, Shenandoah – For celebrating her 95th birthday.
- 2004\338 Beatrice Paulson, Waterloo – For celebrating her 90th birthday.
- 2004\339 Henry Marquard, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\340 Hattie Alons, Hull – For celebrating her 90th birthday.
- 2004\341 Louie Nelson, Stuart – For celebrating his 90th birthday.
- 2004\342 Harold and Beverly Caviness, Greenfield – For celebrating their 50th wedding anniversary.

- 2004\343 Mr. and Mrs. Robert Pacha, Davenport – For celebrating their 50th wedding anniversary.
- 2004\344 Caroline “Cal” Jensen, Latimer – For celebrating her 90th birthday.
- 2004\345 Thorvald Sorensen, Latimer – For celebrating his 85th birthday.
- 2004\346 Joe Briley, Nevada – For celebrating his 95th birthday.
- 2004\347 Mary and Mike O’Mara, Nevada – For celebrating their 60th wedding anniversary.
- 2004\348 Bill Applegate, Story City – For celebrating his 85th birthday.
- 2004\349 Mrs. Dorothy Dahl, Story City – For celebrating her 80th birthday.
- 2004\350 Eugene and Donna Arment, Lynnville – For celebrating their 50th wedding anniversary.
- 2004\351 David and Andrea Schnell, Sully – For celebrating their 40th wedding anniversary.
- 2004\352 Jack and Shirley Fulton, Belmond – For celebrating their 50th wedding anniversary.
- 2004\353 Alex Walker, Stanhope – For being named a Presidential Scholar by Mount Mercy College.
- 2004\354 Kristina Marshall, Clarion – For being named to Who’s Who Among Students in American Universities and Colleges.
- 2004\355 Amanda Anderson, Kamrar – For being named a Presidential Scholar by AIB College of Business.
- 2004\356 Peregrine Carlson, Stratford – For being named to the 2004 All Iowa Academic Team.
- 2004\357 Bob and Jeannie Pelz, Webster City – For celebrating their 50th wedding anniversary.
- 2004\358 Francis and Virginia Krieger, Webster City – For celebrating their 50th wedding anniversary.
- 2004\359 Margaret and Raymond Anderson, Ellsworth – For celebrating their 50th wedding anniversary.
- 2004\360 Kenny and Barb Smuck, Iowa Falls – For celebrating their 50th wedding anniversary.
- 2004\361 Oscar Rhodes, Le Grand – For celebrating his 80th birthday.

2004\362 Leland and Esther Weuve, State Center – For celebrating their 60th wedding anniversary.

2004\363 William E. Oelmann, Ackley – For celebrating his 80th birthday.

2004\364 Francis Krueger, Hubbard – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 477

Human Resources: Boddicker, Chair; Miller and Upmeyer.

House File 2073

Ways and Means: Lukan, Chair; Carroll and Winckler.

House File 2082

Ways and Means: Lukan, Chair; Jochum and Sands.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 615

Economic Growth: Olson, S., Chair; Kramer, Stevens, Struyk and Wilderdyke.

House Study Bill 616

Education: Tymeson, Chair; Chambers and Winckler.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 617 Ways and Means

Repealing the state guarantee to fully fund certain property tax credits or exemptions and providing an effective date.

H.S.B. 618 Human Resources

Relating to programs under the authority of the department of public health.

H.S.B. 619 Human Resources

Relating to administration of medications in nursing facilities.

H.S.B. 620 Human Resources

Relating to the sale or distribution of prescription drugs via the internet or electronic mail, and providing penalties.

H.S.B. 621 Human Resources

Revising the time period required for the initial permanency hearing for a child who is subject to an order for out-of-home placement and providing an effective date.

H.S.B. 622 Commerce, Regulation and Labor

Relating to equitable rate regulation of wholesale and retail telephone services, including jurisdiction of the Iowa utilities board, written complaints filed with the utilities board regarding the reasonableness of an act of a public utility, provision of free directory assistance to blind consumers, and related provisions.

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 PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 519), relating to fire safety issues, including the promulgation of administrative rules by the state fire marshal and the definitions of the criminal offenses of arson and harassment, and providing for a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2004.

RESOLUTION FILED

HCR 106, by Petersen and Huser, a concurrent resolution requesting that the legislative council establish an interim study committee to study internet voting.

Laid over under **Rule 25**.

On motion by Jacobs of Polk the House adjourned at 1:16 p.m., until 8:45 a.m., Tuesday, February 10, 2004.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 10, 2004

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

Prayer was offered by Reverend Dan Witkowski, pastor of St. John's Lutheran Church, Des Moines. He was the guest of Representative Jo Oldson from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, February 9, 2004 was approved.

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 9, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2039, a bill for an act relating to the state general fund expenditure limitation by revising the percentage amount used for the limitation and including effective date and applicability provisions.

Also: That the Senate has on February 9, 2003, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2066, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House Joint Resolution 2003, by Alons, Chambers, Baudler, Boal, De Boef, Granzow, Carroll, Klemme, Boggess, Sands, Hutter, Rayhons, Dennis, Boddicker, Watts, Roberts, Tymeson, Quirk, Mertz, Lalk, Wilderdyke, Paulsen, Kramer, Horbach, Upmeyer, Lukan, Kurtenbach, J.K. Van Fossen, Hahn, Huseman, Hanson, Drake,

J.R. Van Fossen, Elgin, Rasmussen, Freeman, Van Engelenhoven, Dix, Raecker and Dolecheck, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding marriage in this State.

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

House File 2196, by Kramer, Watts, and J.K. Van Fossen, a bill for an act relating to the confidentiality of certain local government negotiations regarding economic development projects.

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

House File 2197, by Winckler and Hutter, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

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

House File 2198, by Mascher, a bill for an act providing for the siting of certain confinement feeding operations, and making penalties applicable.

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

House File 2199, by Hutter, a bill for an act allowing off-duty and out-of-state peace officers to carry weapons.

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

House File 2200, by committee on public safety, a bill for an act relating to fire safety issues, including the promulgation of administrative rules by the state fire marshal and arson and simulated explosive related criminal offenses, and providing for a penalty.

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

House File 2201, by committee on state government, a bill for an act providing for exemptions from massage therapy licensure requirements.

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

House File 2202, by Horbach, a bill for an act relating to an award of punitive or exemplary damages.

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

House File 2203, by Petersen and Huser, a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects.

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

House File 2204, by Eichhorn, a bill for an act relating to a moratorium on new mandated health or medical expense benefits coverage.

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

House File 2205, by Ford, a bill for an act relating to application procedures and requirements for issuance of a driver's license or nonoperator's identification card to a noncitizen.

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

House File 2206, by Lukan, a bill for an act relating to parental consent prior to the performance of an abortion on a minor, and providing penalties.

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

SPECIAL PRESENTATIONS

Jenkins of Black Hawk introduced to the House a delegation from Saskatchewan, Canada, including: the Honorable John Nilson, Minister of Health; Brenda Bakken, Doreen Eagels, Wayne Elhard and Debbie Saum.

The House rose and expressed its welcome.

Smith of Marshall introduced to the House, Matt Dahlke and Dex Wallor, members of the Marshalltown Swim Team, whom through their Red Cross C.P.R. instruction rescued. Ryan Huck from drowning.

The House rose and expressed its welcome.

SENATE FILE 2059 REREFERRED

The Speaker announced that Senate File 2059, previously referred to committee on **human resources** was rereferred to committee on **appropriations**.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EDUCATION

Annual Report of the Iowa Child Development Coordinating Council, pursuant to Chapter 256A.3 (8), Code of Iowa.

DEPARTMENT OF MANAGEMENT

Standing appropriations report for the prior two years, pursuant to Chapter 8.6 (2), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Office of Public Transit

Annual Report, pursuant to Chapter 324A, Code of Iowa.

IOWA HIGHER EDUCATION LOAN AUTHORITY

2003 Annual Report, pursuant to Chapter 261A.21, 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

- 2004\366 Gertrude Christen, Guttenberg – For celebrating her 90th birthday.
- 2004\367 Arlene Bauer, Garnavillo – For celebrating her 80th birthday.
- 2004\368 Duane and Marie Hagen, Millville – For celebrating their 50th wedding anniversary.
- 2004\369 Zach Wilker, Elkader – For winning the Upper Iowa Wrestling Conference Championship.
- 2004\370 John and Patti Mott, Iowa City – For celebrating their 50th wedding anniversary.
- 2004\371 Earl Anderson, Coralville – For celebrating his 90th birthday.
- 2004\372 Mary Davis, Russell – For celebrating her 90th birthday.
- 2004\373 Elsie Kray, Chariton – For celebrating her 95th birthday.
- 2004\374 Esther Faust, Denver – For celebrating her 90th birthday.
- 2004\375 Mable Stensvaag, Sumner – For celebrating her 90th birthday.
- 2004\376 Gladys Grimes, West Union – For celebrating her 90th birthday.
- 2004\377 Roy and Clarice Gass, West Union – For celebrating their 50th wedding anniversary.
- 2004\378 Elmer and Esther Thurm, Denver – For celebrating their 60th wedding anniversary.
- 2004\379 Carl and Judy Anderson, Newton – For celebrating their 50th wedding anniversary.
- 2004\380 Michael Kalkhoff, Spirit Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\381 Quentin A. and Marilyn Bertelsen, Mason City – For celebrating their 50th wedding anniversary.
- 2004\382 Bernice Van Roekel, Oskaloosa – For celebrating her 90th birthday.
- 2004\383 Charles and Marilyn Fenner, Grinnell – For celebrating their 50th wedding anniversary.
- 2004\384 Richard and Berta Venter, Oskaloosa – For celebrating their 50th wedding anniversary.
- 2004\385 Marvin and Mary Van Gorp, Montezuma – For celebrating their 50th wedding anniversary.

- 2004\386 Myrtle Gardner, Oskaloosa – For celebrating her 90th birthday.
- 2004\387 Shelby Duggan, Dubuque – For receiving a 2004 Prudential Spirit of Community Award.
- 2004\388 Luella Jacobs, Traer – For celebrating her 97th birthday.
- 2004\389 Lee and Lois McMillen, Ames – For celebrating their 50th wedding anniversary.
- 2004\390 Jim and Julie Christensen, Royal – For being named Outstanding Cattleman of the Year.
- 2004\391 Ben Harris, Everly – For attaining the rank of Eagle of Scout, the highest rank in the Boy Scouts of America.
- 2004\392 Frances Marion Salter, Council Bluffs – For celebrating her 85th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2012 Reassigned

Human Resources: Hutter, Chair; Foegen and Granzow.

House File 2013

Transportation: Chambers, Chair; Miller and Olson, S.

House File 2082 Reassigned

Ways and Means: Lukan, Chair; Frevert and Sands.

House File 2147

Human Resources: Heaton, Chair; Carroll and Smith.

House File 2153

Transportation: Rayhons, Chair; Chambers and Whitaker.

House File 2165

Human Resources: Upmeyer, Chair; Heddens and Lukan.

House File 2172

Education: Kramer, Chair; Cohoon and Dolecheck.

House File 2173

Education: Roberts, Chair; Dandekar and Upmeyer.

House File 2184

Human Resources: Upmeyer, Chair; Boddicker and Greimann.

House File 2188

Human Resources: Carroll, Chair; Berry and Wilderdyke.

House File 2191

Human Resources: Granzow, Chair; Upmeyer and Wendt.

House File 2194

State Government: Drake, Chair; Connors, Elgin, Jones and Lykam.

House File 2195

Human Resources: Heaton, Chair; Carroll and Jacoby.

House File 2199

Public Safety: Alons, Chair; Bell and Van Fossen, J.R.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 617**

Ways and Means: Van Fossen, J.K., Chair; Kramer and Shoultz.

House Study Bill 618

Human Resources: Granzow, Chair; Jacoby and Lukan.

House Study Bill 619

Human Resources: Upmeyer, Chair; Heddens and Roberts.

House Study Bill 620

Human Resources: Upmeyer, Chair; Roberts and Smith.

House Study Bill 621

Human Resources: Roberts, Chair; Boddicker and Foege.

House Study Bill 622

Commerce, Regulation and Labor: Watts, Chair; Dix, Petersen, Sands and Wise.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 623 Oversight

Relating to competitive bidding requirements for state agencies and establishing purchasing goals from certain businesses located in this state.

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 JUDICIARY

Committee Bill (Formerly House Study Bill 511), relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 10, 2004.

RESOLUTIONS FILED

HCR 107, by Miller, a concurrent resolution urging the Senate and the House of Representatives to consider the budget certification deadline for cities and counties when enacting legislation reducing standing appropriations of funds to local governments.

Laid over under **Rule 25**.

HR 110, by De Boef, Carroll, Boal, Tymeson, Hanson, Boggess, Freeman, Hoffman, Rasmussen, Dix, Eichhorn, Wilderdyke, Hutter, Tjepkes, Watts Alons, Dennis, Drake, Raecker, J.K. Van Fossen, Lalk, Kurtenbach, Schickel, Rayhons, J.R. Van Fossen, S. Olson, Upmeyer, Sands, Kramer, Paulsen, Lukan, Manternach, Van Engelenhoven, Roberts, Jones, Greiner, Boddicker, Horbach, Dolecheck, Hahn, Huseman, Chambers, Baudler, Klemme, Mertz,

Struyk, Quirk and Davitt, a resolution declaring February 12, 2004, Marriage and Family Day.

Laid over under **Rule 25**.

HR 111, by Mascher, Lensing and Jacoby, a resolution honoring the nursing leaders at the University of Iowa Hospitals and Clinics upon their receipt of the Magnet Award for Nursing Excellence.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8011	H.F.	2187	Jochum of Dubuque
H—8012	H.F.	2134	Carroll of Poweshiek

On motion by Jacobs of Polk the House adjourned at 9:00 a.m., until 8:45 a.m., Wednesday, February 11, 2004.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 11, 2004

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

Prayer was offered by Reverend Tom Bowers, pastor of Windsor Presbyterian Church, Des Moines. He was the guest of Representative Gene Maddox from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, February 10, 2004 was approved.

INTRODUCTION OF BILLS

House File 2207, 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 placed on the **calendar**.

House File 2208, 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**.

House File 2209, by Carroll, a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent.

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

House File 2210, by Granzow, a bill for an act relating to administrative rules for controlling fugitive dust.

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

House File 2211, by Stevens, a bill for an act providing for grandparent or other relative visitation under certain circumstances with a child adjudicated as a child in need of assistance.

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

House File 2212, by Tymeson, a bill for an act relating to certain voluntary annexations and providing an effective date.

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

House File 2213, by Whitaker, a bill for an act relating to the eligibility for the homestead credit of the owner of a dwelling located on land owned by another person or entity and including an effective date.

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

House File 2214, by Baudler, a bill for an act relating to the allocation of natural gas delivery taxes on delivery of natural gas to a new electric power generating peaking plant.

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

House File 2215, by Carroll, a bill for an act allowing retired peace officers to carry weapons.

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

House File 2216, by Heaton, Freeman, Boggess, Rasmussen, Lalk, Tjepkes, Schickel, Manternach, Raecker, Roberts, Jenkins, Greiner, Rayhons, J. R. Van Fossen, S. Olson, Tymeson, Jones, Sands, Jacobs, Arnold, Horbach, Lukan, Van Engelenhoven, Granzow, Hahn, Kramer, Huseman, Dennis, Upmeyer, Hutter and Paulsen, a bill for an act relating to the establishment of a

prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

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

House File 2217, by Granzow, a bill for an act allowing counties to share the services of certain elective county officers.

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

House File 2218, by Heaton and Connors, a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making an appropriation, making penalties applicable, and providing an effective date.

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

House File 2219, by Quirk, Stevens, Dandekar, and Struyk, a bill for an act creating a Vietnam conflict veterans bonus for a certain period of active duty military service, and providing a tax exemption and a penalty.

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

House File 2220, by Struyk, Dandekar, Quirk and Stevens, a bill for an act relating to the deduction from the individual income tax of active duty pay for military personnel serving in operation Iraqi freedom, operation noble eagle, and operation enduring freedom and including effective and applicability date provisions.

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

House File 2221, by Hutter, a bill for an act to prohibit the printing of credit card numbers and expiration dates on sales receipts and providing a penalty.

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

House File 2222, by Struyk, Stevens, Dandekar and Quirk, 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**.

House File 2223, by Hutter, 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 2224, by Quirk, a bill for an act relating to serving a period of confinement in lieu of paying an outstanding fine.

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

House File 2225, by Mertz, a bill for an act relating to the establishment of drainage and levee districts, and providing an effective date.

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

House File 2226, by Stevens, a bill for an act relating to hearings required for the physical or mental examination or chemical dependency evaluation of a child alleged to be delinquent or a child in need of assistance.

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

House File 2227, by Struyk, Huser, Quirk and Mertz, a bill for an act concerning the use of moneys appropriated but unexpended for certain vacant state employee positions.

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

House File 2228, by Carroll and Raecker, a bill for an act to establish a newslines for the blind program within the department for the blind and to establish telephone utility assessments.

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

House File 2229, by Rants, a bill for an act providing for an annual tax levy on real property used in gaming operations and providing an effective date.

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

SENATE MESSAGE CONSIDEREED

Senate File 2066, by committee on transportation, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

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

HOUSE FILE 2172 REREFERRED

The Speaker announced that House File 2172, previously referred to committee on **education** was rereferred to committee on **state government**.

HOUSE FILE 2183 REREFERRED

The Speaker announced that House File 2183, previously referred to committee on **commerce, regulation and labor** was rereferred to committee on **local government**.

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 11th day of February, 2004: House File 2039.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

THE IOWA CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY
COUNCIL

2004 update of the five-year program, pursuant to chapter 216A.135, 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

- | | |
|----------|--|
| 2004\393 | Justin Long, Latimer – For receiving a 2004 Prudential Spirit of Community Award. |
| 2004\394 | Art and Darlene Hemann, Osage – For celebrating their 50 th wedding anniversary. |
| 2004\395 | Buzz and Edna King, Marble Rock – For celebrating their 58 th wedding anniversary. |
| 2004\396 | Royden and Gladys Putnam, Osage – For celebrating their 60 th wedding anniversary. |
| 2004\397 | Rozella Osborn, Charles City – For celebrating her 90 th birthday. |
| 2004\398 | Wes and Donna Koebrick, Charles City – For celebrating their 50 th wedding anniversary. |

SUBCOMITTEE ASSIGNMENTS

House Joint Resolution 2003

Judiciary: Van Fossen, J.R., Chair; Boal and Greimann.

House File 2029

Appropriations: Dix, Chair; Jenkins and Reasoner.

House File 2060

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

House File 2094 Reassigned

Judiciary: Heaton, Chair; Dennis and Struyk.

House File 2118

Judiciary: Maddox, Chair; Berry and Dennis.

House File 2155

Appropriations: Dolecheck, Chair; Horbach and Thomas.

House File 2169

Appropriations: Chambers, Chair; Dandekar and Eichhorn.

House File 2172

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

House File 2175

Environmental Protection: Kurtenbach, Chair; Hahn and Heddens.

House File 2181

Appropriations: Dix, Chair; Jenkins and Quirk.

House File 2189

Appropriations: Huseman, Chair; Mertz and Roberts.

House File 2192

Commerce, Regulation and Labor: Raecker, Chair; Jacobs and Taylor, T.

House File 2203

Human Resources: Boddicker, Chair; Roberts and Smith.

House File 2204

Commerce, Regulation and Labor: Van Fossen, J.K., Chair; Dix and Osterhaus.

House File 2206

Human Resources: Lukan, Chair; Boddicker and Smith.

House File 2209

Human Resources: Carroll, Chair; Jacoby and Roberts.

House File 2211

Human Resources: Roberts, Chair; Boddicker and Smith.

House File 2215

Public Safety: Alons, Chair; Bell and Van Fossen, J.R.

House File 2216

Human Resources: Heaton, Chair; Granzow and Smith.

House File 2221

Commerce, Regulation and Labor: Jacobs, Chair; Kurtenbach and Petersen.

House File 2226

Human Resources: Roberts, Chair; Boddicker and Hunter.

House File 2228

Human Resources: Carroll, Chair; Miller and Roberts.

Senate File 2059

Appropriations: Upmeyer, Chair; Jacobs and Smith.

HOUSE STUDY BILL SUMCOMMITTEE ASSIGNMENT**House Study Bill 623**

Government Oversight: Alons, Chair; Kramer and Lensing.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 624 Human Resources**

Providing for technical and substantive changes relating to the practice of cosmetology, establishing penalties, and making penalties applicable.

H.S.B. 625 Human Resources

Relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care.

H.S.B. 626 Human Resources

Providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

H.S.B. 627 Natural Resources

Providing a free lifetime fishing license for persons who have certain mental and physical disabilities.

H.S.B. 628 Natural Resources

Relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons.

H.S.B. 629 Public Safety

Relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund and establishing criminal offenses for certain interstate compact for adult offender supervision violations, and providing a penalty.

H.S.B. 630 Commerce, Regulation and Labor

To limit damages arising from motor vehicle accidents.

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 EDUCATION

Committee Bill (Formerly House Study Bill 514), authorizing school districts and nonpublic schools to apply credit under the state education program for successful completion of military basic training.

Fiscal Note is not required.

Recommendation Amend and Do Pass February 11, 2004.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 509), relating to the release of sex offender registry records, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2004.

RESOLUTION FILED

HR 112, by Upmeyer, Dennis, Schickel, Greiner, Wilderdyke, Hutter, Rasmussen, Boggess, De Boef, Boddicker, Raecker, Freeman, Jacobs, Rayhøns, Huseman, Heaton, Lukan, J.R. Van Fossen, Jenkins, Tjepkes, Arnold, Chambers, Hanson, Hoffman, Tymeson, Granzow, Horbach, Drake, Manternach, S. Olson, Carroll, Dolecheck, Dix, Jacoby, Foege, Whitaker, Wise, Smith, Thomas, Fallon, Hogg, D. Olson, Mascher, Osterhaus, Bukta, Jochum, Ford, Frevert, Gaskill, Miller, Mertz, Lensing, Shoultz, Quirk, Bell, Struyk, Huser, D. Taylor, Hunter, Davitt, Heddens, Cohoon, Wendt, Shomshor, Dandekar, Petersen, Greimann, Oldson, Murphy and Kuhn, a resolution recognizing Iowa nursing students and faculty.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8013	H.F.	2207	Committee on Judiciary
H—8014	H.F.	2208	Committee on Judiciary
H—8015	H.F.	2138	Hutter of Scott
H—8016	H.F.	2187	Roberts of Carroll
H—8017	H.F.	2201	Greiner of Washington Hutter of Scott Whitead of Woodbury

On motion by Gipp of Winneshiek the House adjourned at 8:57 a.m., until 8:45 a.m., Thursday, February 12, 2004.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 12, 2004

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

Prayer was offered by Mayor Don Thiltgen, the mayor of DeWitt. He was the guest of Representative Steven Olson from Clinton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, February 11, 2004 was approved.

INTRODUCTION OF BILLS

House File 2230, by committee on judiciary, a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

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

House File 2231, by committee on public safety, a bill for an act relating to the release of sex offender registry records, and providing an effective date.

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

House File 2232, by Thomas, a bill for an act to eliminate the Iowa law enforcement academy and revise the functions of the Iowa law enforcement council.

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

House File 2233, by Carroll, a bill for an act relating to physical and medical qualifications for certain commercial vehicle operators.

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

House File 2234, by Whitaker, Wise, Struyk, and Swaim, a bill for an act temporarily reducing the fee for a nonresident antlerless deer only deer hunting license.

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

House File 2235, by Alons, Chambers, Klemme, Kurtenbach, Dolecheck, J. R. Van Fossen, Elgin, Hahn and Baudler, a bill for an act relating to the redemption of tax credits for equity investments in certain qualifying businesses and community-based seed capital funds and providing effective and retroactive applicability dates.

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

House File 2236, by Whitaker, Wise, Struyk, and Swaim, a bill for an act temporarily providing for an additional free landowner antlerless deer only deer hunting license.

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

House File 2237, by Hogg, a bill for an act relating to the permissible uses of educational and recreational tax levy revenue, and including an applicability provision.

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

House File 2238, by Shoultz, a bill for an act relating to the prohibition of state agencies to enter into contracts with retailers, or affiliates of retailers, who do not collect state sales and use taxes.

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

House File 2239, by Lensing and Mascher, a bill for an act relating to residential landlord-tenant law concerning family violence and domestic abuse.

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

House File 2240, by Shoultz, a bill for an act relating to the Iowa estate tax and including an applicability date provision.

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

ADOPTION OF HOUSE RESOLUTION 112

Upmeyer of Hancock called up for consideration **House Resolution 112**, a resolution recognizing Iowa nursing students and faculty, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 110

De Boef of Keokuk called up for consideration **House Resolution 110**, a resolution declaring February 12, 2004, Marriage and Family Day.

The following amendment filed by Kuhn of Floyd from the floor was adopted by unanimous consent.

H--8018

- 1 Amend House Resolution 1 as follows:
- 2 1. Page 2, line 2, by striking the word "Army" and
- 3 inserting the following: "Iowa Army National Guard".

De Boef of Keokuk moved the adoption of House Resolution 110, as amended.

The motion prevailed and the resolution, as amended, was adopted.

CONSIDERATION OF BILLS
Regular Calendar

House File 2146, a bill for an act making changes to sex offender registry requirements for persons convicted of incest against a dependent adult, was taken up for consideration.

Smith of Marshall 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. 2146)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Shomshor	Shoultz	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, 1:

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 2149, a bill for an act relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties, 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. 2149)

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	Frevort	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Shomshor	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, 1:

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 2138, a bill for an act relating to payment of legal expenses for indigent persons by the state public defender, was taken up for consideration.

Hutter of Scott offered the following amendment H-8015 filed by him and moved its adoption:

H-8015

1 Amend House File 2138 as follows:

2 1. Page 2, line 22, by inserting after the word

3 "person" the following: ", and provide a copy of the
4 claim to the judge who presided over the case at the
5 time the claim is submitted".

Amendment H-8015 lost.

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. 2138)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whiteaker	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

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: **House Files 2138, 2146 and 2149.**

On motion by Gipp of Winneshiek, the House was recessed at 9:35 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:05 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 2004, by Rants, 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.**

House File 2241, by committee on education, a bill for an act authorizing school districts and nonpublic schools to apply credit under the state education program for successful completion of military basic training.

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

House File 2242, by D. Taylor, Shoultz, Berry, Connors, Kuhn, Greimann, Petersen, Murphy, Bukta, Mascher, D. Olson, Fallon, Osterhaus, Wendt, Hunter, Davitt, T. Taylor, Lensing, Mertz, Miller, Gaskill, Frevert, Jochum, Hogg, J. K. Van Fossen, Tjepkes, Lukan, Schickel, Greiner, Alons, Dolecheck, Kramer, Boal, Jones, Hoffman and S. Olson, a bill for an act relating to the imposition of a tax on the gross receipts derived from activities of adult enterprises.

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

House File 2243, by Horbach, a bill for an act regarding notice requirements by customers of and limitations on liability for liquefied

petroleum gas suppliers, retailers, handlers, and transports, and making a penalty applicable.

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

House File 2244, by Horbach, a bill for an act relating to an award of attorney fees in a class action lawsuit.

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

House File 2245, by Hutter, a bill for an act relating to founded child abuse by providing for inclusion of disposition information in the child's permanent student record.

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

House File 2246, by Lukan, a bill for an act relating to the delivery of postsecondary coursework under the postsecondary enrollment options Act via the Iowa communications network.

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

House File 2247, by Mascher, a bill for an act prohibiting reprisals against health care workers for disclosure of specified information, and providing a penalty.

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

House File 2248, by Boal and Huser, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

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

House File 2249, by Schickel, a bill for an act establishing motor vehicle registration fees for certain motor trucks and farm pickup trucks and making an appropriation.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk on request of Gipp of Winneshiek.

CONSIDERATION OF BILLS Regular Calendar

House File 2187, a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant, was taken up for consideration.

Jochum of Dubuque offered the following amendment H-8011 filed by her and moved its adoption:

H-8011

- 1 Amend House File 2187 as follows:
- 2 1. Page 1, line 16, by striking the word "may"
- 3 and inserting the following: "shall".
- 4 2. Page 1, line 22, by inserting after the word
- 5 "registration." the following: "Certification by a
- 6 dentist of job equivalency training shall be validated
- 7 through continuing education courses approved by the
- 8 board."

Amendment H-8011 lost.

Roberts of Carroll offered the following amendment H-8016 filed by him and moved its adoption:

H-8016

- 1 Amend House File 2187 as follows:
- 2 1. Page 1, line 16, by striking the word "may"
- 3 and inserting the following: "shall".

Amendment H-8016 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. 2187)

The ayes were, 82:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Hutter	Jacobs	Jacoby
Jenkins	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Maddox	Manternach	Mascher
Mertz	Miller	Murphy	Olson, S.
Paulsen	Quirk	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Smith	Stevens	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wildurdyke
Wise	Mr. Speaker		
	Rants		

The nays were, 17:

Connors	Ford	Greimann	Hunter
Huser	Jochum	Lykam	McCarthy
Oldson	Olson, D.	Osterhaus	Petersen
Shoultz	Taylor, D.	Taylor, T.	Whitead
Winckler			

Absent or not voting, 1:

Raecker

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

House File 2180, a bill for an act relating to filling the office of county attorney by appointment, 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. 2180)

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
Jacoby	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	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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, none.

Absent or not voting, 1:

Raecker

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

HOUSE FILES 2058 and 2160 WITHDRAWN

Schickel of Cerro Gordo asked and received unanimous consent to withdraw House Files 2058 and 2160 from further consideration by the House.

HOUSE FILE 2006 WITHDRAWN

Smith of Marshall asked and received unanimous consent to withdraw House File 2006 from further consideration by the House.

House File 2150, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or product possession violation occurs and providing a penalty, 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?" (H.F. 2150)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemmie	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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, 1:

Raecker

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 2150, 2180 and 2187.**

HOUSE FILE 2014 WITHDRAWN

J.R. Van Fossen of Scott asked and received unanimous consent to withdraw House File 2014 from further consideration by the House.

House File 2133, a bill for an act requiring the lottery authority to submit budget information to the legislature, 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. 2133)

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	Foëge
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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:

Raecker

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

House File 2134, a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability, was taken up for consideration.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-8010 filed by him on February 5, 2004.

Carroll of Poweshiek offered amendment H-8012 filed by him as follows:

H-8012

1 Amend House File 2134 as follows:

2 1. Page 1, by striking lines 17 through 19, and
 3 inserting the following: "community-based services,
 4 other than nursing care, as defined by this chapter
 5 and departmental rule, are provided. For the purposes
 6 of this definition, the home and community-based
 7 services to be provided are limited to the type
 8 included under the medical assistance program provided
 9 pursuant to chapter 249A, are subject to cost
 10 limitations established by the department of human
 11 services under the medical assistance program, and
 12 except as otherwise provided by the department of
 13 inspections and appeals with the concurrence of the
 14 department of human services are limited in capacity
 15 to the number of residents admitted to a residential

16 care facility on or before December 1, 2003."
17 2. By striking page 1, line 34, through page 2,
18 line 1, and inserting the following: "than nursing
19 care, as defined by this chapter and departmental
20 rule, are provided. For the purposes of this section,
21 the home and community-based services to be provided
22 shall be limited to the type included under the
23 medical assistance program provided pursuant to
24 chapter 249A, shall be subject to cost limitations
25 established by the department of human services under
26 the medical assistance program, and except as
27 otherwise provided by the department of inspections
28 and appeals with the concurrence of the department of
29 human services shall be limited in capacity to the
30 number of residents admitted to a residential care
31 facility on or before December 1, 2003."

Heddens of Story offered the following amendment H-8019, to amendment H-8012, filed by her from the floor and moved its adoption:

H-8019

1 Amend the amendment, H-8012, to House File 2134 as
2 follows:
3 1. Page 1, line 11, by inserting after the word
4 "program," the following: "are limited to payment
5 through expenditure of waiver funds for a maximum of
6 one hundred eighty days, are provided only if the
7 individual receiving the services participates in a
8 transition plan intended to result in a less
9 restrictive community-based placement."
10 2. Page 1, line 26, by inserting after the word
11 "program," the following: "shall be limited to
12 payment through expenditure of waiver funds for a
13 maximum of one hundred eighty days, shall be provided
14 only if the individual receiving the services
15 participates in a transition plan intended to result
16 in a less restrictive community-based placement."

Amendment H-8019 lost.

Carroll of Poweshiek offered the following amendment H-8021, to amendment H-8012, filed by him from the floor and moved its adoption:

H-8021

1 Amend the amendment, H-8012, to House File 2134, as
2 follows:

- 3 1. Page 1, lines 15 and 16, by striking the words
 4 "residents admitted to a residential care facility on
 5 or before" and inserting the following: "licensed
 6 residential care facility beds in the state as of".
 7 2. Page 1, lines 30 and 31, by striking the words
 8 "residents admitted to a residential care facility on
 9 or before" and inserting the following: "licensed
 10 residential care facility beds in the state as of".

Amendment H-8021 was adopted.

On motion by Carroll of Poweshiek amendment H-8012, as amended, 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?" (H.F. 2134)

The ayes were, 76:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Frevert
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Hogg
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Manternach	Mertz
Olson, D.	Olson, S.	Osterhaus	Paulsen
Quirk	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Smith	Stevens	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitead	Wildurdyke	Winckler	Mr. Speaker
			Rants

The nays were, 22:

Cohoon	Fallon	Ford	Gaskill
Greimann	Heddens	Huser	Jacoby
Jochum	Lensing	Mascher	McCarthy
Miller	Murphy	Oldson	Petersen

Shoultz
Whitaker

Swaim
Wise

Taylor, D.

Taylor, T.

Absent or not voting and 2:

Hunter

Raecker

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 2133 and 2134.**

HOUSE FILE 2035 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 2035 from further consideration by the House.

HOUSE FILE 2219 REREFERRED

The Speaker announced that House File 2219, previously referred to committee on **state government** was rereferred to committee on **appropriations.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, February 12, 2004. Had I been present, I would have voted aye on House Files 2138, 2146 and 2149.

J.K. VAN FOSSEN of Scott

GOVERNOR'S ITEM VETO MESSAGE

Christopher Rants
Speaker of the House
State Capitol Building
LOCAL

February 12, 2004

Dear Speaker Rants:

I hereby transmit House File 2039, an Act relating to state budget provisions involving the ending balance in the general fund of the state and the state general fund expenditure limitation by transferring funds from the cash reserve fund and by

revising the percentage amount used for the limitation, providing for a standing limited appropriation to the senior living trust fund, and including effective date and applicability provisions.

House File 2039 is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the item designated as Section 2 in its entirety. This section establishes a 98 percent expenditure limitation for the state general fund, which will compromise the state's ability to protect Iowan's priorities and fund essential services. Putting an additional 1 percent of the state's budget in a savings account will shortchange our commitment to excellence in education, impede our ability to provide basic health care for seniors and veterans, and jeopardize efforts to ensure the safety and security of all Iowans. Furthermore, the state currently maintains healthy reserve accounts with over \$160 million in reserves following the appropriation of \$45.8 million from the cash reserve fund. I am disappointed the legislative leadership rejected my efforts to find a compromise on this issue. I am more than willing to work with you on establishing a 98 percent expenditure limitation if it applies to a larger budget where priority services would not be compromised and if the income generated from the interest on the one percent were devoted to early childhood education.

I am unable to approve the item designated as Section 4, subsection 2 in its entirety. This subsection establishes the effective date for Section 2 of this Act. By vetoing Section 2, this subsection is no longer relevant.

For the above reasons, I respectfully disapprove these items in accordance with Article 3 Section 16 of the Constitution of the State of Iowa. All other items in House File 2039 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2004\399 | Harriet Gray, Spencer – For celebrating her 75 th birthday. |
| 2004\400 | Bob and Shirley Higley, Spencer – For celebrating their 50 th wedding anniversary. |
| 2004\401 | Jim and Pearl Trebbien, Milford – For celebrating their 60 th wedding anniversary. |

- 2004\402. Harry and Margaret Horne, Spirit Lake – For celebrating their 70th wedding anniversary.
- 2004\403 Faynella Templeton, New London – For celebrating her 102nd birthday.
- 2004\404 Melva McClure, Bloomfield – For celebrating her 90th birthday.
- 2004\405 Larry and Lois Anderson, Keota – For celebrating their 50th wedding anniversary.

SUBCOMMITTE ASSIGNMENTS

House Joint Resolution 2003 Reassigned

Judiciary: Kramer, Chair; Boal and Lensing.

House File 83 Reassigned

Environmental Protection: Drake, Chair; Hogg and Watts.

House File 336 Reassigned

Environmental Protection: Klemme, Chair; Greimann and Watts.

House File 2183 Reassigned

Local Government: Tjepkes, Chair; Hahn and Whitead.

House File 2212

Local Government: Tjepkes, Chair; Fallon and Hanson.

House File 2217

Local Government: Hanson, Chair; Hoffman and Lensing.

HOUSE STUDY BILL SUBCOMMITTE ASSIGNMENTS

House Study Bill 624

Human Resources: Granzow, Chair; Smith and Upmeyer.

House Study Bill 625

Human Resources: Heaton, Chair; Carroll and Heddens.

House Study Bill 626

Human Resources: Upmeyer, Chair; Granzow and Smith.

House Study Bill 627

Natural Resources: Rasmussen, Chair; Granzow and Taylor, D.

House Study Bill 628

Natural Resources: Rayhons, Chair; Boggess and Whitaker.

House Study Bill 629

Public Safety: Horbach, Chair; Chambers and Hogg.

House Study Bill 630

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 631 Agriculture**

Relating to animal agriculture by providing for offenses involving animal facilities and crop operation property and providing penalties.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly House Study Bill 544), regarding public utility rights-of-way and providing an effective date.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 12, 2004.

Committee Bill (Formerly House Study Bill 547), providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties.

Fiscal Note is not required.

Recommendation **Do Pass** February 12, 2004.

Committee Bill (Formerly House Study Bill 593), relating to certain notice requirements for cooperative associations retaining abandoned property.

Fiscal Note is not required.

Recommendation **Do Pass** February 12, 2004.

COMMITTEE ON JUDICIARY

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.

Fiscal Note is required.

Recommendation **Amend and Do Pass with amendment H-8022** February 12, 2004.

Pursuant to **Rule 31.7**, **Senate File 399** was referred to the committee on appropriations.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 606), relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 12, 2004.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 574), relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the state wide fire and police retirement system, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 12, 2004.

RESOLUTIONS FILED

HR 113, by Mascher, a resolution honoring the Iowa Democratic Party and the Republican Party of Iowa for outstanding achievements in bringing about nationwide recognition for the 2004 presidential precinct caucuses.

Laid over under **Rule 25**.

HR 114, by Shultz, Berry, Thomas, Jochum, Jenkins, Dennis, Murphy, Rasmussen, Manternach, Lukan, Lalk and Gipp, a

resolution to the First Judicial District Department of Correctional Services for receiving the exemplary offender program award.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8020	H.F.	2241	Mascher of Johnson
H—8022	S.F.	399	Committee on Judiciary

On motion by Gipp of Winneshiek the House adjourned at 5:04 p.m., until 1:00 p.m., Monday, February 16, 2004.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 16, 2004

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

Prayer was offered by Monsignor Larry Beeson, pastor of St. Peter and Paul Catholic Church, Atlantic. He was the guest of Representative Jack Drake from Pottawattamie County.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the SODA Group (Students Against Drugs and Alcohol), accompanied by Kevin McCauley from Linn-Marr High School, Marion. They were the guests of Representatives Swati Dandekar and Jeff Elgin of Linn County.

The Journal of Thursday, February 12, 2004 was approved.

INTRODUCTION OF BILLS

House File 2250, by Schickel, a bill for an act relating to shared governmental functions among local governments by allowing certain cities and counties to be certified as freedom communities, affecting income and property taxation and fee-setting authority within such communities, providing other incentives for such certification, and by modifying the establishment and authority of community clusters, and providing an effective date.

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

House File 2251, by Alons, a bill for an act relating to marriage, providing an effective date, and providing for retroactive applicability.

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

House File 2252, by Petersen, a bill for an act requiring an insurer offering group health insurance to provide benefit coverage for special dietary use foods for home use.

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

House File 2253, by Struyk, a bill for an act relating to penalties applicable for alcohol-related offenses regarding under-legal-age individuals.

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

House File 2254, by Osterhaus and Bukta, a bill for an act relating to the discharge of a firearm on a public hunting area.

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

House File 2255, by Stevens, Struyk, Quirk and Dandekar, a bill for an act relating to the increase in the amount reimbursed by the state for loss of property taxes due to the allowance of the military service tax exemption and including effective and applicability date provisions.

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

House File 2256, by Ford, a bill for an act relating to refunds of motor vehicle registration fees for leased vehicles.

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

House File 2257, by Stevens, Dandekar, Struyk and Quirk, a bill for an act appropriating special Pearl Harbor and United States armed forces retired motor vehicle registration plate fees to the commission of veterans affairs.

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

House File 2258, by Ford, a bill for an act relating to and making appropriations to the department of justice.

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

House File 2259, by committee on public safety, a bill for an act relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties.

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

House File 2260, by Upmeyer, a bill for an act designating physician assistants 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 **state government**.

House File 2261, by Connors, a bill for an act relating to the enforcement of an artisan's lien.

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

House File 2262, by committee on state government, a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates.

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

House File 2263, by Wise, Huser, Petersen and Struyk, a bill for an act relating to regional development and joint exercise of governmental powers, related county enterprise authority, and providing tax credits for economic development regions.

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

On motion by Gipp of Winneshiek, the House was recessed at 1:08 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:49 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 2264, by committee on education, a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for testbook and supply acquisition, making appropriations, and providing an applicability date.

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

House File 2265, by Heddens, a bill for an act to establish a fire extinguishing system contractor certification program in the office of the state fire marshal, providing for fees and penalties, and making an appropriation.

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

House File 2266, by Tjepkes, a bill for an act authorizing the use of revenue derived from the physical plant and equipment levy and the local option sales tax for school infrastructure purposes for maintenance costs for specified school buildings, and for maintenance and repair costs for school district transportation equipment, and providing an applicability provision.

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

House File 2267, by Wise, a bill for an act making an appropriation to the department of education to replace amounts which were reduced by the governor's across-the-board appropriation reductions, making corresponding transfers from specified funds, and providing an effective date.

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

House File 2268, by Kurtenbach, a bill for an act modifying specific salary restrictions imposed on the deputy positions in certain county offices.

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

House File 2269, by committee on commerce, regulation and labor, a bill for an act providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties.

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

House File 2270, by committee on commerce, regulation and labor, a bill for an act relating to certain notice requirements for cooperative associations retaining abandoned property.

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

House File 2271, by committee on commerce, regulation and labor, a bill for an act regarding public utility rights-of-way and providing an effective date.

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

On motion by Jacobs of Polk, the House was recessed at 4:51 p.m., until the completion of the meeting of the committee on appropriations.

EVENING SESSION

The House reconvened at 5:47 p.m., Speaker Rants in the chair.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, February 12, 2004. Had I been present, I would have voted aye on House Files 2133, 2134, 2150, 2180 and 2187.

RAECKER 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

- 2004\406 Lena Meyer, Anthon – For celebrating her 95th birthday.
- 2004\407 Linus and Josephine Langenfeld, Dow City – For celebrating their 60th wedding anniversary.
- 2004\408 Derald Cose, Denison – For celebrating his 80th birthday.
- 2004\409 Richard and Lois Butler, Charter Oak – For celebrating their 55th wedding anniversary.
- 2004\410 Dr. Joseph Cordaro, Principal of St. Anthony's of Des Moines – For being selected as the Plains States Region 9 Distinguished Principal for 2004.
- 2004\411 Homer C. Sweet, Cedar Falls – For celebrating his 80th birthday.
- 2004\412 Mary Jean Sweet, Cedar Falls – For celebrating her 80th birthday.
- 2004\413 Marie Woods, Cedar Falls – For celebrating her 80th birthday.
- 2004\414 Dorothy Beebe, Cedar Falls – For celebrating her 90th birthday.
- 2004\415 Ted Pickart, Norway – For celebrating his 86th birthday.
- 2004\416 Myron Knaack, Newhall – For celebrating his 90th birthday.
- 2004\417 Rita Barron, Vinton – For receiving the Governor's Volunteer Award.
- 2004\418 Tonya Foster, Independence – For receiving the Roy E. Eblen Scholarship from the University of Northern Iowa Department of Communicative Disorders.
- 2004\419 Darlene Struve, Dysart – For celebrating her 85th birthday.
- 2004\420 Allen and Anna McKinley, Traer – For celebrating their 61st wedding anniversary.
- 2004\421 George Yuska, Toledo – For celebrating his 84th birthday.
- 2004\422 George "Barney" Anshutz, Toledo – For celebrating his 80th birthday.
- 2004\423 Mr. and Mrs. Lyman Shepard, Clarinda – For celebrating their 59th wedding anniversary.
- 2004\424 William and Margaretta Hays, Malvern – For celebrating their 60th wedding anniversary.
- 2004\425 Henrietta "Sally" Sutherland, Nevada – For celebrating her 90th birthday.

- 2004\426 Mayor Wally Loney, McCallsburg – For celebrating his 80th birthday.
- 2004\427 Vena Mae Larson, Story City – For celebrating her 80th birthday.
- 2004\428 Henrietta Huhn, Nevada – For celebrating her 95th birthday.
- 2004\429 Mr. and Mrs. Milton Mohr, Nevada – For celebrating their wedding.
- 2004\430 Kim Lockhart, Ames – For receiving a 2004 Prudential Spirit of Community Award.
- 2004\431 Dorothy Rippentrop, Mason City – For celebrating her 90th birthday.
- 2004\432 Thorvald Sorsen, Plymouth – For celebrating his 85th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2210

Environmental Protection: Klemme, Chair; De Boef and Heddens.

House File 2232

Public Safety: Baudler, Chair; McCarthy and Sands.

House File 2234

Natural Resources: Whitaker, Chair; Rasmussen and Rayhons.

House File 2236

Natural Resources: Whitaker, Chair; Rasmussen and Rayhons.

House File 2253

Public Safety: Chambers, Chair; Klemme and Taylor, T.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 631

Agriculture: Lalk, Chair; Greiner and Swaim.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 632 Economic Growth

Creating a training grant program for Iowa's software and information technology sector and providing an effective date.

H.S.B. 633 Ways and Means

Proposing an amendment to the Constitution of the State of Iowa requiring a vote of the people before certain tax or fee increases take effect.

H.S.B. 634 Human Resources

Relating to crimes against an unborn child, providing for a repeal, and providing penalties.

H.S.B. 635 Ways and Means

Relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions.

H.S.B. 636 Education

Relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date.

H.S.B. 637 Agriculture

Allocating moneys used to support groundwater protection programs.

H.S.B. 638 Public Safety

Relating to the suspension or revocation of a retail liquor control license, wine permit, or beer permit for specified liquor control violations.

H.S.B. 639 Transportation

Relating to disclosure requirements for the sale, lease, or trade of a motor vehicle and providing penalties.

H.S.B. 640 State Government

Providing for the confidentiality of information concerning security procedures or emergency preparedness information developed and maintained by a government body.

H.S.B. 641 State Government

Relating to the sale of certain real property by the department of administrative services.

H.S.B. 642 State Government

Relating to elections and voter registration by implementing requirements of federal law, adjusting language to reflect current practice, and including effective 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 APPROPRIATIONS

House File 2264, a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date.

Fiscal Note is required.

Recommendation: **Do Pass** February 16, 2004.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 636), relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date.

Fiscal Note is not required.

Recommendation **Do Pass** February 16, 2004.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 2065), relating to licensing of nonresident bait dealers.

Fiscal Note is not required.

Recommendation **Do Pass** February 16, 2004.

Committee Bill (Formerly House File 2072), relating to the selling of bait by an aquaculture unit licensee.

Fiscal Note is not required.

Recommendation **Do Pass** February 16, 2004.

Committee Bill (Formerly House Study Bill 566), relating to certain activities under the jurisdiction of the natural resource commission and the department of natural resources, including leases of property and the issuance and suspension of certain licenses.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 16, 2004.

RESOLUTIONS FILED

HCR 108, by Carroll, a concurrent resolution recognizing the seventy-fifth anniversary of the Iowa Medical Society Alliance.

Laid over under **Rule 25**.

HCR 109, by Maddox and Mascher, a concurrent resolution designating March 2004 as Iowa Women's History Month.

Laid over under **Rule 25**.

HCR 110, by Huser, a concurrent resolution expressing the support of the general assembly for Iowa's adoption subsidy program and encouraging the legislative council to authorize an independent assessment of the program's value to the state.

Laid over under **Rule 25**.

HCR 111, by Rants and Murphy, be it resolved by the House of Representatives, the Senate concurring That a joint convention of the

two houses of the 2004 session of the Eightieth General Assembly be held on Wednesday, February 25, 2004, at 1:00 p.m.

Laid over under **Rule 25.**

AMENDMENTS FILED

H—8023	H.F.	2174	Struyk of Pottawattamie
H—8024	H.F.	2264	Wendt of Woodbury
Berry of Black Hawk			Gaskill of Wapello
Heddens of Story			Jochum of Dubuque
Kuhn of Floyd			Lensing of Johnson
Mascher of Johnson			McCarthy of Polk
Miller of Webster			Oldson of Polk
D. Olson of Boone			Reasoner of Union
Stevens of Dickinson			T. Taylor of Linn
Thomas of Clayton			Whitaker of Van Buren
Winckler of Scott			

On motion by Gipp of Winneshiek the House adjourned at 6:00 p.m., until 8:45 a.m., Tuesday, February 17, 2004.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 17, 2004

The House met pursuant to adjournment at 8:43 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend LaTanya Harrell, pastor of St. Mark's Methodist Church, Evansdale. She was the guest of Representative Deborah Berry from Black Hawk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, February 16, 2004 was approved.

INTRODUCTION OF BILLS

House File 2272, by Lukan, a bill for an act concerning the sales and use taxes applicable to amounts received from bingo games operated by certain tax-exempt entities.

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

House File 2273, by Shoultz, a bill for an act relating to mercury emissions for certain coal combustion electrical generators.

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

House File 2274, by Wilderdyke, a bill for an act authorizing school districts to incur indebtedness and issue general obligation bonds for employee health benefit cost increases under specified circumstances.

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

House File 2275, by Van Engelenhoven, a bill for an act relating to stormwater discharge permits issued by the department of natural resources.

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

House File 2276, by Lukan, a bill for an act relating to the operation of bingo occasions within a structure or building.

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

House File 2277, by Hogg, a bill for an act relating to the charging of second or subsequent domestic abuse assault offenses.

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

House File 2278, by Greiner, a bill for an act providing for pathogens threatening animals and crops, and providing a penalty.

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

House File 2279, by Hunter, Schickel, Jochum, T. Taylor, Connors, Bukta, De Boef and Murphy, 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 referred to committee on **commerce, regulation and labor**.

House File 2280, by Schickel, a bill for an act relating to counterfeit labels and trademarks, and providing penalties.

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

RULES SUSPENDED

Gipp of Winneshiek asked unanimous consent to suspend Rule 31.8 relating to timely filing of amendments; Rule 33, relating to the regular calendar; Rule 34, relating to the debate and special order

calendars; Rule 39, relating to the consideration of bills and Rule 61, relating to public hearings, and for the immediate consideration of House File 2264.

Objection was raised.

Gipp of Winneshiek moved that the rules be suspended for the immediate consideration of House File 2264.

Roll call was requested by Murphy of Dubuque and Shoultz of Black Hawk.

On the question "Shall the rules be suspended for the immediate consideration of House File 2264?"

The ayes were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	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.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

The nays were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Eichhorn	Fallon
Foege	Ford	Frevrt	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Petersen	Quirk	Reasoner
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

Absent or not voting, 3:

Davitt

Osterhaus

Van Fossen, J.K.

The motion prevailed and the rules were suspended.

The House stood at ease at 9:01 a.m., until the fall of the gavel.

The House resumed session at 10:47 a.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-six members present, twenty-four absent.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 2264, a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date, was taken up for consideration.

Wendt of Woodbury offered amendment H-8024 filed by Wendt, et al., as follows:

H-8024

- 1 Amend House File 2264 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 257.8, subsection 1; Code
- 5 Supplement 2003, is amended to read as follows:
- 6 1. STATE PERCENT OF GROWTH. ~~The state percent of~~
- 7 ~~growth for the budget year beginning July 1, 2003, is~~
- 8 ~~two percent.~~ The state percent of growth for the
- 9 budget year beginning July 1, 2004, is two percent.
- 10 The state percent of growth for the budget year
- 11 beginning July 1, 2005, is four percent. The state
- 12 percent of growth for each subsequent budget year
- 13 shall be established by statute which shall be enacted
- 14 within thirty days of the submission in the year

15 preceding the base year of the governor's budget under
16 section 8.21. The establishment of the state percent
17 of growth for a budget year shall be the only subject
18 matter of the bill which enacts the state percent of
19 growth for a budget year.

20 Sec. 2. STUDENT ACHIEVEMENT AND TEACHER QUALITY
21 PROGRAM. Notwithstanding section 257.8, subsection 1,
22 it is the intent of the general assembly that the
23 appropriation for the student achievement and teacher
24 quality program established in section 284.1 for the
25 fiscal year beginning July 1, 2005, shall be increased
26 by at least \$44 million over the amount appropriated
27 for the program for the fiscal year beginning July 1,
28 2004.

29 Sec. 3. Notwithstanding the thirty-day deadline
30 and restrictions for the enactment of the state
31 percent of growth provided in section 257.8,
32 subsection 1, such deadline and restrictions shall not
33 apply to the Act enacted which establishes the state
34 percent of growth during the 2004 Regular Session of
35 the Eightieth General Assembly.

36 Sec. 4. APPLICABILITY. Section 1 of this Act is
37 applicable for computing state aid under the state
38 school foundation program for the school budget year
39 beginning July 1, 2005."

40 2. Title page, by striking lines 1 through 5 and
41 inserting the following: "An Act providing for the
42 establishment of the state percent of growth for
43 purposes of the state school foundation program,
44 providing intent language regarding an appropriation
45 for the student achievement and teacher quality
46 program, and providing an applicability date."

Fallon of Polk asked and received unanimous consent to withdraw amendments H-8029 and H-8030, to amendment H-8024, filed by him from the floor.

The House stood at ease at 12:21 p.m., until the fall of the gavel.

The House resumed session at 1:29 p.m., Speaker Rants in the chair.

Speaker pro tempore Carroll in the chair at 2:25 p.m.

QUORUM CALL

A record roll call was requested by Mascher of Johnson and Murphy of Dubuque to determine that a quorum was present.

One hundred members present

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggett
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	Jacoby
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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	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	Whitead	Whitaker
Wilderdyke	Winckler	Wise	Carroll, Presiding

Speaker Rants in the chair at 3:21 p.m.

Wendt of Woodbury moved the adoption of amendment H-8024.

Roll call was requested by Wendt of Woodbury and Fallon of Polk.

On the question "Shall amendment H-8024 be adopted?" (H.F. 2264)

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	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	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, none.

Amendment H-8024 lost.

Fallon of Polk offered amendment H-8026 filed by him from the floor as follows:

H-8026

1 Amend House File 2264 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 257.8, subsection 1, Code
 5 Supplement 2003, is amended to read as follows:
 6 1. STATE PERCENT OF GROWTH. ~~The state percent of~~
 7 ~~growth for the budget year beginning July 1, 2003, is~~
 8 ~~two percent.~~ The state percent of growth for the
 9 budget year beginning July 1, 2004, is two percent.
 10 ~~The state percent of growth for the budget year~~
 11 ~~beginning July 1, 2005, is six percent.~~ The state
 12 percent of growth for each subsequent budget year
 13 shall be established by statute which shall be enacted
 14 within thirty days of the submission in the year
 15 preceding the base year of the governor's budget under
 16 section 8.21. The establishment of the state percent
 17 of growth for a budget year shall be the only subject
 18 matter of the bill which enacts the state percent of
 19 growth for a budget year.
 20 Sec. 2. Notwithstanding the thirty-day deadline
 21 and restrictions for the enactment of the state

22 percent of growth provided in section 257.8,
23 subsection 1, such deadline and restrictions shall not
24 apply to the Act enacted which establishes the state
25 percent of growth during the 2004 Regular Session of
26 the Eightieth General Assembly.

27 Sec. 3. APPLICABILITY. This Act is applicable for
28 computing state aid under the state school foundation
29 program for the school budget year beginning July 1,
30 2005."

31 2. Title page, by striking lines 1 through 5 and
32 inserting the following: "An Act providing for the
33 establishment of the state percent of growth for
34 purposes of the state school foundation program, and
35 providing an applicability date."

Wise of Lee offered the following amendment H-8032, to
amendment H-8026, filed by him from the floor and moved its
adoption:

H-8032

1 Amend the amendment, H-8026, to House File 2264, as
2 follows:

3 1. Page 1, by inserting after line 19 the
4 following:

5 "Sec. ____ Section 257.8, Code Supplement 2003, is
6 amended by adding the following new subsection:

7 **NEW SUBSECTION. 7. ALLOCATION FOR STUDENT**
8 **ACHIEVEMENT AND TEACHER QUALITY PROGRAM.** For the
9 budget year beginning July 1, 2005, from the
10 appropriation attributable to the regular program
11 allowable growth amount determined for the budget year
12 beginning July 1, 2005, pursuant to subsection 2,
13 there shall be allocated for the student achievement
14 and teacher quality program pursuant to section 284.1
15 the sum of forty-four million dollars. Amounts
16 allocated pursuant to this subsection shall
17 supplement, and not supplant, amounts otherwise
18 appropriated for the program for the budget year
19 beginning July 1, 2005. If the amount appropriated
20 pursuant to section 257.16 after the allocation made
21 pursuant to this subsection is less than the amount
22 otherwise required pursuant to subsection 1, the
23 difference shall be deducted from the payments that
24 otherwise would have been required to be made to each
25 school district in the same ratio that the budget
26 enrollment of the school district for the budget year
27 bears to the total budget enrollment in the state for
28 that budget year."

Amendment H-8032 lost.

The House stood at ease at 4:40 p.m., until the fall of the gavel.

The House resumed session at 5:03 p.m., Speaker Rants in the chair.

On motion by Fallon of Polk amendment H-8026 lost.

Dix of Butler offered amendment H-8025 filed by him from the floor as follows:

H-8025

1 Amend House File 2264 as follows:
2 1. Page 2, by inserting after line 22 the
3 following:
4 "Sec. ____ Section 257.35, Code Supplement 2003,
5 is amended by adding the following new subsections:
6 **NEW SUBSECTION.** 4. Notwithstanding subsection 1,
7 and in addition to the reduction applicable pursuant
8 to subsection 2, the state aid for area education
9 agencies and the portion of the combined district cost
10 calculated for these agencies for the fiscal year
11 beginning July 1, 2004, and each succeeding fiscal
12 year, shall be reduced by the department of management
13 by eleven million seven hundred ninety-eight thousand
14 seven hundred three dollars. The reduction for each
15 area education agency shall be equal to the reduction
16 that the agency received in the fiscal year beginning
17 July 1, 2003.
18 **NEW SUBSECTION.** 5. Notwithstanding section
19 257.37, an area education agency may use the funds
20 determined to be available under this section in a
21 manner which the area education agency determines is
22 appropriate to best maintain the level of required
23 area education agency special education services. An
24 area education agency may also use unreserved fund
25 balances for media services or education services in a
26 manner which the area education agency determines is
27 appropriate to best maintain the level of required
28 area education agency special education services."
29 2. Title page, line 4, by inserting after the
30 word "acquisition," the following: "providing for a
31 reduction in area education agency funding,".

Murphy of Dubuque rose on a point of order that amendment H-8025 was not germane.

The Speaker ruled the point well taken and amendment H-8025 not germane.

Gipp of Winneshiek asked for unanimous consent to suspend the rules to consider amendment H-8025.

Objection was raised.

Gipp of Winneshiek moved to suspend the rules to consider amendment H-8025.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall the rules be suspended to consider amendment H-8025?" (H.F. 2264)

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	Wildurdyke
Mr. Speaker			
Rants			

The nays were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foega	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, none.

The motion prevailed and the rules were suspended.

Dix of Butler moved the adoption of amendment H-8025.

Roll call was requested by Murphy of Dubuque and Mascher of Johnson.

On the question "Shall amendment H-8025 be adopted?" (H.F. 2264)

The ayes were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Boguess	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	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	Wildurdyke	Mr. Speaker
			Rants

The nays were, 48:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Eichhorn
Fallon	Foege	Ford	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Petersen
Quirk	Reasoner	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	Wise

Absent or not voting, none.

Amendment H-8025 was adopted.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8027 filed by him from the floor.

Roberts of Carroll in the chair at 6:15 p.m.

The House stood at ease at 6:30 p.m., until the fall of the gavel.

The House resumed session at 7:07 p.m., Speaker Rants in the chair.

Gipp of Winneshiek asked and received unanimous consent that House File 2264 be deferred.

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 17, 2004, 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 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.

Also: That the Senate has on February 17, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2070, a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles and issuance of commercial driver's licenses, and providing effective dates.

Also: That the Senate has on February 17, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2101, a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

Also: That the Senate has on February 17, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2112, 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, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys.

Also: That the Senate has on February 17, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2124, a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2124, by committee on education, a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, providing for a reduction in area education agency funding, making appropriations, and providing an applicability date.

Read first time and **passed on file**.

SENATE FILE 2124 SUBSTITUTED FOR HOUSE FILE 2264

Tymeson of Madison asked and received unanimous consent to substitute Senate File 2124 for House File 2264.

Senate File 2124, a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for the allocations for textbook and supply acquisition, providing for a reduction in area education agency funding, making appropriations, and providing an applicability date, was taken up for consideration.

Jacobs of Polk in the chair at 7:33 p.m.

Speaker Rants in the chair at 8:08 p.m.

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. 2124)

The ayes 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	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, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Struyk	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.

HOUSE FILE 2264 WITHDRAWN

Tymeson of Madison asked and received unanimous consent to withdraw House File 2264 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that Senate File 2124 be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House Joint Resolution 2005, by Jacobs, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments.

Read first time and referred to committee on **administration and rules**.

House File 2281, by committee on natural resources, a bill for an act relating to licensing of nonresident bait dealers.

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

House File 2282, by committee on natural resources, a bill for an act relating to the selling of bait by an aquaculture unit licensee.

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

House File 2283, by Thomas, a bill for an act relating to the allowance of and reimbursement for the elderly and disabled property tax credits and increasing appropriations previously reduced and including an effective date.

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

House File 2284, by Eichhorn, a bill for an act relating to the issuance of policies for health or medical expense coverages that do not include mandated coverages.

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

House File 2285, by Thomas, a bill for an act creating a main street economic initiative.

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

House File 2286, by Heaton, a bill for an act relating to the appointment and duties of mental health patient advocates.

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

House File 2287, by Dolecheck, a bill for an act to prohibit the sale of gift certificates containing an expiration date.

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

House File 2288, by Heaton, a bill for an act providing for the establishment and funding of an automated external defibrillator grant program.

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

House File 2289, by Maddox, a bill for an act relating to inhibiting a railroad employee's access to first aid or medical treatment and providing penalties.

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

House File 2290, by Murphy, Bukta, Mascher, Hunter, Jacoby, Lensing, Whitaker, Jochum, Osterhaus, Shoultz, T. Taylor, Oldson, Connors and Petersen, a bill for an act relating to health care delivery, including nurse staffing requirements, and providing penalties.

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

House File 2291, by Huser and Lukan, a bill for an act appropriating moneys for fire service training bureau capital projects.

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

SENATE MESSAGES CONSIDERED

Senate File 2101, by committee on judiciary, a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

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

Senate File 2112, 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, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys.

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

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2004\433 | Raymond and Joyce Siegele, McGregor – For celebrating their 50 th wedding anniversary. |
| 2004\434 | Carl Whitaker, Manchester – For celebrating his 80 th birthday. |
| 2004\435 | Stany Piorkowski, Elkader – For celebrating his 93 rd birthday. |
| 2004\436 | Grace Kuehl, Elkport – For celebrating her 95 th birthday. |
| 2004\437 | Earl and Mary Lou Mechaelsen, Kamrar – For celebrating their 50 th wedding anniversary. |
| 2004\438 | Delmer and Marjorie Sanders, Eagle Grove – For celebrating their 60 th wedding anniversary. |
| 2004\439 | Joy Wilson, Webster City – For celebrating her 80 th birthday. |
| 2004\440 | Bill Olson, Goldfield – For celebrating his 80 th birthday. |
| 2004\441 | Bill Lester, Clarion – For celebrating his 80 th birthday. |
| 2004\442 | Leona Wessels Gouly, Belmond – For celebrating her 90 th birthday. |
| 2004\443 | Sylvia Holbert, Stratford – For celebrating her 90 th birthday. |
| 2004\444 | Milton Ruppel, Webster City – For celebrating his 90 th birthday. |
| 2004\445 | Mr. and Mrs. Robert Mundell, Ottumwa – For celebrating their 58 th wedding anniversary. |
| 2204\446 | Mr. and Mrs. Charles Wagnes, Ottumwa – For celebrating their 65 th wedding anniversary. |
| 2004\447 | Ryan Ficken, Melbourne – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

- 2004\448 Verv and Gloria Davidson, Iowa Falls – For celebrating their 50th wedding anniversary.
- 2004\449 Ken and Betty Coffman, Eldora – For celebrating their 50th wedding anniversary.
- 2004\450 Joe and Rose Stalzer, Haverhill – For celebrating their 66th wedding anniversary.
- 2004\451 Ralph and Arlene Reed, Steamboat Rock – For celebrating their 65th wedding anniversary.
- 2004\452 Naomi Jensen, Mason City – For celebrating her 94th birthday.
- 2004\453 Cletus Heffern, Mason City – For celebrating his 80th birthday.
- 2004\454 Betty and Elbert Djuren, Mason City – For celebrating their 60th wedding anniversary.
- 2004\455 Carl King, Eldora – For celebrating his 80th birthday.
- 2004\456 Velmo Anderson, Audubon – For celebrating her 90th birthday.
- 2004\457 Lorenz and Virginia Schellhorn, Fairbank – For celebrating their 55th wedding anniversary.
- 2004\458 Ted and Hilda Lubbers, Sioux Center – For celebrating their 77th wedding anniversary.
- 2004\459 Robert and Betty Lawson, Fairfield – For celebrating their 60th wedding anniversary.
- 2004\460 Jonathan P. McKenny, Hawarden – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 220

State Government: Elgin, Chair; Drake and Mascher.

House File 286 Reassigned

State Government: Elgin, Chair; Drake and Whitead.

House File 2126

Judiciary: Maddox, Chair; Berry and Boal.

House File 2162

State Government: Rasmussen, Chair; Connors and Dennis.

House File 2171

Commerce, Regulation and Labor: Sands, Chair; Freeman and Taylor, T.

House File 2202

Commerce, Regulation and Labor: Horbach, Chair; Freeman and Oldson.

House File 2233

Transportation: Olson, S., Chair; Miller and Rasmussen.

House File 2237

Education: Dolecheck, Chair; Boal and Cohoon.

House File 2244

Judiciary: Paulsen, Chair; Eichhorn and Jochum.

House File 2245

Human Resources: Hutter, Chair; Smith and Tymeson.

House File 2246

Education: Chambers, Chair; Upmeyer and Winckler.

House File 2247

Human Resources: Upmeyer, Chair; Granzow and Wendt.

House File 2251

Human Resources: Carroll, Chair; Hunter and Roberts.

House File 2266

Education: Tymeson, Chair; Mascher and Paulsen.

House File 2267

Education: Dolecheck, Chair; Kramer and Wise.

House File 2273

Environmental Protection: Elgin, Chair; Hahn and Shultz.

House File 2275

Environmental Protection: Kurtenbach, Chair; Olson, D. and Watts.

House File 2276

State Government: Raecker, Chair; Gaskill, Greiner, Jochum, Jones, Lykam, Rasmussen and Roberts.

House File 2278

Environmental Protection: Greiner, Chair; Kuhn and Maddox.

House File 2280

Judiciary: Schickel, Chair; Swaim and Van Fossen, J.R.

Senate File 2066

Transportation: Chambers, Chair; Bukta and Olson, S.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 632

Economic Growth: Kramer, Chair; Dandekar and Jenkins.

House Study Bill 633

Ways and Means: Paulsen, Chair; Carroll, Kramer, Shomshor and Shoultz.

House Study Bill 634

Human Resources: Roberts, Chair; Foege, Lukan, Smith and Tymeson.

House Study Bill 635

Ways and Means: Paulsen, Chair; Kurtenbach and Shoultz.

House Study Bill 636

Education: Tymeson, Chair; Dolecheck and Wendt.

House Study Bill 637

Agriculture: Olson, S., Chair; Baudler and Whitaker.

House Study Bill 638

Public Safety: Sands, Chair; Hunter and Klemme.

House Study Bill 640

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

House Study Bill 641

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

House Study Bill 642

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 643 Commerce, Regulation and Labor**

Relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates.

H.S.B. 644 Commerce, Regulation and Labor

Relating to a public utility's declining block rate charges to customers for overcharged usage due to overestimating consumption.

H.S.B. 645 Commerce, Regulation and Labor

Providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

H.S.B. 646 Commerce, Regulation and Labor

Conferring additional enforcement authority on the real estate commission, and providing penalties.

H.S.B. 647 Economic Growth

Relating to investments in Iowa under the Iowa public employees' retirement system.

H.S.B. 648 Commerce, Regulation and Labor

Providing for the regulation of securities, providing for fees and penalties, and providing an effective date.

H.S.B. 649 Human Resources

Providing for reform of services and other support provided for persons with mental illness, developmental disabilities, or brain injury, revising county property tax levy authority for the services, and providing appropriations and effective dates.

H.S.B. 650 State Government

To limit the period of effectiveness for an administrative rule adopted without a notice of intended action and opportunity for public participation.

H.S.B. 651 Transportation

Relating to the maximum gross weight limit for vehicles hauling crops during the annual period of harvest.

H.S.B. 652 Economic Growth

Relating to a study identifying a permanent funding source for the grow Iowa values fund.

H.S.B. 653 Economic Growth

Relating to moneys and tax credits for economic development.

H.S.B. 654 Economic Growth

Relating to job training programs and the job corps centers.

H.S.B. 655 Agriculture

Relating to setback distance requirements that apply to residences which are constructed in proximity to animal feeding operation structures and making penalties applicable.

RESOLUTIONS FILED

HCR 112, by Thomas, Granzow, Fallon, Greimann, Chambers, Lukan, Hutter, Jones, D. Olson, Swaim, Mertz and Foege, a concurrent resolution urging the United States Congress to appropriate funding for the federal Historic Preservation Fund and the Historic Barn Preservation Act.

Laid over under **Rule 25**.

HR 115, by Heaton, Foege, Smith and Upmeyer, a resolution to recognize May 2004 as hepatitis C awareness and education month and to urge greater public awareness and education regarding hepatitis C.

Laid over under **Rule 25**.

HR 116, by Greimann and Freeman, a resolution promoting a family and consumer sciences high school graduation requirement including parenting and life management skills.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8028	H.F.	421	Baudler of Adair
H—8031	H.F.	2135	Shoultz of Black Hawk
H—8033	H.F.	2174	Struyk of Pottawattamie
			Greiner of Washington
H—8034	H.F.	2259	Baudler of Adair
H—8035	H.F.	2151	McCarthy of Polk
			Klemme of Plymouth
			Horbach of Tama
			Hunter of Polk
			Tjepkes of Webster
			T. Taylor of Linn
			Ford of Polk
			J.R. Van Fossen of Scott
H—8036	H.F.	2207	Dennis of Black Hawk
H—8037	S.F.	344	Senate Amendment
H—8038	H.F.	2145	Fallon of Polk

On motion by Gipp of Winneshiek the House adjourned at 9:17 p.m., until 8:45 a.m., Wednesday, February 18, 2004.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 18, 2004

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

Prayer was offered by Reverend Jim Davis, pastor of Zion Lutheran Church, Gowrie. He was the guest of Representative David Tjepkes from Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, February 17, 2004 was approved.

INTRODUCTION OF BILLS

House File 2292, by Horbach, a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff.

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

House File 2293, by Foege and Maddox, a bill for an act authorizing the use of public or private institutions or community-based programs for treatment to restore the competency of persons found to be mentally incompetent to stand trial.

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

SENATE MESSAGE CONSIDERED

Senate File 2070, by committee on transportation, a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and

issuance of commercial driver's licenses, and providing effective dates.

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

On motion by Klemme of Plymouth, the House was recessed at 8:54 a.m., until the adjournment of the committee on state government or 4:00 p.m., which ever came first.

AFTERNOON SESSION

The House reconvened at 3:08 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 2294, by committee on natural resources, a bill for an act relating to certain activities and property under the jurisdiction of the natural resource commission and the department of natural resources, including leases and easements of property and the issuance and suspension of certain licenses.

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

House File 2295, by Huser, a bill for an act relating to juvenile court jurisdiction over child support orders.

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

House File 2296, by Huser, a bill for an act relating to the senior living trust fund and providing for appropriation of the moneys in the fund.

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

House File 2297, by Huser, a bill for an act providing for the department of elder affairs to assume authority over appropriations affecting the elderly.

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

House File 2298, by Ford, a bill for an act relating to issuance of nonoperator's identification cards to certain inmates.

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

House File 2299, by Ford, a bill for an act to require certain notices regarding the external review of denied health care insurance coverage.

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

House File 2300, by Paulsen, a bill for an act to rename the dual party relay service and to establish an equipment distribution program for persons with communication impairments.

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

House File 2301, by Ford, a bill for an act limiting a tax credit for pollution-control and recycling property used for the care and feeding of livestock, and providing for the tax credit's applicability.

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

House File 2302, by committee on state government, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission membership and employees, gambling treatment fund and community endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions.

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

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

EVENING SESSION

The House reconvened at 6:32 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 2302, by committee on state government, a bill for an act relating to gambling, concerning the operation, licensure,

regulation, fee assessment, and taxation of racetracks and excursion gambling boats, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission membership and employees, gambling treatment fund and community endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions.

Read second time and placed on the **special order calendar**.

House File 2303, by committee on commerce, regulation and labor, a bill for an act relating to right to work provisions involving a condition of employment or continuation of employment.

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

House File 2304, by committee on commerce, regulation and labor, a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

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

House File 2305, by committee on commerce, regulation and labor, a bill for an act relating to the regulation of attorney fees in workers' compensation cases.

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

House File 2306, by committee on commerce, regulation and labor, a bill for an act relating to fees charged for delayed redemption of electronic gift cards.

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

House File 2307, by Ford, a bill for an act relating to a violation or attempted violation of a court order, a court-approved consent agreement, or a protective order under the Iowa domestic abuse Act.

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

House File 2308, by Hahn, a bill for an act relating to deer hunting, including the receipt of deer venison as a gift, providing for a special senior deer license, and providing penalties.

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

House File 2309, by Hogg, a bill for an act relating to the assessment and collection of penalty and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

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

House File 2310, by Hogg, a bill for an act relating to the inclusion of recreational trail development as part of projects under the vision Iowa program and the community attraction and tourism program.

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

House File 2311, by Granzow, a bill for an act relating to the issuance of deer depredation permits and providing a penalty.

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

House File 2312, by Dix, a bill for an act relating to the ability of cities and counties to designate enterprise zones.

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

House File 2313, by Dix, a bill for an act updating the Iowa Code references to the Internal Revenue Code, providing for a coupling with certain bonus depreciation provisions, and providing retroactive applicability dates and an effective date.

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

House File 2314, by Granzow, a bill for an act relating to county grants under the waste tire management fund.

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

House File 2315, by Mertz, a bill for an act relating to agricultural conservation practices.

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

COMMITTEE APPOINTMENT

The Speaker announced the removal of Representative Danny Carroll from the House Ways and Means Committee, effective Wednesday, February 18, 2004. Representative Scott Raecker was appointed in his place.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2004\461 | Howard Bishop, Chariton – For celebrating his 90 th birthday. |
| 2004\462 | Marie Curtis, Chariton – For celebrating her 102 nd birthday. |
| 2004\463 | Bob and Luella Pedley, Ocheyedon – For celebrating their 50 th wedding anniversary. |
| 2004\464 | Kenneth and Joyce Brower, Sanborn – For celebrating their 50 th wedding anniversary |
| 2004\465 | Zita Thiele, Sibley – For celebrating her 90 th birthday. |
| 2004\566 | Melissa Mueller, Sumner – For receiving the Iowa Speech-Language-Hearing Association Award for recognition of academic achievement from the University of Northern Iowa. |
| 2004\567 | Leta Davey, Indianola – For celebrating her 95 th birthday. |
| 2004\568 | Leona Wadle, Indianola – For celebrating her 100 th birthday. |
| 2004\469 | Rev. Frederick “Fritz” Kramer, Newton – For celebrating his 50 th anniversary of his ordination to the priesthood. |

SUBCOMMITTEE ASSIGNMENTS

House File 673

Agriculture: De Boef, Chair; Davitt and Dolecheck.

House File 2084

Transportation: Rayhons, Chair; Hunter and Rasmussen.

House File 2178

Transportation: Alons, Chair; Chambers, Hunter, Rayhons and Thomas.

House File 2250

Local Government: Schickel, Chair; Boal, Hanson, Huser, Olson, D., Tjepkes and Whitead.

House File 2257

Transportation: Alons, Chair; Chambers, Hunter, Rayhons and Thomas.

House File 2268

Local Government: Arnold, Chair; Connors and Hanson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 639

Transportation: Dolecheck, Chair; Klemme and Lykam.

House Study Bill 643

Commerce, Regulation and Labor: Hoffman, Chair; Oldson and Wilderdyke.

House Study Bill 644

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

House Study Bill 645

Commerce, Regulation and Labor: Watts, Chair; Dix, Jacoby, Jenkins and Quirk.

House Study Bill 646

Commerce, Regulation and Labor: Kurtenbach, Chair; Horbach and Quirk.

House Study Bill 647

Economic Growth: Kramer, Chair; Boggess and Lensing.

House Study Bill 649

Human Resources: Heaton, Chair; Carroll and Smith.

House Study Bill 650

State Government: Manternach, Chair; Dennis and Mascher.

House Study Bill 652

Economic Growth: Kramer, Chair; Jenkins, Lensing, Olson, S. and Thomas.

House Study Bill 653

Economic Growth: Olson, S., Chair; Granzow, Lalk, Miller and Olson, D.

House Study Bill 654

Economic Growth: Lukan, Chair; Jenkins and Struyk.

House Study Bill 655

Agriculture: Greiner, Chair; Huseman, Manternach, Quirk and Struyk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 656 Local Government**

Changing the budget certification deadline for county hospital budgets.

H.S.B 657 Commerce, Regulation and Labor

Requiring notification and safety precautions be taken prior to commencement of work in the vicinity of high-voltage lines, and providing for liability, penalties, and an effective date.

H.S.B. 658 Commerce, Regulation and Labor

Relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations and tax offsets of the Iowa comprehensive health insurance association; phaseout of certain individual insurance plans; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; providing and applying penalties; and providing effective dates.

H.S.B. 659 Ways and Means

Relating to the standards applicable to Iowa for purposes of imposing a business activity tax and including an applicability date provision.

H.S.B. 660 Human Resources

Relating to dependent adult abuse and dependent adult endangerment and providing penalties.

H.S.B. 661 Public Safety

Relating to applications for and denial of a permit to carry concealed weapons.

H.S.B. 662 Ways and Means

Proposing an amendment to the Constitution of the State of Iowa to require a vote of the people before certain tax or fee increases take effect.

H.S.B. 663 Judiciary

Relating to the transfer and apportionment of district associate judges and associate juvenile judges, and to the qualifications of magistrates.

H.S.B. 664 Judiciary

Relating to the revised Iowa nonprofit corporation Act and providing penalties and 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

House Joint Resolution 2004, 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.

Recommendation **Do Pass** February 18, 2004.

House Joint Resolution 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments.

Fiscal Note is not required.

Recommendation **Amend and Do Pass with amendment H-8039** February 18, 2004.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly House File 2027), relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 17, 2004.

Committee Bill (Formerly House File 2101), relating to right to work provisions involving a condition of employment or continuation of employment.

Fiscal Note not required.

Recommended **Do Pass** February 17, 2004.

Committee Bill (Formerly House Study Bill 591), relating to the regulation of attorney fees in workers' compensation cases.

Fiscal Note not required

Recommended **Amend and Do Pass** February 17, 2004.

Committee Bill (Formerly House Study Bill 609), relating to fees charged for delayed redemption of electronic gift cards.

Fiscal Note not required.

Recommended **Do Pass** February 17, 2004.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 122), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass without Recommendation** February 18, 2004.

Committee Bill (Formerly House Study Bill 579), relating to the filing of statements of organization or dissolution by a political or candidate's committee, and regulating campaign and other contributions.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 18, 2004.

Committee Bill (Formerly House Study Bill 580), relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 18, 2004.

COMMITTEE ON WAYS AND MEANS

House File 2302, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission membership and employees, gambling treatment fund and community endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions.

Fiscal Note not required

Recommended **Without Recommendation** February 18, 2004.

RESOLUTION FILED

HR 117, by Rants, Tymeson, Chambers, Alons, Raecker, Boggess, Dandekar, Jenkins, Rasmussen, Maddox, Frevert, Eichhorn, Granzow, Heddens, Lukan, Roberts, Greiner, Boal, Drake, Huser, Hutter, Davitt, Manternach, De Boef, Huseman, Klemme, Watts, Connors, Whitaker, Jacoby, Baudler, Thomas, Dix, Kramer, Paulsen, Kurtenbach, S. Olson, Dolecheck, Greimann, Upmeyer, Schickel, Carroll, Wendt, D. Taylor, Horbach, Swaim, Hogg, Arnold, Jacobs,

Hoffman, Miller, Winckler, Dennis, Lensing, Tjepkes, Freeman, Heaton, D. Olson, Cohoon, Mascher, Lykam, Hunter, Gaskill, Struyk, Kuhn, Stevens, Quirk, Osterhaus, Whitead, Bell, Wise, Ford, Oldson, Smith, Reasoner, McCarthy, Shoultz, Foege, Petersen, Berry, Elgin, Jones, Mertz, Hahn, T. Taylor, Shomshor, J.R. Van Fossen, Bukta, Rayhons, Wilderdyke, Sands, Hanson, Boddicker, Gipp, Van Engelenhoven, Lalk, Jochum, J.K. Van Fossen and Murphy, a resolution to recognize and honor the members of the Iowa Army and Air National Guard.

Laid over under **Rule 25**.

AMENDMENT FILED

H—8039 H.J.R. 2005 Committee on Administration and
Rules

On motion by Gipp of Winneshiek the House adjourned at 6:35 p.m., until 8:45 a.m., Thursday, February 19, 2004.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 19, 2004

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

Prayer was offered by Reverend Rusty Hedger, pastor of the Whiting Christian Church, Whiting. He was the guest of Representative Paul Wilderdyke from Harrison County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, February 18, 2004 was approved.

INTRODUCTION OF BILLS

House File 2316, by McCarthy and J. R. Van Fossen, a bill for an act relating to the release of criminal history data regarding a person who received a deferred judgment.

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

House File 2317, by Struyk, Hogg, Dandekar and Wise, a bill for an act establishing a regulatory efficiency commission.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carroll of Poweshiek, until his arrival, by Gipp of Winneshiek; Hoffman of Crawford, until his arrival, on request of Dandekar of Linn; Frevert of Palo Alto on request of Bukta of Clinton; Wise of Lee, until his arrival, on request of Foege of Linn.

CONSIDERATION OF BILLS
Regular Calendar

House File 2174, 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, was taken up for consideration.

SPECIAL PRESENTATION

Murphy of Dubuque introduced to the House the Honorable John Walsh, former state senator from Dubuque County.

The House rose and expressed its welcome.

Struyk of Pottawattamie offered amendment H-8023 filed by him as follows:

H-8023

- 1 Amend House File 2174 as follows:
- 2 1. Page 4, line 28, by inserting after the word
- 3 "board." the following: "The procedures and
- 4 requirements adopted or specified shall include, at a
- 5 minimum, a four-year professional degree in interior
- 6 design or an equivalent designation determined by the
- 7 board; a structure internship incorporating
- 8 qualitative as well as quantitative criteria; and an
- 9 examination that is task-oriented, focused on public
- 10 safety, and validated by recognized testing agencies."

Struyk of Pottawattamie offered the following amendment H-8033, to amendment H-8023, filed by him and Greiner of Washington and moved its adoption:

H-8033

- 1 Amend the amendment, H-8023, to House File 2174 as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word
- 4 "designation" and inserting the following: "education
- 5 and practical training requirement".

Amendment H-8033 was adopted.

On motion by Struyk amendment H-8023, 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?" (H.F. 2174)

The ayes were, 85:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Freeman	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jochum	Jones	Klemme	Kramer
Kuhn	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	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tymeson	Van Fossen, J.K.
Van Fossen, J.R.	Whitead	Wilderdyeke	Winckler
Mr. Speaker			
Rants			

The nays were, 9:

Boddicker	Jenkins	Schickel	Tjepkes
Upmeyer	Van Engelenhoven	Watts	Wendt
Whitaker			

Absent or not voting, 6:

Carroll	Ford	Frevert	Hoffman
Kurtenbach	Wise		

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 2174** be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 111

Mascher of Johnson and Jacoby of Johnson called up for consideration **House Resolution 111**, a resolution honoring the nursing leaders at the University of Iowa Hospitals and Clinics upon their receipt of the Magnet Award for Nursing Excellence, and moved its adoption.

The motion prevailed and the resolution was adopted.

HOUSE FILE 605 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House File 605 from further consideration by the House.

On motion by Gipp of Winneshiek, the House was recessed at 9:13 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:14 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 2006, by Gipp, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

Read first time and referred to committee on **administration and rules**.

House File 2318, by committee on state government, a bill for an act relating to the filing of statements of organization or dissolution by a political or candidate's committee, and regulating campaign and other contributions.

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

House File 2319, by committee on state government, a bill for an act relating to the operation, reporting, and dissolution of committees,

reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs.

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

House File 2320, by Hogg and Lukan, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court.

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

House File 2321, by Berry, a bill for an act making appropriations from the general fund of the state to the department of corrections for inmate education and training.

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

House File 2322, by Hogg and Lukan, a bill for an act relating to payment of court costs for appeals of certain condemnation awards.

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

House File 2323, by Hutter, a bill for an act providing for election of an executive director by the state board of regents to act as the chief executive officer of the regents universities and providing for related matters.

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

House File 2324, by Heaton, a bill for an act relating to electronic and facsimile prescriptions and making penalties applicable.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of Stevens of Dickinson.

CONSIDERATION OF BILLS

Regular Calendar

House File 2193, a bill for an act relating to determining compliance with course of study requirements regarding cosmetology licensure, was taken up for consideration.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-six members present, thirty-four absent.

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. 2193)

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	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Carroll

Ford

Wendt

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

House File 2207, 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, was taken up for consideration.

Dennis of Black Hawk offered amendment H-8013 filed by the committee on judiciary as follows:

H-8013

1 Amend House File 2207 as follows:

2 1. Page 11, by inserting after line 1, the
3 following:

4 "Sec. ____ Section 262B.1, Code Supplement 2003,
5 is amended by striking the section and inserting in
6 lieu thereof the following:

7 262B.1 TITLE.

8 This chapter shall be known and may be cited as the
9 "University-Based Research and Economic Development
10 Act".

11 Sec. ____ Section 262B.2, Code Supplement 2003, is
12 amended by striking the section and inserting in lieu
13 thereof the following:

14 262B.2 LEGISLATIVE INTENT.

15 It is the intent of the general assembly to provide
16 support for mechanisms for encouraging the
17 coordination of pure and applied research at the state
18 board of regents institutions. The purpose is to
19 maximize and promote the economic benefit which may be
20 derived from research. This is to be done by
21 increased coordination with the Iowa department of
22 economic development and encouragement of the transfer
23 of research results to the private sector.

24 Sec. ____ Section 262B.3, Code Supplement 2003, is
25 amended by striking the section and inserting in lieu

26 thereof the following:

27 262B.3 ESTABLISHMENT OF CONSORTIUM.

28 The board of regents or the universities under its
29 jurisdiction shall establish consortiums for the
30 purpose of carrying out the intent of this chapter.
31 The majority of consortium members shall be from the
32 university community and the balance of members shall
33 be from private industry. The members of the
34 consortium shall be appointed by the president of the
35 convening university and will serve at the pleasure of
36 the president.

37 Sec. ____ NEW SECTION. 262B.4 DUTIES OF THE
38 CONSORTIUM.

- 39 1. Each consortium shall assist the university in
40 efforts to maximize the economic benefits outlined in
41 section 262B.2. More specifically, it shall assist
42 the university by making recommendations for:
- 43 a. The development of strategies and materials
 - 44 useful in marketing university resources to out-of-
 - 45 state firms interested in an Iowa site.
 - 46 b. Matching university resources with the needs of
 - 47 existing Iowa firms.
 - 48 c. Evaluation of university research for
 - 49 commercial potential.
 - 50 d. The development of a plan that will improve

Page 2

1 private sector access to the university and the
2 transfer of technology from the university to the
3 private sector.

4 2. In order to carry out its objectives, the
5 consortium shall perform, but is not limited to, the
6 following tasks:

- 7 a. Receive and review selected research synopses.
- 8 b. Disseminate information on research activities
- 9 of the university.
- 10 c. Identify research needs of existing Iowa
- 11 businesses and recommend ways in which the university
- 12 can meet these needs.
- 13 d. On a case-by-case basis, suggest business and
- 14 financial tactics useful in realizing the commercial
- 15 potential of university research projects.
- 16 e. Provide applied technical referral services, if
- 17 appropriate, including but not limited to the
- 18 following duties:
 - 19 (1) To determine and evaluate the research or
 - 20 applied technology needs of businesses and farms
 - 21 requesting assistance.
 - 22 (2) To recommend technology transfer strategies to
 - 23 farms for more efficient production of agricultural
 - 24 commodities, or to businesses for developing and

25 testing new products, adapting new technologies to
26 manufacturing processes or methods, conducting
27 marketing analyses of new products or processes, and
28 identifying potential financing on new technology-
29 based products or manufacturing processes.

30 (3) To refer businesses and farmers to
31 universities, community colleges, small business
32 development centers, other private businesses, and
33 other research and technology transfer activities and
34 programs which are beneficial to the development of
35 new products and the application of technology.
36 Sec. ____ Section 262B.5, Code Supplement 2003, is
37 amended by striking the section and inserting in lieu
38 thereof the following:
39 262B.5 REGENTS AND DEPARTMENT OF ECONOMIC
40 DEVELOPMENT.

41 The state board of regents and the Iowa department
42 of economic development shall enter into an agreement
43 under chapter 28E to coordinate and facilitate the
44 activities of the consortiums. The state board of
45 regents and the Iowa department of economic
46 development shall report annually to the governor and
47 the general assembly concerning the activities of the
48 consortiums."

49 2. Page 25, by inserting after line 31, the
50 following:

Page 3

1 "Sec. ____ Section 455B.423, subsection 1, Code
2 2003, is amended to read as follows:
3 1. A hazardous substance remedial fund is created
4 within the state treasury. Moneys received from fees,
5 penalties, general revenue, federal funds, gifts,
6 bequests, donations, or other moneys so designated
7 shall be deposited in the state treasury to the credit
8 of the fund. Any unexpended balance in the remedial
9 fund at the end of each fiscal year shall be retained
10 in the fund. ~~However, any unexpended balance shall be~~
11 ~~transferred to the general fund to replace funds~~
12 ~~appropriated from the general fund during fiscal year~~
13 ~~1985 and fiscal year 1986 for the purposes for which~~
14 ~~expenditures from the remedial fund are allowed."~~

15 3. Page 31, by inserting after line 7, the
16 following:

17 "Sec. ____ Section 533C.103, subsection 4, Code
18 Supplement 2003, is amended to read as follows:
19 4. A The following entities whether chartered or
20 organized under the laws of a state or of the United
21 States: a bank, bank holding company, savings and
22 loan association, savings bank, credit union, office
23 of an international banking corporation, branch of a

- 24 foreign bank, corporation organized pursuant to the
 25 federal Bank Service Company Act, 12 U.S.C. §
 26 1861-1867, or corporation organized under the federal
 27 Edge Act, 12 U.S.C. § 611-633, ~~under the laws of a~~
 28 ~~state or the United States."~~
- 29 4. Page 32, line 34, by striking the word "the"
 30 and inserting the following: "the".
- 31 5. Page 38, line 17, by striking the word "the"
 32 and inserting the following: "the".
- 33 6. Page 38, by striking line 18, and inserting
 34 the following: "; the Iowa economic".
- 35 7. Page 39, by inserting after line 4, the
 36 following:
 37 "5. The sections of this Act striking and
 38 replacing sections 262B.1 through 262B.3, Code
 39 Supplement 2003, enacting new Code section 262B.4, and
 40 striking and replacing section 262B.5, Code Supplement
 41 2003, take effect June 30, 2010."
- 42 8. By numbering and renumbering as necessary.

Dennis of Black Hawk offered the following amendment H-8036, to the committee amendment H-8013, filed by him and moved its adoption:

H-8036

- 1 Amend the amendment, H-8013, to House File 2207, as
 2 follows:
 3 1. By striking page 1, line 2, through page 2,
 4 line 48.
 5 2. Page 3, by striking lines 35 through 41.
 6 3. By renumbering as necessary.

Amendment H-8036 was adopted.

On motion by Dennis of Black Hawk, the committee amendment H-8013, as amended, was adopted.

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. 2207)

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	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Carroll Ford Wendt

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

House File 2208, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, was taken up for consideration.

Eichhorn of Hamilton offered amendment H-8014 filed by the committee on judiciary as follows:

H-8014

- 1 Amend House File 2208 as follows:
- 2 1. Page 8, by inserting after line 29, the
- 3 following:
- 4 "Sec. ____ Section 97B.66, unnumbered paragraph 2,
- 5 Code Supplement 2003, is amended to read as follows:
- 6 The contributions paid by the vested or retired

- 7 member shall be equal to the accumulated contributions
 8 as defined in section 97B.1A, subsection 2, by the
 9 member for the applicable period of service, and the
 10 employer contribution for the applicable period of
 11 service under the ~~teachers insurance and annuity~~
 12 ~~association-college retirement equities fund teachers~~
 13 ~~insurance and annuity association-college retirement~~
 14 ~~equities fund (TIAA-CREF)~~, that would have been or had
 15 been contributed by the vested or retired member and
 16 the employer, if applicable, plus interest on the
 17 contributions that would have accrued for the
 18 applicable period from the date the previous
 19 applicable period of service commenced under this
 20 retirement system or from the date the service of the
 21 member in the teachers insurance and annuity
 22 association-college retirement equities fund (~~TIAA-~~
 23 ~~CREF~~) commenced to the date of payment of the
 24 contributions by the member as provided in section
 25 97B.70."
- 26 2. Page 26, line 20, by inserting after the word
 27 "Code" the following: "Supplement".
- 28 3. Page 32, by striking lines 23 through 33.
- 29 4. Page 37, lines 18 and 19, by striking the word
 30 "medicare-certified" and inserting the following:
 31 "~~medicare-certified~~ Medicare-certified".
- 32 5. Page 37, line 20, by striking the word
 33 "medicare-certified" and inserting the following:
 34 "~~medicare-certified~~ Medicare-certified".
- 35 6. Page 37, lines 25 and 26, by striking the word
 36 "MEDICARE-certified" and inserting the following:
 37 "~~MEDICARE-certified~~ Medicare-certified".
- 38 7. By renumbering as necessary.

The committee amendment H-8014 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. 2208)

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	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow

Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Carroll	Ford	Wendt
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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 2241, a bill for an act authorizing school districts and nonpublic schools to apply credit under the state education program for successful completion of military basic training, was taken up for consideration.

Mascher of Johnson offered amendment H-8020 filed by her as follows:

H-8020

1 Amend House File 2241 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. NATIONAL GUARD EDUCATIONAL ASSISTANCE
 5 PROGRAM. There is appropriated from the general fund
 6 of the state to the college student aid commission for
 7 the fiscal year beginning July 1, 2004, and ending
 8 June 30, 2005, the following amount, or so much
 9 thereof as is necessary, to be used for the purposes
 10 designated:

- 11 For purposes of providing national guard
 12 educational assistance under the program established
 13 in section 261.86:
 14\$ 2,900,000".
 15 2. Title page, line 3, by inserting after the
 16 word "training" the following: "and making an
 17 appropriation".
 18 3. By renumbering as necessary.

Chambers of O'Brien rose on a point of order that amendment H-8020 was not germane.

The point was well taken and amendment H-8020 not germane.

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. 2241)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cphoon	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	Jacobs	Jacoby	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	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Carroll Ford Wendt

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2193, 2207, 2208 and 2241.**

House File 2167, a bill for an act to eliminate the inspections division of the department of inspections and appeals, 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?" (H.F. 2167)

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
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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
Shomshor	Shoultz	Smith	Stevens

Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Ford	Wendt
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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 2176, a bill for an act relating to abandonment of a child as grounds for termination of parental rights, 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. 2176)

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
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Saids	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.

Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Ford Wendt

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

House File 2200, a bill for an act relating to fire safety issues, including the promulgation of administrative rules by the state fire marshal and arson and simulated explosive related criminal offenses, and providing for a penalty, 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. 2200)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Böddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dè Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Shomshor
Shoultz	Smith	Stevens	Struyk

Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Fallon	Ford	Wendt
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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 2269, a bill for an act providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties, 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. 2269)

The ayes were, 97:

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
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk

Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wilderdryke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Ford	Olson, D.	Wendt
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The bill having received a constitutional majority was declared to have passed the House, the title was agreed to.

House File 2259, a bill for an act relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties, was taken up for consideration.

Baudler of Adair offered the following amendment H-8034 filed by him and moved its adoption:

H-8034

1 Amend House File 2259 as follows:
 2 1. Page 3, by inserting after line 2, the
 3 following:
 4 "A simple misdemeanor theft of more than two
 5 packages containing pseudoephedrine as the products'
 6 sole active ingredient which are in liquid form does
 7 not constitute a serious misdemeanor under this
 8 section."

Amendment H-8034 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. 2259)

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	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Fallon Ford Wendt

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

HOUSE FILE 638 WITHDRAWN

Baudler of Adair asked and received unanimous consent to withdraw House File 638 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 2167, 2176, 2200, 2259 and 2269.**

House File 2042, a bill for an act relating to the donation of blood by persons sixteen years of age, 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?" (H.F. 2042)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cphoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Fallon	Ford	Wendt
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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 2186, a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer, 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. 2186)

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	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Fallon	Ford	Wendt
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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 2042 and 2186.**

SENATE AMENDMENT CONSIDERED

Horbach of Tama called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8037 to the House amendment:

H-8037

- 1 Amend the House amendment, S-3334, to Senate File
- 2 344, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. By striking page 1, line 5, through page 7,
- 5 line 12, and inserting the following:
- 6 "Section 1. Section 625A.9, subsection 2, Code
- 7 Supplement 2003, is amended to read as follows:
- 8 2. If the judgment or order appealed from is for
- 9 money, such bond shall not exceed one hundred ten
- 10 percent of the amount of the money judgment or twenty-
- 11 five million dollars, whichever is less.
- 12 Sec. 2. APPLICABILITY. This Act applies to cases
- 13 filed on or after July 1, 2004."
- 14 _____. Title page, by striking lines 1 through 7
- 15 and inserting the following: "An Act relating to a
- 16 monetary limit on an appeal bond and providing an
- 17 applicability date."

Horbach of Tama moved that the House concur in the Senate amendment H-8037, to the House amendment.

Roll call was requested by Murphy of Dubuque and Shoultz of Black Hawk.

On the question "Shall the Senate amendment H-8037 be adopted?" (S.F. 344)

The ayes were, 57:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
Dandekar	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	Quirk
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wildurdyke
Mr. Speaker			
Rants			

The nays were, 39:

Bell	Berry	Bukta	Cohoon
Connors	Davitt	Foege	Frevrt
Gaskill	Greimann	Heddens	Hogg
Hunter	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Reasoner
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 4:

Fallon	Ford	Huser	Wendt
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The House concurred in the Senate amendment H-8037.

Horbach of Tama 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?" (S.F. 344)

The ayes were, 57:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
Dandekar	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	Mertz	Olson, S.	Paulsen
Quirk	Raecker	Rasmussen	Rayhons
Roberts	Sands	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdryke
Mr. Speaker			
Rants			

The nays were, 39:

Bell	Berry	Bukta	Cohoon
Connors	Davitt	Foege	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller	Murphy	Oldson	Olson, D.
Osterhaus	Petersen	Reasoner	Schickel
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 4:

Fallon	Ford	Huser	Wendt
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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 **Senate File 344** be immediately messaged to the Senate.

HOUSE FILE 2062 WITHDRAWN

Lukan of Dubuque asked and received unanimous consent to withdraw House File 2062 from further consideration by the House.

INTRODUCTION OF BILLS

House File 2325, by committee on judiciary, a bill for an act relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

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

House File 2326, by Berry, a bill for an act making an appropriation to the department of education for purposes of carrying out the governor's achievement gap initiative.

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

HOUSE FILE 2225 REREFERRED

The Speaker announced that House File 2225, previously referred to committee on **local government** was rereferred to committee on **agriculture**.

HOUSE FILE 2248 REREFERRED

The Speaker announced that House File 2248, previously referred to committee on **commerce, regulation and labor** was rereferred to committee on **judiciary**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 19, 2004. Had I been present, I would have voted "aye" on House Files 2174, 2193, 2207, 2208 and 2241.

CARROLL of Poweshiek

COMMITTEE APPOINTMENT

The Speaker announced the removal of Representative Scott Raecker from the House Ways and Means Committee, effective Thursday, February 19, 2004. Representative Danny Carroll was appointed in his place.

COMMUNICATIONS RECEIVED

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

CHILD WELFARE SERVICE SYSTEM REDESIGNED MONITORING COMMITTEE

Final report, pursuant to Chapter 178.44, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Child Death Review Team Annual Report, pursuant to Chapter 135.11(19), Code of Iowa.

IOWA JUDICIAL BRANCH

Report concerning the Enhanced Court Collections Fund and the Court Technology and Modernization Fund, pursuant to Chapter 173.1(7), Code of Iowa.

THE IOWA CONSORTIUM FOR SUBSTANCE ABUSE RESEARCH AND
EVALUATION

Year Five Report, pursuant to Chapter 12.65, Code of Iowa.

JUDICIAL DISTRICT AND JUDICIAL RESOURCES STUDY COMMITTEE

Final report, pursuant to Chapter 151.66, 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

- | | |
|----------|--|
| 2004\470 | Dr. and Mrs. Bill Snider, Iowa City – For celebrating their 50 th wedding anniversary. |
| 2004\471 | Lorraine Wildes, Waterloo – For celebrating her 90 th birthday. |
| 2004\472 | Velva Destival, Waterloo – For celebrating her 80 th birthday. |
| 2004\473 | Merel “Smitty” and Edith Smith, Waterloo – For celebrating their 71 st wedding anniversary. |
| 2004\474 | Fred B. Wilson, Indianola – For celebrating his 104 th birthday. |
| 2004\475 | Bob and Marilyn Van Soelen, Killduff – For celebrating their 40 th wedding anniversary. |
| 2004\476 | Bob and Helen Marshall, Newton – For celebrating their 50 th wedding anniversary. |
| 2004\477 | Mildred Bentley, Fairbank – For celebrating her 106 th birthday. |
| 2004\478 | Gusta Flack, Derby – For celebrating her 90 th birthday. |
| 2004\479 | Thelma Johnson, Humeston – For celebrating her 90 th birthday. |

SUBCOMMITTEE ASSIGNMENTS

House File 2286

Judiciary: Heaton, Chair; Boddicker and Foege.

House File 2288

Human Resources: Lukan, Chair; Hutter and Wendt.

House File 2292

Public Safety: Horbach, Chair; Chambers, Hunter, Shultz and Tjepkes.

House File 2293

Judiciary: Heaton, Chair; Hutter and Reasoner.

House File 2295

Human Resources: Boddicker, Chair; Greimann and Lukan.

House File 2296

Human Resources: Heaton, Chair; Carroll and Wendt.

House File 2297

Human Resources: Granzow, Chair; Smith and Upmeyer.

House File 2315

Agriculture: Mertz, Chair; Huseman and Rayhons.

House File 2316

Public Safety: McCarthy, Chair; Eichhorn and Van Fossen, J.R.

Senate File 2101

Public Safety: Sands, Chair; Alons and Ford.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 657

Commerce, Regulation and Labor: Watts, Chair; Jenkins and Taylor, D.

House Study Bill 658

Commerce, Regulation and Labor: Hoffman, Chair; Oldson and Wilderdyke.

House Study Bill 660

Human Resources: Upmeyer, Chair; Lukan and Smith.

House Study Bill 661

Public Safety: Eichhorn, Chair; Boddicker and Hogg.

House Study Bill 663

Judiciary: Maddox, Chair; Paulsen and Struyk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 665 Economic Growth**

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

H.S.B. 666 Economic Growth

Relating to educational institutions under the university-based research utilization program.

H.S.B. 667 Judiciary

Relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

H.S.B. 668 Judiciary

Relating to the assessment of surcharges in criminal proceedings.

H.S.B. 669 Local Government

Relating to fire protection service by requiring counties to assume the duties and powers of township trustees in certain circumstances, requiring certain counties to negotiate fire protection agreements for townships, relating to dissolution of benefited fire districts, authorizing certain fire departments to assess fees to property owners for fire protection service, and delaying the budget certification deadline for certain townships, and including an effective date provision.

H.S.B. 670 Environmental Protection

Relating to the comprehensive petroleum underground storage tank fund.

H.S.B. 671 Local Government

Relating to a prisoner from another state being detained or committed to a county jail in this state.

H.S.B. 672 Agriculture

Regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2059, a bill for an act relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date.

Fiscal Note is not required.

Recommendation **Do Pass** February 18, 2004.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2048), relating to child development home provider qualifications.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 19, 2004.

Committee Bill (Formerly House Study Bill 605), relating to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 19, 2004.

Committee Bill (Formerly House Study Bill 611), relating to family investment program eligibility requirements involving motor vehicle equity, family investment plans, limited benefit plans, and required school attendance and including an applicability provision.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 19, 2004.

Committee Bill (Formerly House Study Bill 614), relating to child protection confidentiality requirements involving the department of human services.

Fiscal Note is not required.

Recommendation **Do Pass** February 19, 2004.

Committee Bill (Formerly House Study Bill 618), relating to programs under the authority of the department of public health.

Fiscal Note is not required.

Recommendation **Do Pass** February 19, 2004.

Committee Bill (Formerly House Study Bill 624), providing for technical and substantive changes relating to the practice of cosmetology, establishing penalties, and making penalties applicable.

Fiscal Note is not required.

Recommendation **Do Pass** February 19, 2004.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 576), relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

Fiscal Note is not required.

Recommendation **Do Pass** February 19, 2004.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 2183), requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

Fiscal Note is not required.

Recommendation **Do Pass** February 19, 2004.

Committee Bill (Formerly House Study Bill 571), relating to the temporary absence of an elected city official on active military duty and the appointment of a temporary replacement.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 19, 2004.

RESOLUTION FILED

HR 118, by Dandekar, Quirk, Struyk and Stevens, a resolution recommending the designation of the I-35 and I-80 corridors in Iowa as part of the Purple Heart Trail.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8040	H.F.	2262	Drake of Pottawattamie
H—8041	H.F.	2302	D. Taylor of Linn
H—8042	H.F.	2302	Lukan of Dubuque
H—8043	H.F.	2302	Lukan of Dubuque
Huser of Polk			Connors of Polk
Horbach of Tama			Manternach of Jones
			Hanson of Benton

On motion by Gipp of Winneshiek the House adjourned at 5:08 p.m., until 9:00 a.m., Friday, February 20, 2004.

JOURNAL OF THE HOUSE

Fortieth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 20, 2004

The House met pursuant to adjournment at 9:08 a.m., Watts of Dallas in the chair.

The Journal of Thursday, February 19, 2004 was approved.

INTRODUCTION OF BILLS

House File 2327, by committee on human resources, a bill for an act relating to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers.

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

House File 2328, by committee on human resources, a bill for an act relating to child protection confidentiality requirements involving the department of human services.

Read first time and 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

- | | |
|----------|---|
| 2004\480 | Louie and Alice Johnson, Rudd – For celebrating their 65 th wedding anniversary. |
| 2004\481 | Genevieve Boyd, Charles City – For celebrating her 80 th birthday. |
| 2004\482 | Christina Thurnau, Osage – For celebrating her 102 nd birthday. |
| 2004\483 | Julie Blanchard, Vinton – For celebrating her 85 th birthday. |

SUBCOMMITTEE ASSIGNMENTS

House File 2243

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

House File 2287

Commerce, Regulation and Labor: Wilderdyke, Chair; Ford and Jenkins.

House File 2300

Commerce, Regulation and Labor: Jacobs, Chair; Osterhaus and Wilderdyke.

House File 2309

Local Government: Maddox, Chair; Hoffman and Lensing.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 648

Commerce, Regulation and Labor: Hoffman, Chair; Oldson and Wilderdyke.

House Study Bill 664

Judiciary: Maddox, Chair; Dennis and Jochum.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B 673 Commerce, Regulation and Labor

To permit a state bank to organize as a limited liability company.

On motion by Tymeson of Madison the House adjourned at 9:09 a.m., until 1:00 p.m., Monday, February 23, 2004.

JOURNAL OF THE HOUSE

Forty-third Calendar Day - Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 23, 2004

The House met pursuant to adjournment at 1:08 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Paul Strittmatter, pastor of St. Patrick's Church, Dunlap. He was the guest of Representative Paul Wilderdyke from Harrison County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Grand Wood School All City Drum Corp, directed by Slayton Thompson, Cedar Rapids. They were the guests of Representative Robert Hogg from Linn County.

The Journal of Friday, February 20, 2004 was approved.

On motion by Gipp of Winneshiek, the House was recessed at 1:22 p.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened at 4:28 p.m., Speaker Rants in the chair.

On motion by Gipp of Winneshiek, the House was recessed at 4:29 p.m., until 6:00 p.m.

EVENING SESSION

The House reconvened at 6:00 p.m., Speaker Rants in the chair.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, February 19, 2004. Had I been present, I would have voted "aye" on House Files 2042, 2167, 2176, 2186, 2193, 2200, 2207, 2208, 2241, 2259 and 2269. I would have voted "nay" on amendment H-8037 to Senate File 344 and "nay" on Senate File 344.

WENDT of Woodbury

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF HUMAN SERVICES

Final Report of the Child Welfare Service System Redesign Monitoring Committee, pursuant to Chapter 178.44, 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

- | | |
|----------|---|
| 2004\484 | Henry and Marilyn Hemesath, Monona – For celebrating their 50 th wedding anniversary. |
| 2004\485 | Paul and Virginia Fannon, Edgewood – For celebrating their 50 th wedding anniversary. |
| 2004\486 | Helen Fleck, Fayette – For celebrating her 100 th birthday. |
| 2004\487 | Mr. and Mrs. Lynne Chamberlin, Davenport – For celebrating their 50 th wedding anniversary. |
| 2004\488 | Esther Otte, Clarinda – For celebrating her 90 th birthday. |
| 2004\489 | Ruth Dankof, Hamburg – For celebrating her 90 th birthday. |
| 2004\490 | August and Phyllis Pontow, Hastings – For celebrating their 60 th wedding anniversary. |
| 2004\491 | Evelyn Buckingham, Independence – For celebrating her 86 th birthday. |
| 2004\492 | Louie and Gertrude Fischels, Independence – For celebrating their 50 th wedding anniversary. |
| 2004\493 | Ralph and Doreen Stirm, Independence – For celebrating their 58 th wedding anniversary. |
| 2004\494 | Ernest and Helen Knauss, Logan – For celebrating their 60 th wedding anniversary. |

- 2004\495 David Ellis McAlpine, Sioux Center – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\496 Glenn and Julie A. Vande Vegte, Inwood – For being named District 1-Lyon County Master Pork Producers by the Iowa Pork Congress.
- 2004\497 Galen and Julie L. Vande Vegte, Inwood – For being named District 1-Lyon County Master Pork Producers by the Iowa Pork Congress.
- 2004\498 Nate and Amy Schulte, Rock Rapids – For being honored by the Lyon County Pork Producers as Lyon County Master Pork Producers.
- 2004\499 Maxine and Elton Herr, Fontanelle – For celebrating their 50th wedding anniversary.
- 2004\500 Trevor Nelson. Menlo – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\501 The Knoblock Brothers: Thadd, Trent, Troy and Travis Knoblock, Rock Rapids – For being honored as the Iowa Pork All Americans by the Iowa Pork Congress.
- 2004\502 Agnes McCarty, Rock Rapids – For celebrating her 90th birthday.
- 2004\503 South Hamilton Large Group Speech Students and Coach Lisa Pulis, Jewell – For receiving four I ratings at the State Speech Competition.
- 2004\504 Mrs. Alice Foley, Colo – For celebrating her 94th birthday.
- 2004\505 Ms. Irene Coughenour, Colo – For celebrating her 80th birthday.
- 2004\506 Ms. Margaret Hilleman, Nevada – For celebrating her 97th birthday.
- 2004\507 Doris Foutch, Russell – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2225

Agriculture: Mertz, Chair; Huseman and Rayhons.

House File 2274

Education: Kramer, Chair; Boal and Stevens.

House File 2308

Natural Resources: Baudler, Chair; Arnold and Whitaker.

House File 2310

Economic Growth: Lukan, Chair; Dandekar and Granzow.

House File 2311

Natural Resources: Granzow, Chair; Lukan and Mertz.

House File 2312

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

House File 2314

Environmental Protection: De Boef, Chair; Olson, D. and Watts.

House File 2323

Education: Dolecheck, Chair; Dennis and Mascher.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 665**

Economic Growth: Boggess, Chair; Granzow and Smith.

House Study Bill 666

Economic Growth: Wilderdyke, Chair; Granzow and Thomas.

House Study Bill 670

Environmental Protection: Greiner, Chair; Greimann and Olson, S.

House Study Bill 672

Agriculture: Dolecheck, Chair; Frevert and Olson, S.

House Study Bill 673

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 674 Economic Growth**

Relating to state and private preferences for products and services produced and provided by Iowa producers and service providers.

H.S.B. 675 Education

Relating to school district enrollment of students listed on the sex offender registry.

H.S.B. 676 Ways and Means

Updating the Iowa Code references to the Internal Revenue Code, providing for a coupling with certain bonus depreciation provisions codifying current practice of the department of revenue relating to foreign dividend income, and providing retroactive applicability dates and an effective date.

H.S.B. 677 Economic Growth

Relating to purchasing preferences for Iowa-based products and services.

H.S.B. 678 Judiciary

Relating to detaining or the placement of criminal defendants who are dangerous or mentally incompetent.

H.S.B. 679 Economic Growth

Relating to regional development and joint exercise of governmental powers, related county enterprise authority, and providing tax credits for economic development regions.

H.S.B. 680 Public Safety

Relating to requiring certain persons to submit a DNA sample for DNA profiling, authorizing a fee, providing a penalty, and providing effective and contingent effective dates.

H.S.B. 681 Public Safety

To update and modify the enhanced 911 emergency telephone communications system.

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

Senate File 2112, 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, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys.

Fiscal Note is not required.

Recommendation **Do Pass** February 23, 2004.

RESOLUTION FILED

HR 119, by Gipp and Raecker, a resolution to honor Representative Jodi S. Tymeson for her promotion to Brigadier General in the Iowa National Guard.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8044	H.F.	2302	Frevert of Palo Alto Sands of Louisa
H—8045	H.F.	2302	Horbach of Tama
H—8046	H.F.	2302	Kuhn of Floyd Jochum of Dubuque
			Mascher of Johnson Berry of Black Hawk
			Bukta of Clinton T. Taylor of Linn
			Shoultz of Black Hawk Mertz of Kossuth
H—8047	H.F.	2302	Roberts of Carroll
H—8048	H.F.	2302	Horbach of Tama
H—8049	H.F.	2302	Roberts of Carroll
H—8050	H.F.	2302	Wise of Lee Cohon of Des Moines

H—8051	H.F.	2302	Mascher of Johnson
H—8052	H.F.	2302	Gaskill of Wapello
			Mascher of Johnson
			T. Taylor of Linn
			Shoultz of Black Hawk
H—8053	H.F.	2302	Greiner of Washington
H—8054	H.F.	2302	Kuhn of Floyd
			Baudler of Adair
H—8055	H.F.	2302	Sands of Louisa
			Gaskill of Wapello
			Mertz of Kossuth
			Quirk of Chickasaw
			Osterhaus of Jackson
			Frevert of Palo Alto
			Hahn of Muscatine
			Smith of Marshall
			Wendt of Woodbury
			Davitt of Warren
			Carroll of Poweshiek
			De Boef of Keokuk
			Rayhons of Hancock
			Freeman of Buena Vista
			Hanson of Benton
			Dennis of Black Hawk
H—8056	H.F.	2302	Van Engelenhoven of Marion
			Stevens of Dickinson
			De Boef of Keokuk
H—8057	H.F.	2302	Lukan of Dubuque
H—8058	H.F.	2319	Jacobs of Polk
H—8059	H.F.	2302	McCarthy of Polk
H—8060	H.F.	2302	McCarthy of Polk
H—8061	H.F.	2302	McCarthy of Polk
H—8062	H.F.	2302	McCarthy of Polk
H—8063	H.F.	2302	McCarthy of Polk
H—8064	H.F.	2302	McCarthy of Polk
H—8065	H.F.	2302	Fallon of Polk
H—8066	H.F.	2302	Boddicker of Cedar
H—8067	H.F.	2302	Horbach of Tama
H—8068	H.F.	2302	Horbach of Tama
H—8069	H.F.	2302	Drake of Pottawattamie
H—8070	H.F.	2302	Carroll of Poweshiek

Alons of Sioux			Chambers of O'Brien
Van Engelenhoven of Marion			Kramer of Polk
Horbach of Tama			Greimann of Story
De Boef of Keokuk			Boal of Polk
H—8071	H.F.	2302	Carroll of Poweshiek
Fallon of Polk			De Boef of Keokuk
Boal of Polk			Van Engelenhoven of Marion
Kramer of Polk			Stevens of Dickinson
Horbach of Tama			Chambers of O'Brien
Alons of Sioux			
H—8072	H.F.	2302	Carroll of Poweshiek
Fallon of Polk			De Boef of Keokuk
Boal of Polk			Van Engelenhoven of Marion
Kramer of Polk			Stevens of Dickinson
Chambers of O'Brien			Alons of Sioux
Greimann of Story			D. Olson of Boone
H—8073	H.F.	2302	Greimann of Story
Carroll of Poweshiek			De Boef of Keokuk
Boal of Polk			Van Engelenhoven of Marion
Kramer of Polk			Stevens of Dickinson
H—8074	H.F.	2302	T. Taylor of Linn
Gaskill of Wapello			Greimann of Story
Jochum of Dubuque			Mascher of Johnson
Lensing of Johnson			Bukta of Clinton
Murphy of Dubuque			
H—8075	H.F.	2302	T. Taylor of Linn
Gaskill of Wapello			Greimann of Story
Jochum of Dubuque			Mascher of Johnson
Lensing of Johnson			Bukta of Clinton
Murphy of Dubuque			
H—8076	H.F.	2302	Frevert of Palo Alto
Mertz of Kossuth			Jochum of Dubuque
H—8077	H.F.	2302	Wise of Lee
H—8078	H.F.	2302	Carroll of Poweshiek
De Boef of Keokuk			Boal of Polk
Van Engelenhoven of Marion			Kramer of Polk
Stevens of Dickinson			Greimann of Story
H—8079	H.F.	2302	D. Olson of Boone
H—8080	H.F.	2302	Sands of Louisa
H—8081	H.F.	2302	Raecker of Polk
			Jochum of Dubuque

H—8082	H.F.	2302	Swaim of Davis
H—8083	H.F.	2302	Jones of Mills
H—8084	H.F.	2302	Fallon of Polk
H—8085	H.F.	2302	Stevens of Dickinson
H—8086	H.F.	2302	T. Taylor of Linn
H—8087	H.F.	2302	Jochum of Dubuque
H—8088	H.F.	2302	Jochum of Dubuque
H—8089	H.F.	2302	Jochum of Dubuque
H—8090	H.F.	2302	Jochum of Dubuque Greimann of Story
H—8091	H.F.	2302	Jochum of Dubuque
H—8092	H.F.	2302	Jochum of Dubuque
H—8093	H.F.	2302	Jochum of Dubuque
H—8094	H.F.	2302	Petersen of Polk
H—8095	H.F.	2302	Jochum of Dubuque
H—8096	H.F.	2302	Jochum of Dubuque
H—8097	H.F.	2302	Jochum of Dubuque
H—8098	H.F.	2302	Jochum of Dubuque Kuhn of Floyd Mascher of Johnson Lensing of Johnson T. Taylor of Linn Murphy of Dubuque Mertz of Kossuth Osterhaus of Jackson
			Gaskill of Wapello
			Greimann of Story
			Winckler of Scott
			Berry of Black Hawk
			Bukta of Clinton
			Shoultz of Black Hawk
			Davitt of Warren
			Miller of Webster
H—8099	H.F.	2302	Jochum of Dubuque
H—8100	H.F.	2302	Quirk of Chickasaw Masher of Johnson Berry of Black Hawk Bukta of Clinton Shoultz of Black Hawk
			Gaskill of Wapello
			Winckler of Scott
			T. Taylor of Linn
			Murphy of Dubuque
H—8101	H.F.	2302	Jochum of Dubuque
H—8102	H.F.	2302	Ford of Polk
H—8103	H.F.	2302	Quirk of Chickasaw Greimann of Story Lensing of Johnson Bukta of Clinton Murphy of Dubuque Struyk of Pottawattamie Shoultz of Black Hawk
			Gaskill of Wapello
			Mascher of Johnson
			Berry of Black Hawk
			T. Taylor of Linn
			Winckler of Scott
			Wise of Lee

H—8104	H.F.	2302	Dix of Butler
Huser of Polk			Baudler of Adair
H—8105	H.F.	2302	Petersen of Polk
Oldson of Polk			Fallon of Polk
H—8106	H.F.	2302	Mascher of Johnson
H—8107	H.F.	2302	Osterhaus of Jackson
H—8108	H.F.	2302	Huser of Polk
Petersen of Polk			Oldson of Polk
			Jacobs of Polk

On motion by Gipp of Winneshiek the House adjourned at 6:01 p.m., until 8:45 a.m., Tuesday, February 24, 2004.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 24, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Steve Hayden, pastor of Mt. Calvary Church, Indianola. He was the guest of Representative Mark Davitt from Warren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, February 23, 2004 was approved.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 111

Gipp of Winneshiek called up for consideration the following **House Concurrent Resolution 111**, and moved its adoption.

1 HOUSE CONCURRENT RESOLUTION 111
2 By Rants and Murphy
3 *Be It Resolved By the House Of Representatives, The*
4 *Senate Concurring* That a joint convention of the two
5 houses of the 2004 session of the Eightieth General
6 Assembly be held on Wednesday, February 25, 2004, at
7 1:00 p.m.; and
8 *Be It Further Resolved, That* Major General Ron
9 Dardis be invited to present his message of the
10 Condition of the Iowa National Guard at this
11 convention.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 111** be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 114

Shoultz of Black Hawk called up for consideration **House Resolution 114**, a resolution to honor the First Judicial District Department of Correctional Services for receiving the exemplary offender program award, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Shoultz of Black Hawk introduced to the House, Dan Craig from the Department of Correction Services whom thanked the House for the honor.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 9:02 a.m., until the adjournment of the committee on ways and means.

AFTERNOON SESSION

The House reconvened at 4:52 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 2329, by committee on local government, a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

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

House File 2330, by Rants, a bill for an act providing for the selling of alcoholic beverages, wine, or beer on credit by a convention center, civic center, or events center under specified circumstances.

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

House File 2331, by Greiner and Ford, a bill for an act relating to lead abatement and property owner or agent liability.

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

House File 2332, by Mascher, a bill for an act relating to detaining or the placement of criminal defendants who are dangerous or mentally incompetent.

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

House File 2333, by Ford, a bill for an act relating to the allocation of a portion of the moneys appropriated to the department of economic development from the grow Iowa values fund for purposes of certain minority owned, operated, and managed businesses.

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

House File 2334, by Alons, Baudler, De Boef, Chambers and Mertz, a bill for an act relating to the ownership of automobile repair facilities by persons engaged in the business of insurance and providing penalties.

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

House File 2335, by Ford and Berry, a bill for an act repealing the statute subjecting certain criminal sentences to a maximum accumulation of earned time of fifteen percent of the total sentence of confinement.

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

House File 2336, by Jones, a bill for an act relating to adult persons with mental retardation or other developmental disabilities who pose a severe and persistent threat to themselves or others by authorizing creation of an expert mobile team and specialized treatment unit, establishing a commitment process for placements in the specialized unit, and including a contingent effective date.

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

House File 2337, by Ford, a bill for an act relating to the development and administration by the department of education of a program to identify and honor schools for increasing the number and diversity of students enrolled in advanced-level courses.

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

House File 2338, by Hutter, a bill for an act relating to use of the police radio broadcasting system by a peace officer or reserve peace officer.

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

House File 2339, by Ford, a bill for an act relating to dependent adult abuse and providing criminal penalties.

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

House File 2340, by committee on local government, a bill for an act relating to the temporary absence of an elected city official on active military duty and the appointment of a temporary replacement and providing an effective date.

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

House File 2341, by committee on public safety, a bill for an act allowing off-duty, out-of-state, and retired peace officers to carry weapons.

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

House File 2342, by committee on public safety, a bill for an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

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

House File 2343, by committee on public safety, a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

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

House File 2344, by committee on human resources, a bill for an act relating to child development home provider qualifications and providing an effective date.

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

House File 2345, by committee on human resources, a bill for an act relating to programs under the authority of the department of public health.

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

House File 2346, by Arnold and Baudler, a bill for an act allowing a nonresident person who has been issued and possesses a valid out-of-state weapons permit to carry weapons in this state.

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

House File 2347, by committee on judiciary, a bill for an act relating to the uniform limited partnership Act and providing a penalty and effective dates.

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

House File 2348, by committee on ways and means, a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes.

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

House File 2349, by committee on environmental protection, a bill for an act relating to expenditures from the waste tire management fund.

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

House File 2350, by committee on human resources, a bill for an act relating to family investment program eligibility requirements involving motor vehicle equity, family investment plans, limited benefit plans, and required school attendance and including an applicability provision.

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

House File 2351, by committee on environmental protection, a bill for an act relating to enforcement of waste tire violations and providing a penalty.

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

House File 2352, by committee on environmental protection, a bill for an act relating to the appointment of illegal dumping enforcement officers and providing a penalty.

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

House File 2353, by Stevens, a bill for an act relating to the local option sales and services tax for school infrastructure purposes and including effective and retroactive applicability date provisions.

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

House File 2354, by Carroll, a bill for an act requiring a placement recommendation for persons subject to a court order for involuntary hospitalization.

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

House File 2355, by Elgin, a bill for an act relating to work-related injuries that occur outside the state.

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

House File 2356, by Schickel, a bill for an act relating to requirements and limitations on local governments and on certain state agencies, including rates and fees charged to cities and counties for use of the Iowa communications network, bid requirements for construction of certain public improvements, and city bonding authority.

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

House File 2357, by committee on natural resources, a bill for an act relating to the prevention and control of certain aquatic invasive plant and animal species and providing penalties.

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

House File 2358, by committee on human resources, a bill for an act providing for technical and substantive changes relating to the practice of cosmetology, establishing penalties, and making penalties applicable.

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 24, 2004, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: that the Senate has on February 24, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2180; a bill for an act relating to filling the office of county attorney by appointment.

Also: that the Senate has on February 24, 2004, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 111, a concurrent resolution designating a joint convention on Wednesday, February 25, 2004, at 1:00 p.m. for Major General Ron Dardis to deliver his condition of the Iowa National Guard.

Also: That the Senate has on February 24, 2004, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2007, 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.

Also: That the Senate has on February 24, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2118, a bill for an act regarding public utility rights-of-way and providing an effective date.

Also: That the Senate has on February 24, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2121, a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bukta of Clinton on request of Frevert of Palo Alto.

CONSIDERATION OF BILLS Regular Calendar

House File 2281, a bill for an act relating to licensing of nonresident bait dealers, 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?" (H.F. 2281)

The ayes were, 96:

Alons	Baudler	Bell	Berry
Boal	Boddicker	Boggess	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	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Shomshor	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:

Arnold	Bukta	Ford	Hoffman
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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 2318, a bill for an act relating to the filing of statements of organization or dissolution by a political or candidate's committee, and regulating campaign and other contributions, 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. 2318)

The ayes were, 96:

Alons	Baudler	Bell	Berry
Boal	Boddicker	Boggess	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	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Shomshor	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:

Arnold	Bukta	Ford	Hoffman
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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 2282, a bill for an act relating to the selling of bait by an aquaculture unit licensee, 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?" (H.F. 2282)

The ayes were, 96:

Alons	Baudler	Bell	Berry
Boal	Boddicker	Bogges	Carroll
Chambers	Cphoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Shomshor	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, 4:

Arnold	Bukta	Ford	Hoffman
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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 the following bills be immediately messaged to the Senate: **House Files 2281, 2282 and 2318.**

SPECIAL PRESENTATION

Mertz of Kossuth introduced to the House the Honorable Jane Svobada, former state representative from Tama County.

The House rose and expressed its welcome.

The House stood at ease at 5:24 p.m., until the fall of the gavel.

The House resumed session at 7:22 p.m., Speaker Rants in the chair.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF TREASURER

Annual Report of Investments For Tomorrow, pursuant to Chapter 12.8, Code of Iowa.

OFFICE OF DRUG CONTROL POLICY

Iowa Communication Network usage, 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

- | | |
|----------|--|
| 2004\508 | Edward and Anna Mae Arends, Ackley – For celebrating their 50 th wedding anniversary. |
| 2004\509 | Dale Meeker, Eldora – For celebrating his 80 th birthday. |
| 2004\510 | Marie Warner, Clemons – For celebrating her 90 th birthday. |
| 2004\511 | Mabel Woods, Steamboat Rock – For celebrating her 90 th birthday. |
| 2004\512 | Arlan and Deloris Gunderson, Union – For celebrating their 54 th wedding anniversary. |
| 2004\513 | Evelyn Fauser, Waterloo – For celebrating her 80 th birthday. |
| 2004\514 | Gennie Bloes, Waterloo – For celebrating her 85 th birthday. |
| 2004\515 | Iowa National Guard, Company A 1 st Battalion 168 th Infantry (Air Assault) of Carroll – For their dedication, commitment, and ability to serve proudly and unselfishly, and for their sense of duty to freedom, our country and to the State of Iowa. |
| 2004\516 | Dorothy Brim, Webster City – For celebrating her 80 th birthday. |
| 2004\517 | Shirley and Benjamin Andrews, Duncombe – For celebrating their 50 th wedding anniversary. |
| 2004\518 | Albert and Mary Jane Dahlgren, Clarion – For celebrating their 50 th wedding anniversary. |
| 2004\519 | Eldred Lundquist, Webster City – For celebrating his 90 th birthday. |
| 2004\520 | Betty Duvall, Audubon – For celebrating her 80 th birthday. |
| 2004\521 | Kenneth and Joyce Brower, Sanborn – For celebrating their 50 th wedding anniversary. |
| 2004\522 | Nelson Nieuwenhuis, Hospers – For celebrating his 96 th birthday. |
| 2004\523 | Cory Anderson, Burlington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

- 2004\524 Monsignor Leander H. Riecks, Elma – For celebrating the 60th anniversary of his Ordination of the Roman Catholic Priesthood.
- 2004\525 Georgina and Cletus Korbel, Calmer – For celebrating their 60th wedding anniversary.
- 2004\526 Myrtle Tapps, Mason City – For celebrating her 80th birthday.
- 2004\527 Kathleen Hession, Iowa City – For winning 1st place in the state for Critic's Choice in the One Act Play division at the IHSSA Large Group All-State Festival.
- 2004\528 Camie Devor, Iowa City – For winning 1st place in the state for Critic's Choice in the One Act Play division at the IHSSA Large Group All-State Festival.
- 2004\529 Adam Jones, Iowa City – For winning 1st place in the state for Critic's Choice in the One Act Play division at the IHSSA Large Group All-State Festival.
- 2004\530 Barry Baxter, Iowa City – For winning 1st place in the state for Critic's Choice in the One Act Play division at the IHSSA Large Group All-State Festival.
- 2004\531 Aaron Weiner, Iowa City – For winning 1st place in the state for Critic's Choice in the One Act Play division at the IHSSA Large Group All-State Festival.
- 2004\532 Anita and Don Sehr, Iowa City – For celebrating their 50th wedding anniversary.
- 2004\233 Marjorie and George Dane, Iowa City – For celebrating their 60th wedding anniversary.
- 2004\534 Lauren Baker, Iowa City – For winning 1st place in the state for Critic's Choice in the One Act Play division at the IHSSA Large Group All-State Festival.
- 2004\535 Ashley Yates, Iowa City – For winning 1st place in the state for Critic's Choice in the One Act Play division at the IHSSA Large Group All-State Festival.

SUBCOMMITTEE ASSIGNMENTS

House File 2229

Ways and Means: Van Fossen, J.K., Chair; Carroll and Shultz.

House File 2248

Judiciary: Boal, Chair; Paulsen and Reasoner.

House File 2285

Economic Growth: Thomas, Chair; Lukan and Wilderdyke.

House File 2324

Human Resources: Heaton, Chair; Upmeyer and Wendt.

Senate File 2070

Transportation: Huser, Chair; Arnold, Cohoon, Klemme and Rasmussen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 659**

Ways and Means: Van Fossen, J.K., Chair; Kramer and Oldson.

House Study Bill 662

Ways and Means: Paulsen, Chair; Carroll, Kramer, Shomshor and Shultz.

House Study Bill 667

Judiciary: Maddox, Chair; Hutter and Swaim.

House Study Bill 668

Judiciary: Baudler, Chair; Berry and Van Fossen, J.R.

House Study Bill 674

Economic Growth: Lukan, Chair; Boggess and Olson, D.

House Study Bill 675

Education: Kramer, Chair; Berry and Tjepkes.

House Study Bill 676

Ways and Means: Lukan, Chair; Carroll and Winckler.

House Study Bill 677

Economic Growth: Lukan, Chair; Boggess and Olson, D.

House Study Bill 678

Judiciary: Maddox, Chair; Dennis and Winckler.

House Study Bill 679

Economic Growth: Hoffman, Chair; Granzow, Struyk, Thomas and Wilderdyke.

House Study Bill 680

Public Safety: Eichhorn, Chair; Klemme and McCarthy.

House Study Bill 681

Public Safety: Tjepkes, Chair; Baudler, Heddens, Klemme and McCarthy.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 682 Agriculture**

Relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits and providing penalties.

H.S.B. 683 Judiciary

Relating to protective orders and court-approved consent agreements under the domestic abuse Act.

H.S.B. 684 Public Safety

Extending the statute of limitations for criminal offenses related to sexual abuse.

H.S.B. 685 Public Safety

Relating to evidence in a sexual abuse case.

H.S.B. 686 State Government

Relating to public retirement systems 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 AGRICULTURE

Committee Bill (Formerly House Study Bill 603), relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Fiscal Note is not required.

Recommendation **Do Pass** February 24, 2004.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly House File 448), relating to the real estate commission and provisions applicable to a licensed real estate broker and making criminal penalties applicable.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 24, 2004.

Committee Bill (Formerly House Study Bill 554), relating to the characterization of personal injuries for purposes of workers' compensation liability.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 24, 2004.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 2053), relating to the appointment of country solid waste commissioner and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2004.

Committee Bill (Formerly House Study Bill 506), relating to enforcement of waste volume reduction and recycling issues and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2004.

Committee Bill (Formerly House Study Bill 507), appropriating moneys in the waste tire management fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2004.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2043), exempting sales made to nonprofit child care centers from the sales and use taxes.

Fiscal Note is required.

Recommended **Do Pass** February 24, 2004.

Committee Bill (Formerly House File 2074), relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 24, 2004.

Committee Bill (Formerly House Study Bill 618), relating to programs under the authority of the department of public health.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2004.

Committee Bill (Formerly House Study Bill 624), providing for technical and substantive changes relating to the practice of cosmetology, establishing penalties, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2004.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 2183), requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

Fiscal Note is not required

Recommended **Do Pass** February 19, 2004.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 301), relating to the use of blaze orange apparel by hunters and fur harvesters and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2004.

Committee Bill (Formerly House File 618), relating to the prevention and control of certain invasive plant and animal species and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2004.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 2199), allowing off-duty and out-of-state peace officers to carry weapons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2004.

Committee Bill (Formerly House Study Bill 568), relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2004.

Committee Bill (Formerly House Study Bill 569), providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2004.

Committee Bill (Formerly House Study Bill 629), relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund and establishing criminal offenses for certain interstate compact for adult offender supervision violations, and providing a penalty.

Fiscal Note is note required.

Recommended **Amend and Do Pass** February 24, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2028), exempting certain environmental test laboratory services from the state sales and use taxes.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2004.

Committee Bill (Formerly House File 2229), providing for an annual tax levy on real property used in gaming operations and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2004.

RESOLUTIONS FILED

HR 120, by Ford and Upmeyer, a resolution supporting the development of a medical school curriculum that ensures physicians receive training relating to racial and cultural bias.

Laid over under **Rule 25**.

HR 121, by Gipp and Murphy, a resolution to recognize and honor Iowans serving in all branches and components of the military.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8109	H.F.	2304	Horbach of Tama
H-8110	H.F.	2302	Reasoner of Union
H-8111	H.F.	2302	Reasoner of Union
H-8112	H.F.	2302	Raecker of Polk
H-8113	H.F.	2302	Greiner of Washington
H-8114	H.F.	2302	Wise of Lee
H-8115	H.F.	2302	Wise of Lee
H-8116	H.F.	2302	Sands of Louisa
H-8117	H.F.	2302	Sands of Louisa Carroll of Poweshiek
H-8118	H.F.	2302	Sands of Louisa
H-8119	H.F.	2302	Ford of Polk
H-8120	H.F.	2302	Sands of Louisa
H-8121	H.F.	2302	Roberts of Carroll
H-8122	H.F.	2302	Roberts of Carroll
H-8123	H.F.	2319	Jacobs of Polk
H-8124	H.F.	2302	Boddicker of Cedar
H-8125	H.F.	2341	Hogg of Linn
H-8126	H.F.	2302	Huser of Polk Dix of Butler

H—8127	H.F.	2302	Huser of Polk Oldson of Polk
			Petersen of Polk Jacobs of Polk
H—8128	H.F.	2302	Petersen of Polk Fallon of Polk
			Oldson of Polk Connors of Polk
H—8129	H.F.	2302	Petersen of Polk Fallon of Polk
			Oldson of Polk Connors of Polk
H—8130	H.F.	2302	Raecker of Polk
H—8131	H.F.	2302	Petersen of Polk Fallon of Polk
			Oldson of Polk Connors of Polk
H—8132	H.F.	2302	D. Olson of Boone
H—8133	H.F.	2302	Osterhaus of Jackson
H—8134	H.F.	2302	Shoultz of Black Hawk Frevert of Palo Alto
			Gaskill of Wapello
H—8135	H.F.	2302	Jochum of Dubuque Huser of Polk
H—8136	H.F.	2302	Jochum of Dubuque
H—8137	H.F.	2302	Jochum of Dubuque Huser of Polk
H—8138	H.F.	2302	Struyk of Pottawattamie Shomshor of Pottawattamie
			J.K. Van Fossen of Scott Horbach of Tama
H—8139	H.F.	2302	Jochum of Dubuque Gaskill of Wapello Winckler of Scott Berry of Black Hawk Shoultz of Black Hawk Davitt of Warren
			Frevert of Palo Alto Mascher of Johnson Lensing of Johnson T. Taylor of Linn Mertz of Kossuth Osterhaus of Jackson
H—8140	H.F.	2302	Drake of Pottawattamie
H—8141	H.F.	2302	Fallon of Polk
H—8142	H.F.	2302	Fallon of Polk
H—8143	H.F.	2302	Fallon of Polk
H—8144	H.F.	2302	Mascher of Johnson
H—8145	H.F.	2302	Carroll of Poweshiek

On motion by Gipp of Winneshiek the House adjourned at 7:22 p.m., until 8:45 a.m., Wednesday, February 25, 2004.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 25, 2004

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

Prayer was offered by Reverend Claude Jones, pastor of the Douglas Avenue Presbyterian Church. He was the guest of Representative John Connors from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker pro tempore Carroll.

The Journal of Tuesday, February 24, 2004 was approved.

INTRODUCTION OF BILLS

House File 2359, by Kuhn, a bill for an act providing standards for the construction of structures associated with confinement feeding operation structures, making penalties applicable, and providing an effective date.

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

House File 2360, by Heddens, a bill for an act revising terminology used for child in need of assistance proceedings.

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

House File 2361, by committee on human resources, a bill for an act exempting sales made to nonprofit child care centers from the sales and use taxes.

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

House File 2362, by committee on human resources, a bill for an act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

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

House File 2363, by committee on ways and means, a bill for an act providing for an annual tax levy on real property used in gaming operations and providing an effective date.

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

House File 2364, by Smith, a bill for an act relating to the provision of emergency crisis counseling to emergency service personnel at the place of an emergency or an accident by a volunteer critical incident stress management team member.

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

House File 2365, by Carroll, a bill for an act relating to the theft of leased or rented personal property and making penalties applicable.

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

House File 2366, by committee on natural resources, a bill for an act relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty.

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

House File 2367, by committee on public safety, a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund.

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

House File 2368, by Granzow, a bill for an act relating to school reorganization by allowing certain landowners contiguous to a school district to petition to join the other school district.

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

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2007, by 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 **passed on file**.

Senate File 2118, by committee on commerce, a bill for an act regarding public utility rights-of-way and providing an effective date.

Read first time and **passed on file**.

Senate File 2121, by committee on ways and means, a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes.

Read first time and **passed on file**.

On motion by Jacobs of Polk, the House was recessed at 8:53 a.m., until 12:45 p.m.

AFTERNOON SESSION

The House reconvened at 12:48 p.m., Speaker Rants in the chair.

ADOPTION OF HOUSE RESOLUTION 117

Gipp of Winneshiek called up for consideration **House Resolution 117**, a resolution to recognize and honor the members of the Iowa Army and Air National Guard, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 121

Murphy of Dubuque called up for consideration **House Resolution 121**, a resolution to recognize and honor Iowans serving in all branches and components of the military, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 119

Gipp of Winneshiek called up for consideration **House Resolution 119**, a resolution to honor Representative Jodi S. Tymeson for her promotion to Brigadier General in the Iowa National Guard, and moved its adoption.

The motion prevailed and the resolution was adopted.

COMMITTEE TO NOTIFY THE SENATE

Lukan of Dubuque 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 Lukan of Dubuque, Lalk of Fayette and Wendt of Woodbury.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Lukan of Dubuque, 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.

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 111, duly adopted, the joint convention was called to order at 1:02 p.m., President Lamberti 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 Lamberti 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 escort Governor Thomas J. Vilsack to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Ward of Polk, Shull of Warren and Kibbie of Palo Alto, on the part of the Senate, and Representatives Alons of Sioux, Klemme of Plymouth and Thomas of Clayton, 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 escort Major General Ron Dardis to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators McKibben of Marshall, Rehberg of Buchanan and Warnstadt of Woodbury, on the part of the Senate, and Representatives Tymeson of Madison, Chambers of O'Brien and Quirk of Chickasaw, on the part of the House.

The Director of the State Emergency Management Division, Ellen Gordon, was escorted into the House Chamber.

Treasurer of State, Michael Fitzgerald; and Attorney General, Tom Miller were escorted into the House chamber.

Mrs. Carmel Dardis, wife of the General and his daughters, Megan, Jamie and Cara 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.

President Lamberti introduced the Kuhlmann Sisters who sang "You are the Ones".

The joint convention rose and expressed their appreciation.

The committee waited upon Major General Dardis and escorted him to the Speaker's station.

President Lamberti presented Major General Dardis, Adjutant General of the Iowa National Guard. General Dardis began his military career by enlisting in the Iowa Air National Guard in March 1966. He is a command pilot with more than 3,600 flying hours.

General Dardis was appointed as the Adjutant General of Iowa in June 1999. He provides command and control for 105 Army and Air National Guard Units and over 9,600 Army and Air National Guard members in the state of Iowa.

Major General Dardis delivered the following Condition of the Iowa National Guard Message:

Good afternoon – Thank you for the warm welcome!

Thank you Speaker Rants, President Lamberti and members of the General Assembly for your kind invitation to speak to the Iowa Assembly this afternoon.

On behalf of the men and women of the Iowa Guard, we want to thank all of you for your support over the years especially during the recent mobilization of our soldiers and airmen

Governor Vilsack, our Commander-in-Chief, and Lieutenant Governor Pederson, we thank you for your support. You have been with us every step of the way, especially during our recent mobilizations. You have participated in the send-offs and welcome home ceremonies for our soldiers and airmen. You were also there to offer your deepest sympathy to our families who lost loved ones during this war on terror! We thank you for your caring leadership and strong support.

- A special thanks to the Kuhlmann Sisters for being here. They have performed at our sendoffs and welcome home ceremonies, and today. We thank them for their strong support of the men and women in uniform!

I am very honored to be with you this afternoon and present a state of the Guard address! I am very proud of the men and women of the Iowa Guard and always take advantage of an opportunity to tell our team story - the Iowa Team story!

I hope at the conclusion of my presentation – you will share the same feelings as I have for our quality young men and women in uniform today.

The vision we have in the Iowa Guard is one of being a world class team committed to excellence and to one another.

- Little did we know at the inception of this vision statement this world class team would be deployed around the world like we are today in the global war on terror.

The members of the Iowa team live by a set of values. These values are the standard we embrace on a daily basis at our places of employment, within our communities and while we are deployed to fight the war on terror.

- Loyalty, duty, respect, selfless service, honor, integrity, personal courage, and excellence in all we do

Your Iowa Guard today is being recognized as one of the top states in this nation. We have broken out of the pack!

I will review with you today, steps taken by the leadership team to position the Iowa Guard for future success and take us to the next level.

A special thanks to the leadership team for their hard work and dedication and commitment to continuously improve the Iowa Guard.

I would like to take this opportunity to congratulate Brigadier General, Representative Jodi Tymeson for the honor bestowed upon her today and to thank her for her participation in the Iowa National Guard.

We have transformed your Iowa Guard!

- We don't look like we did 5 years ago!
- We are at 100% personnel strength.
- We have new and more relevant missions.
- We have new equipment.
 - Flying units – army and air

We have re-engineered and reorganized your National Guard.

We have provided in your handout the locations of our units and details of our budget and its economic impact.

- These transformational efforts have resulted in an increase of \$124 million in annual federal funding from 1998 levels.

Iowa is one of 26 states that have Homeland Security Emergency Management under the military division. Due to our participation in state emergencies and new requirements of Homeland Security, this is the right alignment. Iowa has it right!

- Other states are moving to this model.
- Ellen Gordon, Homeland Security advisor to the Governor, is providing outstanding leadership to the Homeland Security Emergency Management department as they accomplish the homeland security initiatives for the state of Iowa. Ellen we thank you for your leadership.

Your Iowa National Guard has both a federal and state mission. Your Iowa National Guard is the only military organization in Iowa where members take both a federal and state oath!

- What does this mean?
- The Governor can only activate the Guard for state emergencies as the Commander-in-Chief.

Your Iowa Guard is a combat ready Guard prepared to respond to real world contingencies all over the world.

- We are doing this today as we participate in the global war on terror.

We are also prepared to respond to state emergencies and come to the aid of Iowans in a time of need. Floods, winter storms, tornadoes and homeland security missions are examples.

We also participate in community programs, become role models for our youth and make our communities a safer and better place to raise our families.

- Our Counterdrug program is a good example of a community mission.

Let me share with you our commitment to excellence in the Iowa Guard. We have had a goal of being the strongest joint team possible (Army and Air Guard) for the last five years

The joint Iowa team!

States that come together as a joint team sharing benchmark programs, ideas and resources will be the states that lead the way and prevent loss of force structure and a reduction in federal funding.

- We were directed by the Chief, National Guard Bureau, in October 2003 and have become a Joint Forces Headquarters.
- The Adjutant General may be the commanding general over homeland security and active duty tasking, Army, Army Reserves, Air Guard, Air Force Reserve, Navy and Marines.
- We are prepared for this change as we already have been implementing this concept.

We also have had a goal of getting the Iowa Guard to 100% of personnel strength and also take the necessary steps to prepare the Iowa Guard for the upcoming Federal Quadrennial Defense Review and Base Realignment and Closure Committees.

A review of the Air National Guard.

We are clearly in an expeditionary age. We are re-engineering the flying wings to fit into the air expeditionary force.

- 185th Air Refueling Wing – Sioux city
 - Transitioned from F-16 Fighters to KC-135E air refueling tankers.
- 132d Fighter Wing – Des Moines
 - Put new engines in F-16s (Pratt and Whitney 229) providing more capability for future missions
- 133d Test Squadron – Fort Dodge
 - Transitioned from an Air Control Squadron to a test and evaluation mission providing alignment with our Iowa Guard technology initiatives
 - Only test mission in the National Guard in the nation.

All of these transformational efforts for the Air National Guard have resulted in an increase in federal dollars of approximately \$100 million and provided longevity and viability and more relevant missions to our Air National Guard units.

An example of the relevancy I speak of is the 133d Test Squadron in Fort Dodge.

- On 11 September 01, the National Guard and U.S. Air Force came to Iowa for the solution to the modernization of the radar contingency suite for North American Air Defense Command (NORAD).
 - Provided internal radar picture.
- Today – testing leading edge technology initiatives for the U.S. Air Force!
 - Battlefield Control Center
 - Allows control of airspace in multiple areas of operation from any one location in the world. Recently, a Battle Manager (Major Robin Hosch, who is with us today) from the 133d controlled the airspace over Baghdad and sent real-time radar images to a command center in Massachusetts. They also monitored air space over Afghanistan and Puerto Rico at the same time (Congressman Latham talked to pilot flying over Baghdad).
 - Capability to control air war in Iraq and Afghanistan from Fort Dodge, Iowa – imagine that!
 - What is the significance? – allows for reachback capability, can provide command and control capability from remote locations. You don't have to forward deploy as many soldiers and airmen to the battlefield.

The Army National Guard:

We are redesigning the army division and transforming the army to a future force.

- Established a new troop command headquarters (O-6) in Iowa City when other states were downsizing.
- Re-established the 185th Corps Support Battalion, which was recently deployed to the Middle East!
- Aviation modernization.
 - Retired Vietnam Era Cobra helicopters and replaced with Kiowa Warriors as interim until cascading of Apache attack helicopters.
 - Retiring Hueys – replaced the Huey with 8 Blackhawks for utility requirements.
 - Heavy lift Chinook helicopters will be upgraded over 10 year period. We lost one on 2 November 03 Iraq.
 - We also received two extra Kiowa Warrior helicopters for Counterdrug mission.
 - Example: marijuana eradication
- Because Iowa's demographics are changing we have closed five armories and consolidated those units (previously no closings in 25 years).
 - Where we cannot sustain membership, nor afford to rehab, we made the difficult decision to close these armories.
- Building three new armories.
 - Estherville, Iowa City and Burlington.
 - Estherville joint readiness center (a first for Iowa), \$16 million collaborative project with Iowa Guard, City of Estherville and Iowa Lakes Community College
 - An armory.
 - A wellness center.

- A liberal arts community center.
 - Drill floor is two large basketball courts.
 - Across road from high school and Iowa lakes community college.
 - A new concept and a win, win for the Iowa Guard, Estherville community and state of Iowa.
 - Ribbon cutting ceremony slated for April.
- Our second strategy is to rehab armories where we can sustain membership.
 - Boone, Fort Dodge, Waterloo, Red Oak, Sheldon and the list goes on.
- Our strategic plan calls for a large amount of federal construction dollars to be spent in Iowa. We have provided that information to you in the handout.
 - Total for fiscal years 2002-2005 is \$101 million federal and \$8.2 million state dollars.
 - A 12 to 1 federal to state ratio.
 - Federal dollars being spent in Iowa – have a large impact for communities throughout the state!
 - We are very proud of this program.

Allow me to review with you recent accomplishments and successes enjoyed by your Iowa Guard:

- Personnel strength.
 - The biggest accomplishment of all! Also the one we are most proud of!
 - At 100% in Iowa Guard.
 - Critical to readiness and combat ready units in the Iowa Guard.
 - State educational assistance program has helped! Our goal has always been to get our state educational assistance program to 100% so as to be competitive with border states that have 100% programs.
 - We thank you for your past support of this program and ask for your continued support of this very vital program to the Iowa National Guard.
- National Maintenance Training Center at Camp Dodge.
 - Only one in the world (closed other one in Germany).
 - Thousands of soldiers on annual rotations.
 - Millions of dollars to local economy.
 - Plus save millions and millions of dollars for the army on maintenance.
 - In recent discussion with National Guard Bureau – they will expand this training center. Double in size and number of jobs – very excited about this opportunity!
- 71st Civil Support Team.
 - One of 32 states (worked hard with delegation).
 - 100% federally funded.
 - Adds tremendous capability to Homeland Security Emergency Management in case of bioterrorism and weapons of mass destruction events!

- Responded to Boone and Des Moines incidents in recent weeks!
- Army Communities of Excellence program.
 - Recognized as the #1 program in the nation (awarded \$3 million).
 - Quality improvement program or continuous improvement program.
 - Have operationalized this program on a daily basis.
 - Assisted state government in early stages of state quality program!
- Diversity program.
 - A model program for the nation!
 - National Guard Bureau using Iowa program.
 - Key to future success of Iowa Guard!
 - Reach out to diverse groups stressing equal opportunity for all!
 - Presently reflect 3.6% of diversity.
 - Goal of 6% diversity, as is state of Iowa.
 - Be a mirror image of the communities in which we reside.
- Counterdrug program.
 - Recognized as top program nationally.
 - #1 methamphetamine awareness program in nation.
 - Award from Secretary of Defense.
 - Making a difference with our youth and making our communities a safer and better place to raise our families.
 - Crack house demolition – over 100 houses destroyed.
 - Drug demand reduction program in our middle schools is a good example.
 - New Midwest region Counterdrug school (includes 18 states and territories).
 - FY-03 funding of \$3.5 million – increasing to \$5 million per year.
 - Expect 3000-5000 law enforcement students annually.
- We realize the importance of staying on the cutting edge of technology! The key to our success in the future!
 - Your Iowa Guard is leading the nation in distance learning and technology initiatives.
 - We are leveraging the infrastructure of the Iowa communications network for training.
 - This one of a kind network with unlimited bandwidth capability results in a living test bed for Department of Defense and commercial contractors for technology and distance learning projects.
 - We will remain engaged at the national level and continue to leverage the infrastructure of the Iowa Communications Network.
 - We are excited about emerging missions and new opportunities in the distance learning, technology and homeland security areas.

Allow me to transition and comment on the war on terrorism and our Defenders of Freedom that have joined us in the chamber today. And share with you examples of commitment we have for one another.

We all can agree the events of 11 September 2001 have changed our lives forever! It

changed operations in the Iowa Guard significantly! Operations will never be the same!

On that day:

- We went to Force Protection Level Delta (the highest level).
- 24 hour operations (still 24 hour force protection and alert.)
- Escorted Air Force One into Offutt Air Force Base and to D.C.
- Combat air patrol with F-16s.

We have been tasked for missions we didn't think we would be tasked for:

- Airport security mission at eight Iowa airports.
- Hygienic lab at University of Iowa.
- 24/7 alert mission for F-16s.
 - All-night when President Bush or senior leadership was in Des Moines.
- Liberty shield – security of railroad bridges over Mississippi River.
- Trained 500 member task force to respond to homeland security mission.
- 133d Test Squadron activated in place for radar contingency suite modernization.
- Security Police from 132d Fighter Wing and 185th Air Refueling Wing activated and deployed – extended for two years!

We are now experiencing the largest mobilization of the Iowa Guard since World War II. This period will go down in history as a very significant event!

Nationally, our pace of operations is 20 times greater than Desert Shield/Desert Storm and increasing.

- Deployed to 30 countries in last two years.
- This causes increased stress on our members and their families, employers and communities.

This is the biggest concern we have in the Guard today and we must do everything we can to take care of our members and their families.

We have outstanding family support groups, Employer Support of the Guard and Reserve (ESGR) teams and Civilian Aides to the Secretary of the Army all working together to provide this support.

- I thank Mr. Mike Earley and Mr. Sam Kalainov, Civilian Aides to the Secretary of the Army; Mr. Jack Felderman, State Chair, ESGR, and his team for all they do for our men and women in uniform. We could not perform the mission we do without their support.
- Members of this team have joined us in the chamber today. Thank you for your support!
- Ladies and gentlemen, our family support group and our Guard families helping families are truly our "heroes on the homefront." We thank them for the sacrifices they are making and for their strong support of their loved ones who are deployed. I want to thank the officers wives' auxiliary, Ms. Cathy Luther, State Family Coordinator, her staff and volunteers – we thank you very much for all that you do.

I personally observed one of the most remarkable events I have ever witnessed in 38 years of military service – our mobilizations over the past 2 years.

- I saw a very proud Iowa team (all members of the Iowa Guard family) come together to ensure our soldiers and airmen were sent off to the war on terror as prepared as they possible could be!
- They put the Iowa team first!

Let me explain:

- Painting of equipment to desert camouflage – 1200 plus pieces.
- Proper clothing.
- Proper equipment.
- Paperwork in order.
- Quality training completed.
- Briefings received by legal, ESGR and Family Readiness.
- For months and months members of the team worked endless hours (15-18 hours per day not uncommon) when Iowa soldiers arrived at the mobilization sites they spent minimum time for processing.
- Three hours required versus three days or more.
- "You're from Iowa – you're okay!"
- "You're from Iowa – go ahead!"

There is a special commitment to one another for sure!

There is a special bond that exists between members of the Iowa team.

- This continues today in the Iowa Guard as we uparmor our HUMVEES and trucks for deploying soldiers and continue to assist families with issues, injuries and casualties.
- As I interacted with our young soldiers and airmen I quickly realized the quality young men and women we have in the Iowa Guard today.
- They were very positive.
- They were very thankful for the extra preparation and hard work of our Guard family.
- They were prepared for a deployment for the war on terror.
- They admitted that mom and dad had some concerns.
- They had no idea what it would be like in Iraq and Afghanistan but they were proud and ready to go.

Today we have approximately 3,200 soldiers and airmen deployed and preparing to deploy around the world participating in the Global War on Terror.

- 4,200 in the last 18 months.
- Over 6,800 since 11 September 01.
- Unprecedented taskings for sure!
- 1st – 7th in the nation for percentage of available force mobilized over last 18 months.
- Today, 78% of available force alerted and/or mobilized as we deploy. Approximately 700 additional soldiers from 11 Iowa communities - yesterday, today and tomorrow.
- The largest task force mobilization since World War II.
 - We may very well be #1 in nation again.
- We need predictability! No more short alert notifications to mobilizations. Department of Defense and National Guard Bureau's goal is 25% deployed, 25% preparing for deployment and 50% in training and reconstitution for future rotations. (Department of Defense says 1 deployment every 6 years.)

Previously, I spoke about our transformational efforts that have positioned the Iowa Guard at a very high level nationally. But the real test comes during combat operations.

Today the active duty continues to ask for Iowa units. Why? Because we are a combat ready Guard with high readiness levels and quality young men and women. They are the best of the best!

These young men and women are "hometown heroes" to us all!

- They have interrupted their lives – they are making sacrifices!
- They have left behind what they cherish most – family and friends.
- They have left one job for another – to protect this country from evils of terror.
- They are performing their mission in an outstanding manner.

We are so proud of our young men and women in the Iowa Guard today!

- We salute them!
- We have tremendous respect for them!
- We thank them for their commitment, their dedication and willingness to serve

Allow me to introduce to you a representation of our Defenders of Freedom that have been deployed for Operations Enduring Freedom (Global War on Terror outside continental United States), Noble Eagle (Global War on Terror continental United States), Iraqi Freedom (Iraq) and peacekeeping missions (Egypt, Bosnia and Kosovo).

- These soldiers and airmen represent 2,400 members of the Iowa Team.

I ask soldiers and airmen to stand and remain standing until I have introduced all units/members:

- 1034th Quartermaster Company (Operation Enduring Freedom – Afghanistan) – 24/7 operations providing logistical support for entire central region of Afghanistan and 82nd Airborne Division which included over 8,000 U.S. and coalition forces.
 - Captain Karla Pfeiffer, Commander
 - Lt Brad Teggatz
- Company D 109th Aviation (Operation Enduring Freedom/Operation Iraqi Freedom) – Two rotations in less than 27 months in support of the 160th SOAR ("Blackhawk Down"). They kept the special operations helicopters in the air during Operations Enduring Freedom and Iraqi Freedom. Many forward deployed to the battlefield!
 - Major Rob Stark
 - SFC Garry Estabrooks
 - SSG Michael van pelt
- 34th Operational Support Command pilots (Operation Iraqi Freedom) – Deployed for six months to Kuwait in support of U.S. Central Command (CENTCOM) operations. During this time they flew 325 missions, hauling 1625 passengers to include the CENTOM three star general, foreign ambassadors, special operations forces such as navy seals and 65,000 lbs of cargo. A total of 600 hours of accident free flying!
 - CW4 Ed Stettin
 - SFC Jodi Bishop
- 1-194th Field Artillery (Operation Noble Eagle) – One year on duty providing critical asset protection in Ohio, Michigan and Indiana. The

M-1 Abrams tank factory and a chemical weapons storage facility were two of the locations

- CSM Craig Berte
- SPC Brian Adams
- 1-133 Infantry Battalion (Sinai Peacekeeping for 6 months) – Accomplished the mission with fewer soldiers than any other previous unit. Competed against army soldiers from Colombia, Fiji and other U.S. units and won the commanders cup in the forces skills competition. They lived up to their nickname, the “Ironman Battalion.”
 - SSG Michael Devereux
 - SSG Michael McNory
- 185th Rear Operation Center (Operation Iraqi Freedom) – Personnel filled key support positions at command level in Iraq and Kuwait. Personnel were responsible for helping organize the rotation of soldiers deployed to the Middle East for Operation Iraqi Freedom. Also served on base defense liaison teams in many areas of operation in Iraq.
 - Captain Donald McGhghy
 - SPC Mark Mortenson
- 3654 Maintenance Company (Operation Enduring Freedom) – provided maintenance support in Afghanistan.
 - SPC Brett Bellis
 - Private Aaron Vanrees
- UH-60 Blackhawk pilots from Company B, 147th Aviation (Operation Iraqi Freedom) – CW4 John Prater, CW3 Brian O’Keefe and CW2 Mark Bragg were unable to be with us today. Deployed for 6 months and supported the 101st Airborne Division in Iraq. They flew over 250 hours of combat missions.
- 132d Fighter Wing (Operation Noble Eagle/Operation Iraqi Freedom) – Deployed to Turkey where they flew combat missions over Northern Iraq in November - December 2003. Their sixth deployment in six years to Iraq. Security police activated for two years and are also providing air sovereignty alert for NOARD at the Des Moines Air Base.
 - Major Mark Maly
 - TSgt Doug Asher
 - Sra Eric Randall
 - Sra Randy Warden
- 185th Air Refueling Wing (Operation Noble Eagle/Operation Iraqi Freedom) – Escorted Air Force One on 11 September 01 and deployed security police to locations around the world. Flew combat air patrols over Eastern Seaboard in the fall of 2001 and deployed four times to enforce the no-fly zones over Iraq.
 - SSgt Greg Patten
 - SSgt Michael Smidt
 - TSgt Steve Streeter
- 133d Test Squadron (Operation Noble Eagle /Operation Iraqi Freedom) – Members were deployed to Baghdad International Airport and controlled the airspace over Central Iraq
 - Major Robin Hosch, Commander
 - SMSgt Bob Steffes
- 2168 Transportation Company (Operation Iraqi Freedom) – The 2168 Transportation Company was mobilized but due to a change in mission, never left the U.S. – We welcomed them home as we have the other

units here today, as heroes. Their determination to serve this great nation has not gone unnoticed.

Soldiers and Airmen, thank you for your outstanding performance and for the sacrifices you made in serving your state and nation!

You might ask why did these men and women decide to join the Iowa National Guard knowing someday they might have to serve in harms way?

Let me tell you why:

- All young people have a dream!
- They have the opportunity to fulfill their dreams in the Iowa Guard.
- Most of these young men and women join the Guard for the educational opportunities but they stay for a different reason.
- We retain 85% plus of our members.
- After our young people participate:
 - In real-world missions, protecting the values we cherish most, like freedom.
 - In state emergencies, coming to the aid of Iowans in a time of need (the sense of helping others).
 - In community programs that add value to our communities, they become role models with our youth and make our communities a better place to raise our families. (Sense of volunteering and giving something back!)
 - Many people would say our young people today do not have that patriotic spirit.
 - I prefer to say it is alive and well - our young people enter the Guard in an attempt to fulfill their dream and get an education, but they stay for patriotic reasons.
 - An example of a quality investment in our youth today.
- What do you as citizens get back from your investment in the Iowa National Guard?
 - The employers get an educated, trustworthy, ethical, hardworking, and drug-free employee.
 - Your communities get a model citizen who will volunteer their time with local youths.
 - Teaching them how to make morally correct decisions in life.
- There are also many advantages to employing our future military leaders.
 - They are and will continue to receive world-class leadership and technical training through the National Guard. These are the same skills they will bring to your organization.
 - They are motivated, drug-free and in great physical condition.
 - They are taught to be leaders, make sound decisions, and be team players.

They are professionals with a sense of honor and self-respect, and a "can do" attitude that will give your team the winning edge.

We have with us today some very special soldiers!
Let me introduce to you some Heroes from the Battlefield!

They all have defended freedom very courageously:

In this case they have sacrificed and have altered their lives forever with injuries!

- SPC B.J. Jackson, SPC Ashly Mentzer, SPC Nathan Lienemann, SGT Michael Swope and SPC Ryan Klosterman – 186th Military Police Company, Baghdad, Iraq
 - All five soldiers are fortunate to be alive.
 - SPC Mentzer and SPC Lienemann are here with us today!
 - Explain attack
 - Emphasize professionalism
 - Quality training
 - Composure under fire – get out of the kill zone – pinned down 45 minutes – fire fight lasted over 4 hours
 - Saved life of B.J. Jackson in spite of their own injuries – award Purple Heart for actions taken and injuries suffered!
 - B.J. is now a double amputee and recovering from severe burns at Brooks Medical Center in San Antonio, Texas
 - Purple Heart presentation by TAG
 - Short-term goals
 - Stand and salute The Adjutant General when he was presented Purple Heart.
 - Response to media representative – This General came here to salute B.J. and say thanks for all the sacrifices he is making so we can enjoy the freedoms and liberties we enjoy today.
 - He stood tall and proud, proud to have served his state and nation and proud to represent all the men and women who serve and sacrifice.
 - Long-term goals
 - He wants to get back to Iraq with 186th Military Police unit and finish the mission he was assigned – we are making a difference General!
 - Lienemann and Mentzer attacked again while enroute to get their Purple Hearts from the first attack.
Commander said – That's it, you guys are going home.
 - SPC Mentzer and SPC Lienemann, a special thanks for outstanding performance in Operation Iraqi Freedom.
 - You are heroes to us all!
 - You are special young Americans!
- SGT Cindy Meyer – 186th Military Police Company
 - Contracted viral encephalitis after receiving small pox vaccination in February 2003.
 - Was very active – wood working skills!
 - Today – in a wheel chair, partially paralyzed, constant headaches and in constant pain.
 - In rehab today – striving for improvement.
 - She loves the army National Guard and wouldn't do anything different today.
 - She remains very positive today.
 - She was ready and wanted to deploy!
 - We thank SGT Meyer for the sacrifices she is making.
- SPC Allen Brunner - 186th Military Police Company

- Developed illnesses after he was mobilized.
 - Contracted Gillian Barr Syndrome and pneumonia after reactions to vaccinations during mobilization.
 - SPC Brunner is in rehab today and recovering from illnesses.
 - We thank you for your service and the sacrifices you are making.
- SGT Jon Sliger – 1133rd Transportation Company
- SGT Chad Hayes – 1133rd Transportation Company
- SGT Michael Doidge - 1133rd Transportation Company
 - All three soldiers injured in a mortar attack on their base camp on the seventh of January.
 - Eleven soldiers from 1133rd Transportation Company and one from 234th Signal Battalion were wounded.
 - Soldiers are home recovering from their injuries.
 - Attended funeral of SPC Josh Knowles of Sheffield (driver/1133rd Transportation Company).
 - Proud of accomplishments of 1133rd Transportation Company in Iraq.
 - The unit has driven over 1.7 million miles delivering supplies and equipment all over Iraq.
 - It is said that any drivers for the 1133rd Transportation Company can go anywhere in Iraq without a road map.
 - SGT Jon Sliger, SGT Chad Hayes, SGT Michael Doidge – best of luck on your recovery and we thank you for the sacrifices you are making and your outstanding performance in Iraq.
- CH-47 crash on 2 November 2003 (Detachment 1, Company F, 106th Aviation - Davenport)
 - SGT Gerald Santos and SPC Chad Baetke.
 - Injuries suffered from crash.
 - They were on a flight northwest Baghdad taking soldiers to the Baghdad Airport for leave when a shoulder fired, surface to air heat-seeking missile struck an engine on their aircraft at 200 feet and 150 knots.
 - Brief of accident
 - Taking care of people on board.
 - Iowa soldiers arrived at crash scene and pulled them from wreckage.
 - 13 soldiers died at the site.
 - 17 soldiers survived.
 - CW4 Bruce smith (first combat casualty since Vietnam) and SGT Paul fisher died from injuries sustained in the crash.
 - Visit to Walter reed (SGT Santos)
 - He asked if I could help in recognizing soldiers who aided in recovery. Again, he was concerned about others.
 - Said “General thanks for stopping by and checking on me – means a lot to me and Annie.”
 - Little did he know that it meant more to me than him - a true inspiration to all.
 - Request – Will you take a message back to the Iowa Team?

- Thanks to all for help and support to my family and me during our difficult times.
- SGT Santos and SPC Baetke you are an inspiration to us all and we thank you for your outstanding performance in the war on terrorism.

Other than recovering from their injuries, every soldier I have talked to wants to get back to their units and help complete the mission. They believe they are making a difference in Iraq and they are proud of their accomplishments.

I would like to make a very special presentation to SGT Gerald Santos, SPC Chad Baetke, SGT Jon Slinger, SGT Chad Hayes and SGT Michael Doidge.

- The medal of the Purple Heart!

We will do this a little differently today in the chamber.

- I will explain the award for the soldiers.
- We will read the citation for the individual soldier.
- I will pin the Purple Heart on the soldier's chest.

The Purple Heart is an award you hope you never receive!

- It is the oldest award given by the military.
- Established by General George Washington on 7 August 1782 during the Revolutionary War.
- The Purple Heart is awarded in the name of the president of the U.S. for any member of the armed forces for being wounded or killed in action during combat operations.
- While clearly an individual decoration, the Purple Heart differs from all other decorations in that an individual is not "recommended" for the decoration, rather he or she is entitled to it upon meeting the above mentioned criteria.
- The award reflects bravery, heroism, and valor above and beyond the call of duty – it describes these soldiers' tour of duty in Iraq!
- Soldiers, you provide an incredible sense of pride and a clear definition of what it means to be an American.
- We thank you for your service to your state and country and the sacrifices you are making.
- I would ask governor Vilsack, our Commander-in-Chief, to join me in the awards presentations.
- Please stand for the reading of the citations.

Major General Dardis presented the Purple Heart awards

I would like to ask all present to remember our fallen comrades who made the ultimate sacrifice with their lives as they defended this country from the evils of terror. It is a sad day when we lose a member of the armed forces, especially, when that person is an Iowan. We have lost 10 Iowans since last March, five of them are from active duty and reserve units.

- Sgt Bradley Korthaus, Davenport – USMC Reserve - Company C, 6th Engineer Support Battalion - 24 March 2003 – drown during combat operations
- Gunnery SGT Jeffery Bohr, Ossian - USMC – 1st Battalion, 5th regiment USMC – 10 April 03 - KIA

- Private Kenneth Nally, Hamburg – USA– 501st Military Police Company - 26 May 2003 – killed in vehicle accident
- Private Michael Deutsch, Dubuque – USA – Troop C, 1st Armored Division – 31 July 2003 – KIA
- Private Kurt Frosheiser, Des Moines – USA – 1st Armored Division - 8 November 2003 – KIA

Five soldiers from the Iowa Army National Guard have made the ultimate sacrifice in Operation Iraqi Freedom. We have presented to the families the Bronze Star and the Purple Heart posthumously, an emotional and humbling experience!

- PFC David Kirchoff, Anamosa – 2133rd Transportation Company – 14 August 03 (heatstroke)
- CW4 Bruce Smith, West Liberty – Detachment 1, Company F, 106th Aviation – 2 November 03 – KIA – (pilot of Chinook)
- SGT Paul Fisher, Marion - Detachment 1, Company F, 106th Aviation – 6 November 03 – died as result of injuries received in Chinook crash
- SPC Aaron Sissel, Tipton - 2133rd Transportation Company – 29 November 03 – KIA
- SPC Joshua Knowles, Sheffield – 1133rd Transportation Company – 5 February 2004 – KIA

Inscribed on the tomb of the Unknown Soldier in Arlington Cemetery are these words.

Not for fame or reward,
 Not for place or for rank,
 Not lured by ambition, or goaded by necessity,
 But in simple
 Obedience to duty as they understood it,
 These men suffered all,
 Sacrificed all,
 Dared all – and died.

- Our hearts go out to the families of our fallen heroes!
- Our prayers will be with them always.

Please join me in a moment of silence!

Our Iowa Guard members are:

- Citizens – most of the time
- Soldiers and airmen – some of the time
- Patriots all of the time!

Ladies and gentlemen, our young men and women in uniform today are serving their state and nation with dignity and pride!

We thank you for allowing us to tell our story!

- Thank you always for your support
- God bless you and your families
- God bless America

Thank you!

Major General Dardis was escorted from the House chamber by the committee previously appointed.

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 2:25 p.m.

The House stood at ease at 2:26 p.m., until the fall of the gavel.

Jacobs of Polk in the chair at 2:45 p.m.

INTRODUCTION OF BILLS

House File 2369, by Murphy, a bill for an act relating to the cancellation of liability insurance for certain professions.

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

House File 2370, by Fallon, a bill for an act regulating distance requirements benefiting confinement feeding operations, and making a penalty applicable.

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

House File 2371, by Hutter, a bill for an act disqualifying a person from holding office as a member of a board of directors of a school district if the person has been convicted of a sexual offense and providing for related matters.

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 24, 2004. Had I been present, I would have voted "aye" on House Files 2281, 2282 and 2318.

ARNOLD of Lucas

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2004\536 | Val and Marilyn Skarda, Iowa City – For celebrating their 50 th wedding anniversary. |
| 2004\537 | Lawrence Alvin Liming, Ames – For celebrating his 80 th birthday. |
| 2004\538 | Bettie G. Schworm, Ames – For celebrating her 80 th birthday. |
| 2004\539 | Warren Boehm Kuhn, Ames – For celebrating his 80 th birthday. |
| 2004\540 | Dorothy Lorraine Ward, Ames – For celebrating her 80 th birthday. |
| 2004\541 | Dorothy Laura Stohlmeyer, Ames – For celebrating her 80 th birthday. |
| 2004\542 | Ursula Bach Von Godany, Ames – For celebrating her 80 th birthday. |
| 2004\543 | Marion Conley Buck, Ames – For celebrating his 80 th birthday. |
| 2004\544 | Paul R. Jones, Ames – For celebrating his 90 th birthday. |
| 2004\545 | Doris Maag, Cedar Falls – For celebrating her 94 th birthday. |

SUBCOMMITTEE ASSIGNMENTS

House File 487

Human Resources: Wilderdyke, Chair; Carroll and Miller.

House File 2118 Reassigned

Judiciary: Eichhorn, Chair; Berry and Dennis.

House File 2252

Commerce, Regulation and Labor: Watts, Chair; Jacobs and Petersen.

House File 2337

Education: Dennis, Chair; Berry and Upmeyer.

House File 2353

Education: Dolecheck, Chair; Paulsen and Stevens.

House File 2368

Education: Carroll, Chair; Chambers and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 656

Local Government: Tjepkes, Chair; Arnold and Shomshor.

House Study Bill 671

Local Government: Hanson, Chair; Jones and Lensing.

House Study Bill 682

Agriculture: Drake, Chair; Frevert, Klemme, Manternach and Mertz.

House Study Bill 683

Judiciary: Boal, Chair; Eichhorn and Swaim.

House Study Bill 684

Public Safety: Eichhorn, Chair; Klemme and McCarthy.

House Study Bill 685

Public Safety: Eichhorn, Chair; Klemme and McCarthy.

House Study Bill 686

State Government: Drake, Chair; Connors, Elgin, Jones and Lykam.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 687 Commerce, Regulation and Labor

Relating to the uniform electronic transactions Act.

H.S.B. 688 Agriculture

Requesting the legislative council to establish an interim study committee to examine issues relating to fees imposed, assessed, and collected by the department of agriculture and land stewardship.

H.S.B. 689 Human Resources

Providing for the establishment of a drug repository program.

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

House File 2243, a bill for an act regarding notice requirements by customers of and limitations on liability for liquefied petroleum gas suppliers, retailers, handlers, and transports, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2004.

Committee Bill (Formerly House Study Bill 556), modifying the rate of interest payable on weekly workers' compensation benefits.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly House Study Bill 648), providing for the regulation of securities, providing for fees and penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 2091), relating to rural improvement zones.

Fiscal Note is not required

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly House Study Bill 529), providing income tax credits for equity investments in businesses that are primarily engaged in the business of the

production of value-added agricultural products and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2043), exempting sales made to nonprofit child care centers from the sales and use taxes.

Fiscal Note is required.

Recommended **Do Pass** February 24, 2004.

Committee Bill (Formerly House Study 521), making technical changes to programs under the purview of the department of human services.

Fiscal Note is not required

Recommended **Amend and Do Pass** February 25, 2004.

Committee Bill (Formerly House Study Bill 660), Relating to dependent adult abuse and dependent adult endangerment and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

Committee Bill (Formerly House Study Bill 625), relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2097), relating to recovery of prejudgment interest in relation to an offer to confess judgment.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly House File 2179), relating to the establishment of a toll-free telephone service by the department of justice to assist persons interested in receiving consumer fraud information.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly House File 2280), relating to counterfeit labels and trademarks, and providing penalties.

Fiscal Note is required

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly House Study Bill 278), relating to the act or property of a public utility with respect to definition of nuisance.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 572), allowing a modified criminal penalty for certain thefts from retailers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

COMMITTEE ON WAYS AND MEANS

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 not required.

Recommended **Amend and Do Pass with amendment H-8146** February 23, 2004.

AMENDMENT FILED

H—8146 S.F. 297 Committee on Way and Means

On motion by Gipp of Winneshiek the House adjourned at 2:50 p.m., until 8:45 a.m., Thursday, February 26, 2004.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 26, 2004

The House met pursuant to adjournment at 8:51 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Alden Kuiper, pastor of the Crossroads Christian Reformed Church, West Des Moines. He was the guest of Representative Libby Jacobs from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, February 25, 2004 was approved.

INTRODUCTION OF BILLS

House File 2372, by committee on agriculture, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

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

House File 2373, by committee on commerce, regulation and labor, a bill for an act providing for the inapplicability of provisions regulating licensed real estate brokers and salespersons to auctioneers under specified circumstances, and providing penalties.

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

House File 2374, by Jacobs, a bill for an act relating to elections and voter registration by implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, and including effective date provisions.

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

House File 2375, by Upmeyer, a bill for an act providing a prohibition against reprisals relating to health care workers disclosing specified information, and providing penalties.

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

House File 2376, by Connors, a bill for an act relating to workers' compensation, including certain benefits and procedures administered by the workers' compensation commissioner, workers' compensation liability insurance, liability insurance, confidential information filed with the workers' compensation commission, liability of third parties, subrogation and indemnification of employers, and repeal of provisions specific to occupational disease compensation, and providing penalties.

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

House File 2377, by Alons, Mertz, and Klemme, a bill for an act regulating the transportation of animal carcasses, and providing for fees.

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

CONSIDERATION OF BILLS Special Order Calendar

House File 2302, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission membership and employees, gambling treatment fund and community endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that House File 2302 be temporarily deferred and that the bill retain its place on the special order calendar.

The House stood at ease at 9:13 a.m., until the fall of the gavel.

The House resumed session at 11:07 a.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas on request of Speaker Rants.

The House resumed consideration of House File 2302, found on page 370 of the House Journal, previously deferred.

Carroll of Poweshiek offered amendment H-8072 filed by Carroll, et al., as follows:

H-8072

1 Amend House File 2302 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 15E.311 COMMUNITY
5 ENDOWMENT FUND.

6 1. A community endowment fund is created in the
7 state treasury under the control of the department of
8 revenue. The fund consists of all moneys appropriated
9 to the fund. Moneys in the fund shall be distributed
10 by the department as provided in this section.

11 2. At the end of each fiscal year, moneys in the
12 fund shall be transferred into separate accounts
13 within the fund and designated for use by each county
14 in which no licensee authorized to conduct gambling
15 games under chapter 99F was located during that fiscal
16 year. Moneys transferred to county accounts shall be
17 divided equally among the counties. Moneys
18 transferred into an account for a county shall be
19 transferred by the department to an eligible community
20 foundation for that county. Of the moneys
21 transferred, an eligible community foundation shall
22 distribute eighty percent of the moneys as grants to
23 recipients in that county and shall retain twenty
24 percent of the moneys for use as an endowment for that
25 foundation. If a county does not have an eligible
26 community foundation, moneys in the account for that
27 county shall remain in that account until an eligible
28 community foundation for that county is established.
29 For purposes of this subsection, an "eligible

30 community foundation" means a qualified community
 31 foundation, as defined in section 15E.303, that is
 32 designated by the board, as defined in section
 33 15E.303, to receive moneys from an account created in
 34 this section for a particular county.

35 3. Notwithstanding section 12C.7, subsection 2,
 36 interest or earnings on moneys deposited in the
 37 community endowment fund shall be credited to the
 38 community endowment fund. Notwithstanding section
 39 8.33, moneys credited to the community endowment fund
 40 shall not revert at the close of a fiscal year.

41 Sec. 2. Section 99D.2, subsection 8, Code 2003, is
 42 amended to read as follows:

43 8. "Racetrack enclosure" means all real property
 44 utilized for the conduct of a race meeting, including
 45 the racetrack, grandstand, clubhouse, turf club or
 46 other areas of a licensed racetrack which a person may
 47 enter only upon payment of an admission fee, or upon
 48 payment by another, at any time, based upon the
 49 person's admittance, or upon presentation of
 50 authorized credentials. "Racetrack enclosure" also

Page 2

1 means concession stands, offices, barns, kennels and
 2 barn areas, employee housing facilities, parking lots,
 3 and any additional areas designated by the commission.

4 Sec. 3. Section 99D.2, Code 2003, is amended by
 5 adding the following new subsection:

6 NEW SUBSECTION. 9. "Wagering area" means that
 7 portion of a racetrack in which a licensee may receive
 8 wagers of money from a person present in a licensed
 9 racing enclosure on a horse or dog in a race selected
 10 by the person making the wager as designated by the
 11 commission.

12 Sec. 4. Section 99D.5, subsections 1, 2, 3, and 4,
 13 Code 2003, are amended to read as follows:

14 1. A state racing and gaming commission is created
 15 within the department of inspections and appeals
 16 consisting of nine members, including five voting
 17 members ~~who~~ and four nonvoting members.

18 a. The voting members of the commission shall be
 19 appointed by the governor subject to confirmation by
 20 the senate, and ~~who~~ shall serve not to exceed a three-
 21 year term at the pleasure of the governor. The term
 22 of each voting member shall begin and end as provided
 23 in section 69.19.

24 b. The nonvoting members of the commission shall
 25 be two state representatives, one appointed by the
 26 speaker of the house of representatives and one by the
 27 minority leader of the house of representatives, and
 28 two state senators, one appointed by the majority

29 leader of the senate and one by the minority leader of
30 the senate.

31 2. A vacancy of a voting member on the commission
32 shall be filled as provided in section 2.32.

33 3. Not more than three voting members of the
34 commission shall belong to the same political party.
35 A member of the commission shall not have a financial
36 interest in a racetrack.

37 4. a. Commission ~~The voting members of the~~
38 commission are each entitled to receive an annual
39 salary of six thousand dollars. ~~Members Voting~~
40 members shall also be reimbursed for actual expenses
41 incurred in the performance of their duties to a
42 maximum of thirty thousand dollars per year for the
43 commission. Each voting member shall ~~post a bond in~~
44 ~~the amount of ten thousand dollars, with sureties to~~
45 ~~be approved by the governor, to guarantee the proper~~
46 ~~handling and accounting of moneys and other properties~~
47 ~~required in the administration of this chapter. The~~
48 ~~premiums on the bonds shall be paid as other expenses~~
49 ~~of the commission be covered by the blanket surety~~
50 bond of the state purchased pursuant to section

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1 8A.321, subsection 12.

2 b. Legislative members shall be paid the per diem
3 and expenses specified in section 2.10 for each day of
4 service. The per diem and expenses of the legislative
5 members shall be paid from funds appropriated under
6 section 2.12.

7 Sec. 5. Section 99D.6, Code 2003, is amended to
8 read as follows:

9 99D.6 CHAIRPERSON – ADMINISTRATOR – EMPLOYEES –
10 DUTIES – BOND.

11 The commission shall elect in July of each year one
12 of its voting members as chairperson for the
13 succeeding year. The commission shall appoint an
14 administrator of the commission subject to
15 confirmation by the senate. The administrator shall
16 serve a four-year term. The term shall begin and end
17 in the same manner as set forth in section 69.19. A
18 vacancy shall be filled for the unexpired portion of
19 the term in the same manner as a full-term appointment
20 is made. The administrator may hire other assistants
21 and employees as necessary to carry out the
22 commission's duties. Employees in the positions of
23 equine veterinarian, canine veterinarian, and equine
24 steward shall be exempt from the merit system
25 provisions of chapter 8A, subchapter IV, and shall not
26 be covered by a collective bargaining agreement. Some
27 or all of the information required of applicants in

28 section 99D.8A, subsections 1 and 2, may also be
 29 required of employees of the commission if the
 30 commission deems it necessary. The administrator
 31 shall keep a record of the proceedings of the
 32 commission, and preserve the books, records, and
 33 documents entrusted to the administrator's care. The
 34 ~~commission shall require the administrator to post a~~
 35 ~~bond in a sum it may fix, conditioned upon the~~
 36 ~~faithful performance of the administrator's duties~~
 37 shall be covered by the blanket surety bond of the
 38 state purchased pursuant to section 8A.321, subsection
 39 12. Subject to the approval of the governor, the
 40 commission shall fix the compensation of the
 41 administrator within the salary range as set by the
 42 general assembly. The commission shall have its
 43 headquarters in the city of Des Moines, and shall meet
 44 in July of each year and at other times and places as
 45 it finds necessary for the discharge of its duties.
 46 Sec. 6. Section 99D.7, subsection 8, Code 2003, is
 47 amended to read as follows:
 48 8. To investigate alleged violations of this
 49 chapter or the commission rules, orders, or final
 50 decisions and to take appropriate disciplinary action

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1 against a licensee or a holder of an occupational
 2 license for the violation, or institute appropriate
 3 legal action for enforcement, or both. Information
 4 gathered during an investigation is confidential
 5 during the pendency of the investigation. Decisions
 6 by the commission are final agency actions pursuant to
 7 chapter 17A.
 8 Sec. 7. Section 99D.7, subsection 19, Code 2003,
 9 is amended to read as follows:
 10 19. To require licensees to indicate in their
 11 racing programs those horses which are treated with
 12 the legal medication ~~lasix~~ furosemide or
 13 phenylbutazone. The program shall also indicate if it
 14 is the first or subsequent time that a horse is racing
 15 with ~~lasix~~ furosemide, or if the horse has previously
 16 raced with ~~lasix~~ furosemide and the present race is
 17 the first race for the horse without ~~lasix~~ furosemide
 18 following its use.
 19 Sec. 8. Section 99D.7, Code 2003, is amended by
 20 adding the following new subsection:
 21 NEW SUBSECTION. 23. To require licensees to
 22 establish a process to allow a person to be
 23 voluntarily excluded for life from a racetrack
 24 enclosure and all other licensed facilities under this
 25 chapter and chapter 99F. The process established
 26 shall require that a licensee disseminate information

27 regarding persons voluntarily excluded to all
28 licensees under this chapter and chapter 99F. The
29 state and any licensee under this chapter or chapter
30 99F shall not be liable to any person for any claim
31 which may arise from this process. In addition to any
32 other penalty provided by law, any money or thing of
33 value that has been obtained by, or is owed to, a
34 voluntarily excluded person by a licensee as a result
35 of wagers made by the person after the person has been
36 voluntarily excluded shall not be paid to the person
37 but shall be deposited into the gambling treatment
38 fund created in section 135.150.

39 Sec. 9. Section 99D.9, subsections 1 and 2, Code
40 2003, are amended to read as follows:

41 1. If the commission is satisfied that its rules
42 and sections 99D.8 through 99D.25 applicable to
43 licensees have been or will be complied with, it may
44 issue a license for a period of not more than three
45 years. The commission may decide which types of
46 racing it will permit. The commission may permit dog
47 racing, horse racing of various types, or both dog and
48 horse racing. The commission shall decide the number,
49 location, and type of all racetracks licensed under
50 this chapter. The license shall set forth the name of

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1 the licensee, the type of license granted, the place
2 where the race meeting is to be held, and the time and
3 number of days during which racing may be conducted by
4 the licensee. ~~The commission shall not approve the~~
5 ~~licenses for racetracks in Dubuque county and Black~~
6 ~~Hawk county if the proposed racing schedules of the~~
7 ~~two tracks conflict.~~ The commission shall not approve
8 a license application if any part of the racetrack is
9 to be constructed on prime farmland outside the city
10 limits of an incorporated city. As used in this
11 subsection, "prime farmland" means as defined by the
12 United States department of agriculture in 7 C.F.R.
13 see. § 657.5(a). A license is not transferable or
14 assignable. The commission may revoke any license
15 issued for good cause upon reasonable notice and
16 hearing. The commission shall conduct a neighborhood
17 impact study to determine the impact of granting a
18 license on the quality of life in neighborhoods
19 adjacent to the proposed racetrack facility. The
20 applicant for the license shall reimburse the
21 commission for the costs incurred in making the study.
22 A copy of the study shall be retained on file with the
23 commission and shall be a public record. The study
24 shall be completed before the commission may issue a
25 license for the proposed facility.

26 2. A license shall only be granted to a nonprofit
27 corporation or association upon the express condition
28 that:

29 a. ~~The~~ the nonprofit corporation or association
30 shall not, by a lease, contract, understanding, or
31 arrangement of any kind, grant, assign, or turn over
32 to a person the operation of a race meeting licensed
33 under this section or of the pari-mutuel system of
34 wagering described in section 99D.11. This section
35 does not prohibit a management contract approved by
36 the commission.

37 b. ~~The nonprofit corporation shall not in any~~
38 ~~manner permit a person other than the licensee to have~~
39 ~~a share, percentage, or proportion of the money~~
40 ~~received for admissions to the race or race meeting.~~

41 Sec. 10. Section 99D.9, subsection 6, Code 2003,
42 is amended to read as follows:

43 6. (1) A licensee ~~may~~ shall not loan to any
44 person money or any other thing of value for the
45 purpose of permitting that person to wager on any
46 race.

47 (2) A licensee shall not permit a financial
48 institution, vendor, or other person to dispense cash
49 or credit through an electronic or mechanical device
50 including but not limited to a satellite terminal as

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1 defined in section 527.2, that is located on the
2 licensed premises.

3 Sec. 11. NEW SECTION. 99D.9A MORATORIUM.

4 The commission shall not issue a license to conduct
5 pari-mutuel wagering at a racetrack pursuant to this
6 chapter as provided in section 99F.4C.

7 Sec. 12. Section 99D.11, subsection 7, Code 2003,
8 is amended to read as follows:

9 7. A person under the age of twenty-one years
10 shall not make or attempt to make a pari-mutuel wager.

11 A person who violates this subsection commits a
12 scheduled violation under section 805.8C, subsection
13 4.

14 Sec. 13. Section 99D.14, subsection 2, Code 2003,
15 is amended by striking the subsection and inserting in
16 lieu thereof the following:

17 2. A licensee shall pay a regulatory fee to be
18 charged as provided in this section. In determining
19 the regulatory fee to be charged as provided under
20 this section, the commission shall use the amount
21 appropriated to the commission plus the cost of
22 salaries for no more than two special agents for each
23 racetrack, plus any direct and indirect support costs
24 for the agents, for the division of criminal

25 investigation's racetrack activities, as the basis for
26 determining the amount of revenue to be raised from
27 the regulatory fee.

28 Sec. 14. Section 99D.14, subsection 7, Code 2003,
29 is amended by striking the subsection.

30 Sec. 15. Section 99D.15, subsection 3, paragraph
31 d, Code 2003, is amended by striking the paragraph.

32 Sec. 16. Section 99D.15, Code 2003, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 5. An amount equal to one-half of
35 one percent of the gross sum wagered by the pari-
36 mutuel method shall be deposited into the gambling
37 treatment fund created in section 135.150 from the tax
38 revenue received by the commission pursuant to
39 subsections 1, 3, and 4.

40 Sec. 17. Section 99D.19, Code 2003, is amended to
41 read as follows:

42 99D.19 HORSE OR DOG RACING – LICENSEES – RECORDS
43 – REPORTS – SUPERVISION.

44 1. A licensee shall keep its books and records so
45 as to clearly show the following:

46 1. a. ~~The total number of admissions to races~~
47 ~~conducted by it on each racing day, including the~~
48 ~~number of admissions upon free passes or complimentary~~
49 ~~tickets for each day of operation.~~

50 2. b. ~~The amount received daily from admission~~

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1 fees.

2 3. The total amount of money wagered during the
3 race meet for each day of operation.

4 2. The licensee shall furnish to the commission
5 reports and information as the commission may require
6 with respect to its activities. The commission may
7 designate a representative to attend a licensed race
8 meeting, who shall have full access to all places
9 within the enclosure of the meeting and who shall
10 supervise and check the admissions. The compensation
11 of the representative shall be fixed by the commission
12 but shall be paid by the licensee.

13 Sec. 18. Section 99D.23, subsection 1, Code 2003,
14 is amended to read as follows:

15 1. The commission shall employ one or more
16 chemists or contract with a qualified chemical
17 laboratory to determine by chemical testing and
18 analysis of saliva, urine, blood, or other excretions
19 or body fluids whether a substance or drug has been
20 introduced which may affect the outcome of a race or
21 whether an action has been taken or a substance or
22 drug has been introduced which may interfere with the
23 testing procedure. The commission shall adopt rules

24 under chapter 17A concerning procedures and actions
25 taken on positive drug reports. The commission may
26 adopt by reference the standards of the national
27 association of state racing commissioners, the
28 association of official racing chemists, and New York
29 jockey club, or the United States trotting
30 association, nationally recognized standards as
31 determined by the commission or may adopt any other
32 procedure or standard. The commission has the
33 authority to retain and preserve by freezing, test
34 samples for future analysis.

35 Sec. 19. Section 99D.25, subsection 1, paragraph
36 a, Code 2003, is amended to read as follows:

37 a. "Drugging" means administering to a horse or
38 dog any substance foreign to the natural horse or dog
39 prior to the start of a race. However, in counties
40 with a population of two hundred fifty thousand or
41 more, "drugging" does not include administering to a
42 horse the drugs ~~lasix~~ furosemide and phenylbutazone in
43 accordance with section 99D.25A and rules adopted by
44 the commission.

45 Sec. 20. Section 99D.25, subsection 5, Code 2003,
46 is amended to read as follows:

47 5. Every horse which suffers a breakdown on the
48 racetrack, in training, or in competition, and is
49 destroyed, and every other horse which expires while
50 stabled on the racetrack under the jurisdiction of the

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1 commission, shall undergo a postmortem examination by
2 a veterinarian or a veterinary pathologist at a time
3 and place acceptable to the commission veterinarian to
4 determine the injury or sickness which resulted in
5 euthanasia or natural death. ~~The postmortem~~
6 ~~examination shall be conducted by a veterinarian~~
7 ~~employed by the owner or the owner's trainer in the~~
8 ~~presence of and in consultation with the commission~~
9 ~~veterinarian.~~ Test samples shall be obtained from the
10 carcass upon which the postmortem examination is
11 conducted and shall be sent to a laboratory approved
12 by the commission for testing for foreign substances
13 and natural substances at abnormal levels. When
14 practical, blood and urine test samples should be
15 procured prior to euthanasia. The owner of the
16 deceased horse is responsible for payment of any
17 charges due ~~the veterinarian employed to conduct the~~
18 ~~postmortem examination.~~ ~~The services of the~~
19 ~~commission veterinarian and the laboratory testing of~~
20 ~~postmortem samples shall be made available by the~~
21 ~~commission without charge to the owner.~~ A record of
22 every postmortem shall be filed with the commission by

23 the owner's veterinarian or veterinary pathologist who
24 performed the postmortem within seventy-two hours of
25 the death and shall be submitted on a form supplied by
26 the commission. Each owner and trainer accepts the
27 responsibility for the postmortem examination provided
28 herein as a requisite for maintaining the occupational
29 license issued by the commission.

30 Sec. 21. Section 99D.25, subsection 9, Code 2003,
31 is amended to read as follows:

32 9. The commission shall conduct random tests of
33 bodily substances of horses entered to race each day
34 of a race meeting to aid in the detection of any
35 unlawful drugging. The tests ~~shall~~ may be conducted
36 both prior to and after a race. The commission shall
37 also test any horse that breaks down during a race and
38 shall perform an autopsy on any horse that is killed
39 or subsequently destroyed as a result of an accident
40 during a race.

41 Sec. 22. Section 99D.25A, subsections 3 through 7,
42 Code 2003, are amended to read as follows:

43 3. If a horse is to race with phenylbutazone in
44 its system, the trainer, or trainer's designee, shall
45 be responsible for marking the information on the
46 entry blank for each race in which the horse shall use
47 phenylbutazone. Changes made after the time of entry
48 must be submitted on the prescribed form to the
49 commission veterinarian no later than scratch time.

50 4. If a test detects concentrations of

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1 phenylbutazone in the system of a horse in excess of
2 the level permitted in this section, the commission
3 shall assess a civil penalty against the trainer of at
4 least two hundred dollars for the first offense and at
5 least five hundred dollars for a second offense. The
6 penalty for a third or subsequent offense shall be in
7 the discretion of the commission. A penalty assessed
8 under this subsection shall not affect the placing of
9 the horse in the race.

10 5. ~~Lasix~~ Furosemide may be administered to
11 certified bleeders. Upon request, any horse placed on
12 the bleeder list shall, in its next race, be permitted
13 the use of ~~lasix~~ furosemide. Once a horse has raced
14 with ~~lasix~~ furosemide, it must continue to race with
15 ~~lasix~~ furosemide in all subsequent races unless a
16 request is made to discontinue the use. If the use of
17 ~~lasix~~ furosemide is discontinued, the horse shall be
18 prohibited from again racing with ~~lasix~~ furosemide
19 unless it is later observed to be bleeding. Requests
20 for the use of or discontinuance of ~~lasix~~ furosemide
21 must be made to the commission veterinarian by the

22 horse's trainer or assistant trainer on a form
 23 prescribed by the commission on or before the day of
 24 entry into the race for which the request is made.
 25 6. Once a horse has been permitted the use of
 26 ~~lasix furosemide~~, the horse must be treated with ~~lasix~~
 27 furosemide in the horse's stall, unless the commission
 28 provides that a horse must be brought to the detention
 29 barn for treatment. After the ~~lasix furosemide~~
 30 treatment, the commission, by rule, may authorize the
 31 release of the horse from the horse's stall or
 32 detention barn before the scheduled post time. If a
 33 horse is brought to the detention barn late, the
 34 commission shall assess a civil penalty of one hundred
 35 dollars against the trainer.
 36 7. A horse entered to race with ~~lasix furosemide~~
 37 must be treated at least four hours prior to post
 38 time. The ~~lasix furosemide~~ shall be administered
 39 intravenously by a veterinarian employed by the owner
 40 or trainer of the horse. The commission shall adopt
 41 rules to ensure that ~~lasix furosemide~~ is administered
 42 as provided in this section. The commission shall
 43 require that the practicing veterinarian deliver an
 44 affidavit signed by the veterinarian which certifies
 45 information regarding the treatment of the horse. The
 46 affidavit must be delivered to a commission
 47 veterinarian within twenty minutes following the
 48 treatment. The statement must at least include the
 49 name of the practicing veterinarian, the tattoo number
 50 of the horse, the location of the barn and stall where

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1 the treatment occurred, the race number of the horse,
 2 the name of the trainer, and the time that the ~~lasix~~
 3 furosemide was administered. ~~Lasix Furosemide~~ shall
 4 only be administered in a dose level of two hundred
 5 fifty milligrams.
 6 Sec. 23. Section 99F.1, Code Supplement 2003, is
 7 amended by adding the following new subsection:
 8 NEW SUBSECTION. 7A. "Excursion boat" means a
 9 self-propelled, floating vessel that is or has been
 10 previously certified by the United States coast guard
 11 for operation as a vessel.
 12 Sec. 24. Section 99F.1, subsection 8, Code
 13 Supplement 2003, is amended to read as follows:
 14 8. "Excursion gambling boat" means a self-
 15 propelled an excursion boat or moored barge on which
 16 lawful gambling is authorized and licensed as provided
 17 in this chapter.
 18 Sec. 25. Section 99F.1, subsection 10, Code
 19 Supplement 2003, is amended to read as follows:
 20 10. "Gambling game" means any game of chance

21 authorized by the commission. However, for racetrack
 22 enclosures, "gambling game" does not include table
 23 games of chance or video machines which simulate table
 24 games of chance. "Gambling game" does not include
 25 sports betting.

26 Sec. 26. Section 99F.1, Code Supplement 2003, is
 27 amended by adding the following new subsection:
 28 NEW SUBSECTION. 10A. "Gaming floor" means that
 29 portion of an excursion gambling boat or racetrack
 30 enclosure in which gambling games are conducted as
 31 designated by the commission.

32 Sec. 27. Section 99F.1, subsection 12, Code
 33 Supplement 2003, is amended to read as follows:

34 12. "Holder of occupational license" means a
 35 person licensed by the commission to perform an
 36 occupation which the commission has identified as
 37 requiring a license to engage in the excursion
 38 gambling boat gambling industry in Iowa.

39 Sec. 28. Section 99F.1, Code Supplement 2003, is
 40 amended by adding the following new subsection:

41 14A. "Moored barge" means a floating barge or
 42 vessel that is not self-propelled.

43 Sec. 29. Section 99F.1, subsection 16, Code
 44 Supplement 2003, is amended to read as follows:

45 16. "Racetrack enclosure" means all real property
 46 utilized for the conduct of a race meeting, including
 47 the racetrack, grandstand, clubhouse, turf club, or
 48 other areas of a licensed racetrack which an
 49 individual may enter only upon payment of an admission
 50 fee, or upon payment by another, at any time, based

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1 upon the individual's admittance, or upon presentation
 2 of authorized credentials. "Racetrack enclosure" also
 3 means concession stands, offices, barns, kennels and
 4 barn areas, employee housing facilities, parking lots,
 5 and any additional areas designated by the commission.

6 Sec. 30. Section 99F.4, subsection 2, Code 2003,
 7 is amended to read as follows:

8 2. To license qualified sponsoring organizations,
 9 to license the operators of excursion gambling boats,
 10 to identify occupations within the excursion gambling
 11 boat operations which require licensing, and to adopt
 12 standards for licensing the occupations including
 13 establishing fees for the occupational licenses and
 14 licenses for qualified sponsoring organizations. The
 15 fees shall be paid to the commission and deposited in
 16 the general fund of the state. All revenue received
 17 by the commission under this chapter from license fees
 18 and admission regulatory fees shall be deposited in
 19 the general fund of the state and shall be subject to

20 the requirements of section 8.60.

21 Sec. 31. Section 99F.4, subsection 6, Code 2003,
22 is amended to read as follows:

23 6. To investigate alleged violations of this
24 chapter or the commission rules, orders, or final
25 decisions and to take appropriate disciplinary action
26 against a licensee or a holder of an occupational
27 license for a violation, or institute appropriate
28 legal action for enforcement, or both. Information
29 gathered during an investigation is confidential
30 during the pendency of the investigation.

31 Sec. 32. Section 99F.4, subsection 18, Code 2003,
32 is amended to read as follows:

33 18. To provide for the continuous videotaping of
34 all gambling activities on an excursion gambling boat.
35 The videotaping shall be performed under guidelines
36 set by rule of the division of criminal investigation
37 and the rules may require that all or part of the
38 original tapes be submitted to the division on a
39 timely schedule.

40 Sec. 33. Section 99F.4, subsection 20, Code 2003,
41 is amended by striking the subsection.

42 Sec. 34. Section 99F.4, Code 2003, is amended by
43 adding the following new subsections:

44 NEW SUBSECTION. 23. To require licensees to
45 establish a process to allow a person to be
46 voluntarily excluded for life from an excursion
47 gambling boat and all other licensed facilities under
48 this chapter and chapter 99D. The process established
49 shall require that a licensee disseminate information
50 regarding persons voluntarily excluded to all

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1 licensees under this chapter and chapter 99D. The
2 state and any licensee under this chapter or chapter
3 99D shall not be liable to any person for any claim
4 which may arise from this process. In addition to any
5 other penalty provided by law, any money or thing of
6 value that has been obtained by, or is owed to, a
7 voluntarily excluded person by a licensee as a result
8 of wagers made by the person after the person has been
9 voluntarily excluded shall not be paid to the person
10 but shall be deposited into the gambling treatment
11 fund created in section 135.150.

12 NEW SUBSECTION. 24. To approve a licensee's
13 application to operate as a moored barge, an excursion
14 boat that will cruise, or an excursion boat that will
15 not cruise, as submitted pursuant to section 99F.7.

16 NEW SUBSECTION. 25. To conduct a socioeconomic
17 study on the impact of gambling on Iowans, every eight
18 years beginning in calendar year 2008, and issue a

19 report on that study. The commission shall ensure
20 that the results of each study are readily accessible
21 to the public.

22 Sec. 35. Section 99F.4A, subsection 4, Code 2003,
23 is amended to read as follows:

24 4. The regulatory fee imposed in section 99D.14,
25 subsection 2, shall be collected ~~for admission to from~~
26 a licensee of a racetrack enclosure where gambling
27 games are licensed to operate in lieu of the admission
28 regulatory fee imposed in section 99F.10.

29 Sec. 36. Section 99F.4A, subsection 8, Code 2003,
30 is amended by striking the subsection.

31 Sec. 37. NEW SECTION. 99F.4C MORATORIUM FOR
32 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-
33 MUTUEL WAGERING AND ON THE NUMBER OF GAMBLING GAMES OR
34 SLOT MACHINES.

35 1. Commencing with the effective date of this
36 section of this Act, the commission shall not issue a
37 license to conduct pari-mutuel wagering at a racetrack
38 pursuant to chapter 99D or to conduct gambling games
39 on an excursion boat or at a pari-mutuel racetrack
40 pursuant to this chapter.

41 2. Commencing with the effective date of this
42 section of this Act, the commission shall not
43 authorize any of the following:

44 a. An increase in the number of gambling games or
45 the number of slot machines on an excursion gambling
46 boat.

47 b. An increase in the number of slot machines at a
48 pari-mutuel racetrack.

49 3. This section does not affect the validity of a
50 license issued by the commission pursuant to chapter

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1 99D or this chapter before the effective date of this
2 section of this Act or the authority of the commission
3 to suspend, revoke, transfer, or renew a license
4 issued before the effective date of this section of
5 this Act pursuant to chapter 99D or this chapter.

6 Sec. 38. Section 99F.5, subsection 1, Code 2003,
7 is amended to read as follows:

8 1. A qualified sponsoring organization may apply
9 to the commission for a license to conduct gambling
10 games on an excursion gambling boat as provided in
11 this chapter. A person may apply to the commission
12 for a license to operate an excursion gambling boat.
13 An operating agreement entered into on or after the
14 effective date of this section of this Act between a
15 qualified sponsoring organization and an operator
16 shall provide for a minimum distribution by the
17 qualified sponsoring organization for educational,

18 civic, public, charitable, patriotic, or religious
19 uses as defined in section 99B.7, subsection 3,
20 paragraph "b", that averages at least three percent of
21 the adjusted gross receipts for each license year.
22 The application shall be filed with the administrator
23 of the commission at least ninety days before the
24 first day of the next excursion season as determined
25 by the commission, shall identify the excursion
26 gambling boat upon which gambling games will be
27 authorized, shall specify the exact location where the
28 excursion gambling boat will be docked, and shall be
29 in a form and contain information as the commission
30 prescribes. The minimum passenger capacity of an
31 excursion gambling boat is two hundred fifty persons.
32 Sec. 39. Section 99F.6, subsection 4, paragraph a,
33 Code Supplement 2003, is amended to read as follows:
34 a. Before a license is granted, the division of
35 criminal investigation of the department of public
36 safety shall conduct a thorough background
37 investigation of the applicant for a license to
38 operate a gambling game operation on an excursion
39 gambling boat. The applicant shall provide
40 information on a form as required by the division of
41 criminal investigation. A qualified sponsoring
42 organization licensed to operate gambling games under
43 this chapter shall distribute the receipts of all
44 gambling games, less reasonable expenses, charges,
45 taxes, fees, and deductions allowed under this
46 chapter, as winnings to players or participants or
47 shall distribute the receipts for educational, civic,
48 public, charitable, patriotic, or religious uses as
49 defined in section 99B.7, subsection 3, paragraph "b".
50 However, a licensee to conduct gambling games under

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1 this chapter shall, unless an operating agreement for
2 an excursion gambling boat otherwise provides,
3 distribute at least three percent of the adjusted
4 gross receipts for each license year for educational,
5 civic, public, charitable, patriotic, or religious
6 uses as defined in section 99B.7, subsection 3,
7 paragraph "b". However, if a licensee who is also
8 licensed to conduct pari-mutuel wagering at a horse
9 racetrack has unpaid debt from the pari-mutuel
10 racetrack operations, the first receipts of the
11 gambling games operated within the racetrack enclosure
12 less reasonable operating expenses, taxes, and fees
13 allowed under this chapter shall be first used to pay
14 the annual indebtedness. The commission shall
15 authorize, subject to the debt payments for horse
16 racetracks and the provisions of paragraph "b" for dog

17 racetracks, a licensee who is also licensed to conduct
18 pari-mutuel dog or horse racing to use receipts from
19 gambling games within the racetrack enclosure to
20 supplement purses for races particularly for Iowa-bred
21 horses pursuant to an agreement which shall be
22 negotiated between the licensee and representatives of
23 the dog or horse owners. For each agreement
24 concerning purses for horse racing beginning on or
25 after January 1, 2006, and ending before January 1,
26 2021, the agreement shall provide that total annual
27 purses for horse racing at every racetrack enclosure
28 within Polk county shall be no less than eleven
29 percent of the first two hundred million dollars of
30 net receipts, and six percent of net receipts above
31 two hundred million dollars. A qualified sponsoring
32 organization shall not make a contribution to a
33 candidate, political committee, candidate's committee,
34 state statutory political committee, county statutory
35 political committee, national political party, or
36 fund-raising event as these terms are defined in
37 section 68A.102. The membership of the board of
38 directors of a qualified sponsoring organization shall
39 represent a broad interest of the communities. For
40 purposes of this paragraph, "net receipts" means the
41 annual adjusted gross receipts from all gambling games
42 less the annual amount of money pledged by the owner
43 of the facility to fund a project approved to receive
44 vision Iowa funds as of July 1, 2004.
45 Sec. 40. Section 99F.7, subsection 1, Code 2003,
46 is amended to read as follows:
47 1. If the commission is satisfied that this
48 chapter and its rules adopted under this chapter
49 applicable to licensees have been or will be complied
50 with, the commission shall issue a license for a

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1 period of not more than three years to an applicant to
2 own a gambling game operation and to an applicant to
3 operate an excursion gambling boat. The commission
4 shall decide which of the gambling games authorized
5 under this chapter ~~the commission~~ will permit. The
6 commission shall decide the number, location, and type
7 of excursion gambling boats licensed under this
8 chapter for operation on the rivers, lakes, and
9 reservoirs of this state. An excursion gambling boat
10 may be located or operated on a natural or man-made
11 lake or reservoir if the lake or reservoir is of
12 sufficient size to accommodate recreational activity.
13 An excursion gambling boat may also be located on a
14 body of water adjacent to a river, provided it is
15 located no more than one thousand feet from the

16 closest edge of the river, as established by the
 17 commission in consultation with the United States army
 18 corps of engineers, the department of natural
 19 resources, or other appropriate regulatory agency.
 20 The license shall set forth, as applicable, the name
 21 of the licensee, the type of license granted, the
 22 place where the excursion gambling boats will operate
 23 and dock, and the time and number of days during the
 24 excursion season and the off season when gambling may
 25 be conducted by the licensee. The

26 1A. An applicant for a license to conduct gambling
 27 games on an excursion gambling boat, and each licensee
 28 by June 30 of each year thereafter, shall indicate and
 29 have noted on the license whether the applicant or
 30 licensee will operate a moored barge, an excursion
 31 boat that will cruise, or an excursion boat that will
 32 not cruise. If the applicant or licensee will operate
 33 a moored barge or an excursion boat that will not
 34 cruise, the requirements of this chapter concerning
 35 cruising shall not apply. If the applicant's or
 36 licensee's excursion boat will cruise, the applicant
 37 or licensee shall comply with the cruising
 38 requirements of this chapter and the commission shall
 39 not allow such a licensee to conduct gambling games on
 40 an excursion gambling boat while docked during the off
 41 season if the licensee does not operate gambling
 42 excursions for a minimum number of days during the
 43 excursion season. The commission may delay the
 44 commencement of the excursion season at the request of
 45 a licensee.

46 Sec. 41. Section 99F.7, subsection 3, Code 2003,
 47 is amended to read as follows:

48 3. The commission shall require, as a condition of
 49 granting a license, that an applicant to operate an
 50 excursion gambling boat develop, and as nearly as

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1 practicable, recreate boats or moored barges that
 2 resemble Iowa's riverboat history.

3 Sec. 42. Section 99F.7, subsection 5, paragraph b,
 4 Code 2003, is amended by striking the paragraph.

5 Sec. 43. Section 99F.7, subsection 9, Code 2003,
 6 is amended to read as follows:

7 9. a. A licensee shall not loan to any person
 8 money or any other thing of value for the purpose of
 9 permitting that person to wager on any game of chance.

10 b. A licensee shall not permit a financial
 11 institution, vendor, or other person to dispense cash
 12 or credit through an electronic or mechanical device
 13 including but not limited to a satellite terminal, as
 14 defined in section 527.2, that is located on the

15 licensed premises.

16 Sec. 44. Section 99F.7, subsection 10, paragraph
17 e, Code 2003, is amended to read as follows:

18 e. After a referendum has been held which defeated
19 a proposal to conduct gambling games on excursion
20 gambling boats or which defeated a proposal to conduct
21 gambling games at a licensed pari-mutuel racetrack
22 enclosure as provided in this section, another
23 referendum on a proposal to conduct gambling games on
24 an excursion gambling boat or at a licensed pari-
25 mutuel racetrack shall not be held for at least ~~two~~
26 eight years.

27 Sec. 45. Section 99F.9, subsection 5, Code 2003,
28 is amended to read as follows:

29 5. A person under the age of twenty-one years
30 shall not make ~~or attempt to make~~ a wager on an
31 excursion gambling boat ~~or in a racetrack enclosure~~
32 and shall not be allowed ~~in the area on the gaming~~
33 ~~floor of the an excursion gambling boat where gambling~~
34 ~~is being conducted or of a racetrack enclosure.~~
35 However, a person eighteen years of age or older may
36 be employed to work ~~in a gambling area on the gaming~~
37 ~~floor of an excursion gambling boat or a racetrack~~
38 ~~enclosure. A person who violates this subsection with~~
39 ~~respect to making or attempting to make a wager~~
40 ~~commits a scheduled violation under section 805.8C,~~
41 ~~subsection 4.~~

42 Sec. 46. Section 99F.10, Code 2003, is amended to
43 read as follows:

44 99F.10 ADMISSION REGULATORY FEE – TAX – LOCAL
45 FEES.

46 1. A qualified sponsoring organization conducting
47 gambling games on an excursion gambling boat licensed
48 under section 99F.7 shall pay the tax imposed by
49 section 99F.11.

50 2. An excursion gambling boat licensee shall pay

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1 to the commission ~~an admission a regulatory fee for~~
2 ~~each person embarking on an excursion gambling boat~~
3 ~~with a ticket of admission to be charged as provided~~
4 ~~in this section. The admission fee shall be set by~~
5 ~~the commission.~~

6 a. ~~If tickets are issued which are good for more~~
7 ~~than one excursion, the admission fee shall be paid~~
8 ~~for each person using the ticket on each excursion~~
9 ~~that the ticket is used.~~

10 b. ~~If free passes or complimentary admission~~
11 ~~tickets are issued, the licensee shall pay the same~~
12 ~~fee upon these passes or complimentary tickets as if~~
13 ~~they were sold at the regular and usual admission~~

14 rate.

15 e. ~~However, the excursion boat licensee may issue~~
16 ~~fee free passes to actual and necessary officials and~~
17 ~~employees of the licensee or other persons actually~~
18 ~~working on the excursion gambling boat.~~

19 d. ~~The issuance of fee free passes is subject to~~
20 ~~the rules of the commission, and a list of all persons~~
21 ~~to whom the fee free passes are issued shall be filed~~
22 ~~with the commission.~~

23 3. ~~In addition to the admission fee charged under~~
24 ~~subsection 2 and subject Subject to approval of~~
25 ~~excursion gambling boat docking by the voters, a city~~
26 ~~may adopt, by ordinance, an admission fee not~~
27 ~~exceeding fifty cents for each person embarking on an~~
28 ~~excursion gambling boat docked within the city or a~~
29 ~~county may adopt, by ordinance, an admission fee not~~
30 ~~exceeding fifty cents for each person embarking on an~~
31 ~~excursion gambling boat docked outside the boundaries~~
32 ~~of a city. The admission revenue received by a city~~
33 ~~or a county shall be credited to the city general fund~~
34 ~~or county general fund as applicable.~~

35 4. In determining the license fees and state
36 ~~admission regulatory~~ fees to be charged as provided
37 under section 99F.4 and this section, the commission
38 shall use the amount appropriated to the commission
39 plus the cost of salaries for no more than two special
40 agents and no more than four gaming enforcement
41 officers for each excursion gambling boat, plus any
42 direct and indirect support costs for the agents and
43 officers, for the division of criminal investigation's
44 excursion gambling boat activities ~~and an amount for~~
45 ~~all licensees, not to exceed one hundred twenty five~~
46 ~~thousand dollars, representing other associated costs~~
47 ~~of the division, as the basis for determining the~~
48 amount of revenue to be raised from the license fees
49 and admission regulatory fees. ~~The division's salary~~
50 ~~costs shall be limited to eighty percent of the salary~~

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1 ~~costs for special agents and eighty percent of the~~
2 ~~salary costs for gaming enforcement for personnel~~
3 ~~assigned to excursion gambling boats who enforce laws~~
4 ~~and rules adopted by the commission.~~

5 5. No other license tax, permit tax, occupation
6 tax, excursion fee, or taxes on fees shall be levied,
7 assessed, or collected from a licensee by the state or
8 by a political subdivision, except as provided in this
9 chapter.

10 6. No other excise tax shall be levied, assessed,
11 or collected from the licensee relating to gambling
12 excursions or admission charges by the state or by a

13 political subdivision, except as provided in this
14 chapter.

15 Sec. 47. Section 99F.11, Code Supplement 2003, is
16 amended to read as follows:

17 99F.11 WAGERING TAX – RATE – ALLOCATIONS.

18 1. A tax is imposed on the adjusted gross receipts
19 received annually each fiscal year from gambling games
20 authorized under this chapter at the rate of five
21 percent on the first one million dollars of adjusted
22 gross receipts, and at the rate of ten percent on the
23 next two million dollars of adjusted gross receipts,
24 and at the rate of twenty percent

25 2. The tax rate imposed each fiscal year on any
26 amount of adjusted gross receipts over three million
27 dollars. However, beginning January 1, 1997, the rate
28 on any amount of adjusted gross receipts over three
29 million dollars from gambling games at racetrack
30 enclosures is twenty-two percent and shall increase by
31 two percent each succeeding calendar year until the
32 rate is thirty-six percent. shall be as follows:

33 a. If the licensee is an excursion gambling boat
34 or a racetrack enclosure conducting gambling games,
35 twenty-two percent.

36 b. Notwithstanding paragraph "a", if the licensee
37 is an excursion gambling boat that is licensed to
38 operate a moored barge and another licensee of an
39 excursion gambling boat in the same county is not
40 licensed to operate a moored barge, twenty-six
41 percent.

42 3. The taxes imposed by this section shall be paid
43 by the licensee to the treasurer of state within ten
44 days after the close of the day when the wagers were
45 made and shall be distributed as follows:

46 4. a. If the gambling excursion originated at a
47 dock located in a city, one-half of one percent of the
48 adjusted gross receipts shall be remitted to the
49 treasurer of the city in which the dock is located and
50 shall be deposited in the general fund of the city.

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1 Another one-half of one percent of the adjusted gross
2 receipts shall be remitted to the treasurer of the
3 county in which the dock is located and shall be
4 deposited in the general fund of the county.

5 2. b. If the gambling excursion originated at a
6 dock located in a part of the county outside a city,
7 one-half of one percent of the adjusted gross receipts
8 shall be remitted to the treasurer of the county in
9 which the dock is located and shall be deposited in
10 the general fund of the county. Another one-half of
11 one percent of the adjusted gross receipts shall be

12 remitted to the treasurer of the Iowa city nearest to
 13 where the dock is located and shall be deposited in
 14 the general fund of the city.

15 ~~3. c. Three-tenths~~ One-half of one percent of the
 16 adjusted gross receipts shall be deposited in the
 17 gambling treatment fund ~~specified in section 99G.39,~~
 18 ~~subsection 1, paragraph "a" created in section~~
 19 ~~135.150.~~

20 d. One-half of one percent of the adjusted gross
 21 receipts shall be deposited in the community endowment
 22 fund created in section 15E.311.

23 ~~4. e.~~ The remaining amount of the adjusted gross
 24 receipts tax shall be credited to the general fund of
 25 the state.

26 Sec. 48. Section 99F.12, Code 2003, is amended to
 27 read as follows:

28 99F.12 LICENSEES - RECORDS - REPORTS -
 29 SUPERVISION.

30 1. A licensee shall keep its books and records so
 31 as to clearly show all of the following:

32 ~~1. a.~~ The total number of admissions to gambling
 33 excursions conducted by the licensee on each day,
 34 including the number of admissions upon free passes or
 35 complimentary tickets for each day of operation.

36 ~~2. b.~~ The amount received daily from admission
 37 fees.

38 ~~3.~~ The total amount of money wagered during each
 39 excursion day and the adjusted gross receipts for the
 40 each day of operation.

41 2. The licensee shall furnish to the commission
 42 reports and information as the commission may require
 43 with respect to its activities. The gross receipts
 44 and adjusted gross receipts from gambling shall be
 45 separately handled and accounted for from all other
 46 moneys received from operation of an excursion
 47 gambling boat. The commission may designate a
 48 representative to board a licensed excursion gambling
 49 boat, who shall have full access to all places within
 50 the enclosure of the boat, who shall directly

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1 supervise the handling and accounting of all gross
 2 receipts and adjusted gross receipts from gambling,
 3 and who shall supervise and check the admissions. The
 4 compensation of a representative shall be fixed by the
 5 commission but shall be paid by the licensee.

6 3. The books and records kept by a licensee as
 7 provided by this section are public records and the
 8 examination, publication, and dissemination of the
 9 books and records are governed by the provisions of
 10 chapter 22.

11 Sec. 49. Section 99F.17, subsections 5 and 6, Code
12 2003, are amended to read as follows:

13 5. The manufacturer or distributor of gambling
14 games or implements of gambling shall provide the
15 commission with ~~a copy of the invoice~~ written notice
16 showing the items shipped to the licensee ~~and a copy~~
17 ~~of the bill of lading.~~

18 6. Subsection 2 does not apply in the following
19 cases, if approved by the commission:

20 a. Gambling games or implements of gambling
21 previously installed ~~on an excursion gambling boat in~~
22 a gambling location licensed in another jurisdiction.

23 b. Gambling games or implements of gambling
24 previously installed ~~on an excursion gambling boat in~~
25 a gambling location licensed in this state.

26 Sec. 50. Section 99G.39, subsection 1, paragraph
27 a, Code Supplement 2003, is amended to read as
28 follows:

29 a. An amount equal to ~~three-tenths~~ one-half of one
30 percent of the gross lottery revenue for the year
31 shall be deposited in a ~~the~~ gambling treatment fund in
32 ~~the office of the treasurer of state~~ created in
33 section 135.150.

34 Sec. 51. NEW SECTION. 135.150 GAMBLING TREATMENT
35 FUND.

36 1. A gambling treatment fund is created in the
37 state treasury under the control of the department.
38 The fund consists of all moneys appropriated to the
39 fund. However, if moneys appropriated to the fund in
40 a fiscal year exceed six million dollars, the amount
41 exceeding six million dollars shall be transferred to
42 the general fund of the state. Moneys in the fund are
43 appropriated to the department for the purposes
44 described in this section.

45 2. Moneys appropriated to the department under
46 this section shall be for the purpose of operating a
47 gambling treatment program and shall be used for
48 funding of administrative costs and to provide
49 programs which may include, but are not limited to,
50 outpatient and follow-up treatment for persons

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1 affected by problem gambling, rehabilitation and
2 residential treatment programs, information and
3 referral services, crisis call access, education and
4 preventive services, and financial management and
5 credit counseling services.

6 3. Notwithstanding section 12C.7, subsection 2,
7 interest or earnings on moneys deposited in the
8 gambling treatment fund shall be credited to the
9 gambling treatment fund. Notwithstanding section

10 8.33, moneys credited to the gambling treatment fund
 11 shall not revert to the fund from which appropriated
 12 at the close of a fiscal year.

13 4. The department shall report semiannually to the
 14 legislative government oversight committees regarding
 15 the operation of the gambling treatment fund and
 16 program. The report shall include, but is not limited
 17 to, information on revenues and expenses related to
 18 the fund for the previous period, fund balances for
 19 the period, and moneys expended and grants awarded for
 20 operation of the gambling treatment program.

21 Sec. 52. Section 421.17, Code Supplement 2003, is
 22 amended by adding the following new subsection:

23 NEW SUBSECTION. 28. To administer the community
 24 endowment fund created in section 15E.311.

25 Sec. 53. NEW SECTION. 725.19 GAMBLING BY MINORS.

26 1. Any person under the age of twenty-one years
 27 shall not make or attempt to make a gambling wager,
 28 except as permitted under chapter 99B. A person who
 29 violates this subsection commits a scheduled violation
 30 under section 805.8C, subsection 4.

31 2. A person who knowingly permits a person under
 32 the age of twenty-one years to make or attempt to make
 33 a gambling wager, except as permitted under chapter
 34 99B, is guilty of a simple misdemeanor.

35 Sec. 54. Section 805.8C, Code 2003, is amended by
 36 adding the following new subsection:

37 NEW SUBSECTION. 4. GAMBLING VIOLATIONS. For
 38 violations of legal age for gambling wagering under
 39 section 99D.11, subsection 7, section 99F.9,
 40 subsection 5, and section 725.19, subsection 1, the
 41 scheduled fine is five hundred dollars. Failure to
 42 pay the fine by a person under the age of eighteen
 43 shall not result in the person being detained in a
 44 secure facility.

45 Sec. 55. Sections 99D.14A and 99F.10A, Code 2003,
 46 are repealed.

47 Sec. 56. SOCIOECONOMIC STUDY OF GAMBLING.

48 1. The legislative council shall commission a
 49 study by an independent entity to study the
 50 socioeconomic impact of gambling on Iowans. The

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1 legislative council is authorized to expend up to one
 2 hundred thousand dollars to complete the study. The
 3 legislative council shall make the report available by
 4 July 1, 2005.

5 2. The study shall be an empirical study and
 6 include, but not be limited to, the following matters:
 7 a. The economic impact of gambling on communities
 8 and other businesses.

- 9 b. The impact of gambling, if any, on family
10 finances and family relations in general.
- 11 c. Demographic information on gamblers.
- 12 d. An assessment of the impact, if any, of
13 pathological or problem gambling on individuals,
14 families, social institutions, criminal activity, and
15 the economy.
- 16 e. Other relevant issues to fully examine the
17 socioeconomic impact of gambling.
- 18 Sec. 57. TRANSITION PROVISIONS – EXCURSION
19 GAMBLING BOAT CRUISING. A licensee authorized to
20 conduct gambling games on an excursion gambling boat
21 pursuant to chapter 99F as of January 1, 2004, shall,
22 no later than June 1, 2004, notify the racing and
23 gaming commission in writing if the licensee intends
24 to operate a moored barge, an excursion boat that will
25 cruise, or an excursion boat that will not cruise.
26 The racing and gaming commission shall make the
27 election of each licensee under this section public by
28 June 7, 2004. A licensee who initially elects to
29 operate a moored barge or an excursion boat that will
30 not cruise may, no later than June 30, 2004, change
31 its election and elect to operate an excursion boat
32 that will cruise.
- 33 Sec. 58. EFFECTIVE DATE – RETROACTIVE
34 APPLICABILITY.
- 35 1. The section of this Act amending section 99D.6
36 takes effect April 1, 2004. If this Act is enacted
37 after April 1, 2004, the section of this Act amending
38 section 99D.6, being deemed of immediate importance,
39 takes effect upon enactment and is retroactively
40 applicable to April 1, 2004, and is applicable on and
41 after that date.
- 42 2. The section of this Act amending section
43 99D.25, subsection 5, takes effect April 1, 2004. If
44 this Act is enacted after April 1, 2004, the section
45 of this Act amending section 99D.25, subsection 5,
46 being deemed of immediate importance, takes effect
47 upon enactment and is retroactively applicable to
48 April 1, 2004, and is applicable on and after that
49 date.
- 50 2A. The section of this Act enacting section

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- 1 99F.4C, being deemed of immediate importance, takes
2 effect upon enactment.
- 3 3. The section of this Act amending section 99F.5,
4 subsection 1, being deemed of immediate importance,
5 takes effect upon enactment.
- 6 4. The section of this Act amending section 99F.7,
7 subsection 10, paragraph "e", being deemed of

8 immediate importance, takes effect upon enactment and
 9 is retroactively applicable to referendums held on or
 10 after January 1, 2002.

11 5. The section of this Act requiring a
 12 socioeconomic study of gambling, being deemed of
 13 immediate importance, takes effect upon enactment.

14 6. The section of this Act establishing transition
 15 provisions concerning excursion gambling boat
 16 cruising, being deemed of immediate importance, takes
 17 effect upon enactment."

18 2. Title page, by striking lines 1 through 9 and
 19 inserting the following: "An Act relating to
 20 gambling, concerning the operation, licensure,
 21 regulation, fee assessment, and taxation of racetracks
 22 and excursion gambling boats, imposing a moratorium
 23 for issuance of licenses for gambling games and pari-
 24 mutual wagering, including pari-mutuel wagering, horse
 25 purses and gambling games at racetracks and on
 26 gambling boats, racing and gaming commission
 27 membership and employees, gambling treatment fund and
 28 community endowment fund appropriations, gambling by
 29 minors and others, and providing penalties and
 30 including effective and retroactive applicability date
 31 provisions."

D. Olson of Boone offered the amendment H-8132, to amendment
 H-8072, as follows:

H-8132

1 Amend the amendment, H-8072, to House File 2302 as
 2 follows:

3 1. Page 1, by inserting after line 3 the
 4 following:

5 "Section 1. Section 8.57, subsection 5, paragraph
 6 e, Code Supplement 2003, is amended by adding the
 7 following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. If the total amount of
 9 moneys directed to be deposited in the general fund of
 10 the state under sections 99D.17 and 99F.11 in a fiscal
 11 year is more than the total amount of moneys estimated
 12 to be deposited under those sections for that fiscal
 13 year by the revenue estimating conference as of the
 14 last meeting of the conference prior to that fiscal
 15 year, the first two million dollars of the difference
 16 shall be credited to the Iowa empowerment fund created
 17 in section 28.9 and used for grants to child care
 18 centers licensed under chapter 237A."

19 2. Page 23, line 27, by inserting after the words
 20 "treatment fund" the following: ", Iowa empowerment
 21 fund,".

22 3. By renumbering as necessary.

Carroll of Poweshiek rose on a point of order that amendment H-8132 was not germane, to amendment H-8072.

The Speaker ruled the point well taken and amendment H-8132 not germane.

Raecker of Polk offered the following amendment H-8112, to amendment H-8072, filed by him and moved its adoption:

H-8112

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:

3 "1. Page 1, line 4, by striking the word
4 "COMMUNITY" and inserting the following: "COUNTY".

5 2. Page 1, by inserting after line 5 the
6 following:

7 "1. The purpose of this section is to enhance the
8 quality of life for citizens of Iowa by providing
9 moneys to new or existing citizen groups of this state
10 organized to establish county affiliate funds or
11 community foundations that will address countywide
12 needs."

13 3. Page 1, line 6, by striking the words and
14 figure "1. A community" and inserting the following:
15 "2. A county".

16 4. Page 1, line 11, by striking the figure "2."
17 and inserting the following: "3. a."

18 5. Page 1, lines 19 and 20, by striking the words
19 "community foundation" and inserting the following:
20 "county recipient".

21 6. Page 1, line 21, by striking the words
22 "community foundation" and inserting the following:
23 "county recipient".

24 7. Page 1, line 23, by striking the word
25 "recipients" and inserting the following: "charitable
26 organizations for educational, civic, public,
27 charitable, patriotic, or religious uses, as defined
28 in section 99B.7, subsection 3, paragraph "b",."

29 8. Page 1, lines 24 and 25, by striking the words
30 "as an endowment for that foundation" and inserting
31 the following: "in establishing a permanent endowment
32 fund for the benefit of charitable organizations for
33 educational, civic, public, charitable, patriotic, or
34 religious uses, as defined in section 99B.7,
35 subsection 3, paragraph "b"."

36 9. Page 1, line 25, by inserting before the words
37 "If a county" the following: "b."

- 38 10. Page 1, line 26, by striking the words
 39 "community foundation" and inserting the following:
 40 "county recipient".
 41 11. Page 1, line 28, by striking the words
 42 "community foundation" and inserting the following:
 43 "county recipient".
 44 12. Page 1, line 28, by inserting after the word
 45 "established." the following:
 46 "c."
 47 13. Page 1, line 30, by striking the words
 48 "community foundation" and inserting the following:
 49 "county recipient".
 50 14. Page 1, line 31, by inserting after the word

Page 2

- 1 "foundation" the following: "or community affiliate
 2 organization".
 3 15. Page 1, lines 32 and 33, by striking the
 4 words and figure "designated by the board, as defined
 5 in section 15E.303," and inserting the following:
 6 "selected, in accordance with the procedures described
 7 in section 15E.304,".
 8 16. Page 1, line 34, by inserting after the word
 9 "county." the following: "To be selected as an
 10 eligible county recipient, a community affiliate
 11 organization shall establish a county affiliate fund
 12 to receive moneys as provided by this section."
 13 17. Page 1, line 35, by striking the figure "3."
 14 and inserting the following: "4."
 15 18. Page 1, line 37, by striking the word
 16 "community" and inserting the following: "county".
 17 19. Page 1, line 38, by striking the word
 18 "community" and inserting the following: "county".
 19 20. Page 1, line 39, by striking the word
 20 "community" and inserting the following: "county".
 21 21. Page 19, line 21, by striking the word
 22 "community" and inserting the following: "county".
 23 22. Page 21, line 23, by striking the word
 24 "community" and inserting the following: "county".
 25 23. Page 23, line 28, by striking the word
 26 "community" and inserting the following: "county".

Amendment H-8112 was adopted.

Osterhaus of Jackson offered the following amendment H-8133, to amendment H-8072, filed by him and moved its adoption:

H-8133

- 1 Amend the amendment, H-8072, to House File 2302 as

2 follows:

3 1. Page 16, by inserting after line 4, the
4 following:

5 "Sec. ____ Section 99F.7, subsection 6, Code 2003,
6 is amended to read as follows:

7 6. It is the intent of the general assembly that
8 employees be paid at least twenty-five percent above
9 the federal minimum wage level. Each licensee shall
10 submit a yearly report to the commission listing the
11 position and compensation of each officer, employee,
12 or contractor of the licensee earning thirty thousand
13 dollars or more for that year and listing, by salary
14 and position but not by name, those employees earning
15 less than thirty thousand dollars."

16 2. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 45, nays 51.

Amendment H-8133 lost.

Carroll of Poweshiek offered the following amendment H-8124, to amendment H-8072, filed by Boddicker of Cedar whom moved its adoption:

H-8124

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:

3 1. Page 1, by striking lines 4 through 40.

4 2. Page 19, by striking lines 20 through 22.

5 3. Page 19, line 23, by striking the letter "e",
6 and inserting the following: "d."

7 4. Page 21, by striking lines 21 through 24.

8 5. Page 23, lines 27 and 28, by striking the
9 words "and community endowment fund".

10 6. By renumbering as necessary.

Amendment H-8124 lost.

Greiner of Washington asked and received unanimous consent that amendment H-8113 to amendment H-8072 be deferred.

Roberts of Carroll offered the following amendment H-8121, to amendment H-8072, filed by him and moved its adoption:

H-8121

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:

3 1. Page 2, line 12, by striking the words and
4 figures "subsections 1, 2, 3, and", and inserting the
5 following: "subsection".

6 2. Page 2, line 13, by striking the word "are",
7 and inserting the following: "is".

8 3. By striking page 2, line 14 through page 3,
9 line 6, and inserting the following:

10 "4. Commission members are each entitled to
11 receive an annual salary of six thousand dollars.
12 Members shall also be reimbursed for actual expenses
13 incurred in the performance of their duties to a
14 maximum of thirty thousand dollars per year for the
15 commission. Each member shall ~~post a bond in the~~
16 ~~amount of ten thousand dollars, with sureties to be~~
17 ~~approved by the governor, to guarantee the proper~~
18 ~~handling and accounting of moneys and other properties~~
19 ~~required in the administration of this chapter. The~~
20 ~~premiums on the bonds shall be paid as other expenses~~
21 ~~of the commission be covered by the blanket surety~~
22 ~~bond of the state purchased pursuant to section~~
23 ~~8A.321, subsection 12."~~

24 4. Page 3, line 12, by striking the word
25 "voting".

26 5. Page 23, line 27, by striking the words
27 "membership and".

Amendment H-8121 was adopted.

Wise of Lee asked and received unanimous consent that amendment H-8115 to amendment H-8072 be deferred.

Struyk of Pottawattamie asked and received unanimous consent that amendment H-8138 to amendment H-8072 be deferred.

Gipp of Winneshiek asked and received unanimous consent that House File 2302 be deferred and that the bill retain its place on the special order calendar.

On motion by Gipp of Winneshiek, the House was recessed at 12:02 p.m., until 12:45 p.m.

AFTERNOON SESSION

The House reconvened at 12:58 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 2378, by committee on human resources, a bill for an act relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care.

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

House File 2379, by committee on commerce, regulation and labor, a bill for an act relating to the characterization of personal injuries for purposes of workers' compensation liability.

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

House File 2380, by committee on commerce, regulation and labor, a bill for an act modifying the rate of interest payable on weekly workers' compensation benefits.

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

House File 2381, by committee on local government, a bill for an act changing the budget certification deadline for county hospital budgets.

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

House File 2382, by committee on economic growth, a bill for an act providing income tax credits for equity investments in businesses that are primarily engaged in the business of the production of value-added agricultural products and including a retroactive applicability date provision.

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

House File 2383, by committee on economic growth, a bill for an act relating to rural improvement zones.

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

House File 2384, by Huser and Heaton, a bill for an act relating to billings for services provided to persons with mental illness, mental retardation, or a developmental disability involving counties and providing an effective date.

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

House File 2385, by Whitaker, a bill for an act providing for the issuance of an additional tag to be used with a deer hunting license when a deer taken is unusable.

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

House File 2386, by Hutter, a bill for an act prohibiting persons convicted of dependent adult abuse of an elderly person or a person with a disability from inheriting from the dependent adult.

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

House File 2387, by Huser, a bill for an act relating to the reduction in the assessed values of homesteads of persons sixty-five years of age or older below a specified income level, providing a penalty, and including applicability date provisions.

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

House File 2388, by Hutter, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

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

House File 2389, by Baudler, a bill for an act establishing fees for the regulation of farm deer, and providing an effective date.

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

SPECIAL PRESENTATION

Boddicker of Cedar introduced to the House, the Tipton High School Wrestling team with State Tournament Qualifiers, including;

Coach Shann Kreman, Kyle Aliason, Ryan Borman, Drew and Craig Kreman and his son Mike Boddicker.

The House rose and expressed its welcome.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-five members present, five absent.

The House resumed consideration of **House File 2302**, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission membership and employees, gambling treatment fund and community endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions, previously deferred.

Gipp of Winneshiek offered the following amendment H-8147, to amendment H-8072, filed by him from the floor and moved its adoption:

H-8147

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:

3 1. Page 6, lines 1 and 2, by striking the words
4 "on the licensed premises" and inserting the
5 following: "in the wagering area.

6 (3) A licensee shall ensure that a person may
7 voluntarily bar the person's access to receive cash or
8 credit from a financial institution, vendor, or other
9 person through an electronic or mechanical device
10 including but not limited to a satellite terminal as
11 defined in section 527.2, that is located on the
12 licensed premises".

13 2. Page 6, by striking line 23 and inserting the
14 following: "racetrack that has not been issued a
15 table games license under chapter 99F or no more than
16 three special agents for each racetrack that has been
17 issued a table games license under chapter 99F, plus
18 any direct and indirect support costs".

19 3. Page 10, line 24, by inserting after the word

20 "chance" the following: "unless otherwise
21 authorized by this chapter".
22 4. Page 12, by striking line 30 and inserting the
23 following: "is amended by striking the subsection and
24 inserting in lieu thereof the following:
25 8. The commission shall, upon application of a
26 licensee of a pari-mutuel dog or horse racetrack
27 licensed to conduct gambling games at a pari-mutuel
28 racetrack enclosure, issue a license to the licensee
29 to conduct table games of chance, including video
30 machines that simulate table games of chance, at the
31 pari-mutuel racetrack enclosure subject to the
32 requirements of this subsection. The application
33 shall identify the number of table games to be
34 installed by the licensee. However, a table games
35 license shall only be issued to a licensee required to
36 pay a table games license fee of three million dollars
37 under this subsection if the licensee, and all other
38 licensees of an excursion gambling boat in that
39 county, file an agreement with the commission
40 authorizing the granting of a table games license
41 under this subsection and permitting all licensees of
42 an excursion gambling boat to operate a barge as of a
43 specific date. The licensee shall be granted a table
44 games license by the commission without conducting a
45 separate referendum authorizing table games upon
46 payment of the applicable license fee to the
47 commission which table games license fee may be offset
48 by the licensee against taxes imposed on the licensee
49 by section 99F.11, to the extent of twenty percent of
50 the table taxes license fee paid pursuant to this

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1 subsection for each of the five years following the
2 year in which the table games license fee was paid. A
3 licensee shall not be required to pay a fee to renew a
4 table games license issued pursuant to this
5 subsection.

6 For purposes of this subsection, the applicable
7 license fee for a licensee shall be three million
8 dollars if the adjusted gross receipts from gambling
9 games for the licensee in the previous fiscal year was
10 less than one hundred million dollars, and shall be
11 ten million dollars if the adjusted gross receipts
12 from gambling games for the licensee in the previous
13 fiscal year was one hundred million dollars or more."

14 5. Page 12, line 40, by inserting after the word
15 "chapter." the following: "However, this moratorium
16 shall not apply to the granting of a table games
17 license as provided by this chapter."

18 6. Page 12, line 47, by inserting after the word

19 "number" the following: "of gambling games from the
20 number specified in the application for a table games
21 license or the number".

22 7. Page 15, line 26, by inserting after the
23 figure "1A," the following: "a."

24 8. Page 15, line 32, by inserting after the word
25 "cruise" the following: "subject to the requirements
26 of this subsection".

27 9. Page 15, line 45, by inserting after the word
28 "licensee." the following:

29 "b. However, an applicant or licensee of an
30 excursion gambling boat that is located in the same
31 county as a racetrack enclosure conducting gambling
32 games shall not be allowed to operate a moored barge
33 unless either of the following applies:

34 (1) If the licensee is located in the same county
35 as a racetrack enclosure conducting gambling games
36 that had less than one hundred million dollars in
37 adjusted gross receipts from gambling games for the
38 fiscal year beginning July 1, 2003, the licensee of an
39 excursion gambling boat is authorized to operate a
40 moored barge if the licensee, the licensee of the
41 racetrack enclosure, and all other licensees of an
42 excursion gambling boat in that county file an
43 agreement with the commission agreeing to the granting
44 of a table games license under this chapter and
45 permitting all licensees of an excursion gambling boat
46 in the county to operate a barge as of a specific
47 date.

48 (2) If the licensee is located in the same county
49 as a racetrack enclosure conducting gambling games
50 that had one hundred million dollars or more in

Page 3

1 adjusted gross receipts from gambling games for the
2 fiscal year beginning July 1, 2003, the licensee of an
3 excursion gambling boat is authorized to operate a
4 moored barge the earlier of January 1, 2010, or the
5 date all licensees in the county file an agreement
6 with the commission agreeing to the licensee of an
7 excursion gambling boat to operate a moored barge."

8 10. Page 16, line 15, by striking the words
9 "licensed premises" and inserting the following:
10 "gaming floor.

11 c. A licensee shall ensure that a person may
12 voluntarily bar the person's access to receive cash or
13 credit from a financial institution, vendor, or other
14 person through an electronic or mechanical device
15 including but not limited to a satellite terminal as
16 defined in section 527.2 that is located on the
17 licensed premises".

18 11. Page 18, by striking lines 17 through 41 and
 19 inserting the following:
 20 "99F.11 WAGERING TAX – RATE – ALLOCATIONS.
 21 1. A tax is imposed on the adjusted gross receipts
 22 received annually each fiscal year from gambling games
 23 authorized under this chapter at the rate of five
 24 percent on the first one million dollars of adjusted
 25 gross receipts; and at the rate of ten percent on the
 26 next two million dollars of adjusted gross receipts;
 27 and at the rate of twenty percent
 28 2. The tax rate imposed each fiscal year on any
 29 amount of adjusted gross receipts over three million
 30 dollars. However, beginning January 1, 1997, the rate
 31 on any amount of adjusted gross receipts over three
 32 million dollars from gambling games at racetrack
 33 enclosures is twenty-two percent and shall increase by
 34 two percent each succeeding calendar year until the
 35 rate is thirty-six percent, shall be as follows:
 36 a. If the licensee is an excursion gambling boat,
 37 twenty-two percent.
 38 b. If the licensee is a racetrack enclosure
 39 conducting gambling games and another licensee of an
 40 excursion gambling boat is located in the same county,
 41 then the following rate, as applicable:
 42 (1) If the licensee of the racetrack enclosure has
 43 not been issued a table games license during the
 44 fiscal year or if the adjusted gross receipts from
 45 gambling games of the licensee in the prior fiscal
 46 year were less than one hundred million dollars,
 47 twenty-two percent.
 48 (2) If the licensee of the racetrack enclosure has
 49 been issued a table games license during the fiscal
 50 year and the adjusted gross receipts from gambling

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1 games of the licensee in the prior fiscal year were
 2 one hundred million dollars or more, twenty-four
 3 percent.
 4 c. If the licensee is a racetrack enclosure
 5 conducting gambling games and no licensee of an
 6 excursion gambling boat is located in the same county,
 7 twenty-four percent."
 8 12. Page 22, line 25, by inserting after the
 9 words "will not cruise." the following: "However, a
 10 licensee that is located in the same county as a
 11 licensee of a racetrack enclosure that conducts
 12 gambling games shall not be allowed to operate a
 13 moored barge unless the licensee complies with the
 14 following requirements. If the licensee is located in
 15 the same county as a racetrack enclosure conducting
 16 gambling games that had less than one hundred million

17 dollars in adjusted gross receipts from gambling games
18 for the fiscal year beginning July 1, 2003, the
19 licensee of an excursion gambling boat is authorized
20 to operate a moored barge if the licensee, the
21 licensee of the racetrack enclosure, and all other
22 licensees of an excursion gambling boat in that county
23 file an agreement with the commission agreeing to the
24 granting of a table games license under chapter 99F
25 and permitting all licensees of an excursion gambling
26 boat to operate a barge as of a specific date. If the
27 licensee is located in the same county as a racetrack
28 enclosure conducting gambling games that had one
29 hundred million dollars or more in adjusted gross
30 receipts from gambling games for the fiscal year
31 beginning July 1, 2003, the licensee of an excursion
32 gambling boat is authorized to operate a moored barge
33 if all licensees in the county file an agreement with
34 the commission agreeing to the licensee of the
35 excursion gambling boat to operate a moored barge."

36 13. Page 22, by inserting after line 32 the
37 following:

38 "Sec. ____ 2002-2004 RACETRACK ENCLOSURES -
39 GAMBLING GAMES TAX.

40 1. Notwithstanding any provision of section 99F.11
41 to the contrary, a racetrack enclosure conducting
42 gambling games shall pay a tax on the adjusted gross
43 receipts over three million dollars received for the
44 fiscal year beginning July 1, 2002, and ending June
45 30, 2003, and for the fiscal year beginning July 1,
46 2003, and ending June 30, 2004, from gambling games
47 authorized under chapter 99F at the following tax rate
48 for each fiscal year:

49 a. If the licensee of the racetrack enclosure
50 conducting gambling games received adjusted gross

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1 receipts from gambling games in the fiscal year
2 beginning July 1, 2002, of less than one hundred
3 million dollars, twenty-two percent.

4 b. If the licensee of the racetrack enclosure
5 conducting gambling games received adjusted gross
6 receipts from gambling games in the fiscal year
7 beginning July 1, 2002, of one hundred million dollars
8 or more, twenty-four percent.

9 2. Taxes imposed by this section shall be
10 distributed as provided in section 99F.11."

11 14. Page 23, by inserting after line 17 the
12 following:

13 " ____ . The section of this Act establishing a 2002-
14 2004 racetrack enclosure gambling games tax, being
15 deemed of immediate importance, takes effect upon

- 16 enactment and is retroactively applicable to July 1,
 17 2002, and is applicable on and after that date."
 18 15. By renumbering as necessary.

The House stood at ease at 1:24 p.m., until the fall of the gavel.
 (Amendment H-8147 to amendment H-8027, pending)

The House resumed session at 2:25 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 absent.

The House resumed consideration of House File 2302 and amendment H-8147 to amendment H-8027, previously deferred.

Klemme of Plymouth in the chair at 3:13 p.m.

Speaker Rants in the chair at 3:23 p.m.

Raecker of Polk moved the adoption of amendment H-8147 to amendment H-8072.

Roll call was requested by Murphy of Dubuque and Mascher of Johnson.

On the question "Shall amendment H-8147 to amendment H-8072 be adopted?" (H.F. 2302)

The ayes were, 78:

Alons	Baudler	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
De Boef	Dennis	Dix	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kurtenbach	Lalk

Lukan	Lykam	Maddox	Manternach
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, S.	Osterhaus	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Sands	Schickel	Shomshor	Shoultz
Stevens	Struyk	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 21:

Dandekar	Davitt	Dolecheck	Fallon
Greimann	Heddens	Hogg	Kuhn
Lensing	Mascher	Olson, D.	Paulsen
Reasoner	Roberts	Smith	Swaim
Taylor, D.	Van Engelenhoven	Wendt	Whitaker
Whitead			

Absent or not voting, 1:

Arnold

Amendment H-8147 was adopted, placing out of order the following amendments:

Amendment H-8135 to amendment H-8072, page 1, lines 4 through 50, page 2 line 1, filed by Jochum of Dubuque and Huser of Polk on February 24, 2004.

Amendment H-8137 to amendment H-8072 filed by Jochum of Dubuque and Huser of Polk on February 24, 2004.

Amendment H-8138 to amendment H-8072, previously deferred, filed by Struyk of Pottawattamie et al., on February 24, 2004.

Amendment H-8145 to amendment H-8072, lines 5 and 6, filed by Carroll of Poweshiek on February 24, 2004.

Sands of Louisa asked and received unanimous consent that amendment H-8120 to amendment H-8072, be deferred.

Klemme of Plymouth in the chair at 3:35 p.m.

Roberts of Carroll offered the following amendment H-8122, to amendment H-8072, filed by him and moved its adoption:

H-8122

- 1 Amend the amendment, H-8072, to House File 2302 as
- 2 follows:

- 3 1. Page 6, by inserting after line 2 the
4 following:
5 "Sec. _____. Section 99D.9, Code 2003, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 8. The commission shall require
8 that a licensee utilize Iowa resources, goods, and
9 services in the operation of a racetrack enclosure.
10 The commission shall develop standards to assure that
11 a substantial amount of all resources and goods used
12 in the operation of a racetrack enclosure emanate from
13 and are made in Iowa and that a substantial amount of
14 all services and entertainment are provided by
15 Iowans."
16 2. Page 16, by inserting after line 2 the
17 following:
18 "Sec. _____. Section 99F.7, subsection 4, Code 2003,
19 is amended to read as follows:
20 4. The commission shall require that an applicant
21 utilize Iowa resources, goods and services in the
22 operation of an excursion gambling boat. The
23 commission shall develop standards to assure that a
24 substantial amount of all resources and goods used in
25 the operation of an excursion gambling boat ~~come~~
26 emanate from and are made in Iowa and that a
27 substantial amount of all services and entertainment
28 ~~be~~ are provided by Iowans."
29 3. By renumbering as necessary.

Amendment H-8122 was adopted.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-8134, to amendment H-8072, filed by him on February 24, 2004.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8135, (page 2, lines 2 through 5 remaining) to amendment H-8072, filed by her and Huser of Polk, on February 24, 2004.

SPECIAL PRESENTATION

Dolecheck of Ringgold introduced to the House, the Honorable Jim Meyer, former state representative from Sac County.

The House rose and expressed its welcome.

Mascher of Johnson offered amendment H-8144, to amendment H-8072, filed by her as follows:.

H-8144

1 Amend the amendment, H—8072, to House File 2302 as
2 follows:

3 1. Page 6, line 17, by inserting before the words

4 "A licensee" the following: "a."

5 2. Page 6, by inserting after line 27 the
6 following:

7 "b. A licensee shall pay to the commission an
8 admission fee of fifty cents for each person entering
9 the grounds or enclosure of the licensee. The
10 admission revenue received by the commission pursuant
11 to this paragraph is appropriated to the department of
12 education for the school technology fund created in
13 chapter 256G."

14 3. Page 12, line 24, by striking the words
15 "regulatory fee" and inserting the following: "fee
16 fees".

17 4. Page 12, line 28 by striking the words
18 "regulatory fee", and inserting the following: "fee
19 fees".

20 5. Page 16, line 44, by striking the words
21 "ADMISSION REGULATORY FEE" and inserting the
22 following: "ADMISSION AND REGULATORY FEE FEES".

23 6. Page 16, line 50, by inserting after the
24 figure "2." the following: "a."

25 7. Page 17, line 10, by striking the letter "b."
26 and inserting the following: "b."

27 8. Page 17, line 14, by striking the word "rate."
28 and inserting the following: "rate In addition to the
29 admission fee charged under subsection 3, an excursion
30 gambling boat licensee shall pay to the commission an
31 admission fee of fifty cents for each person embarking
32 on an excursion gambling boat. The admission revenue
33 received by the commission pursuant to this paragraph
34 is appropriated to the department of education for the
35 school technology fund created in chapter 256G."

36 9. Page 21, by inserting after line 20 the
37 following:

38 "Sec. ____ . NEW SECTION. 256G.1 SCHOOL TECHNOLOGY
39 FUND.

40 Moneys collected from admission fees by the racing
41 and gaming commission pursuant to sections 99D.14,
42 99F.4A, and 99F.10, and appropriated to the department
43 of education for the school technology fund in a
44 fiscal year, shall be allocated to school districts
45 and accredited nonpublic schools as follows:

46 1. To school districts in the proportion that the
47 basic enrollment of the school district bears to the
48 sum of the basic enrollments of all school districts
49 in the state.

50 2. For purposes of this section, the basic

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1 enrollment of a school district shall include the
2 basic enrollment of a participating accredited
3 nonpublic school that certifies its actual enrollment
4 to the department of education by October 1 and the
5 department of education shall promptly forward the
6 information to the department of management. An
7 accredited nonpublic school's enrollment count shall
8 include only students who are residents of Iowa. The
9 department of education shall notify the school
10 district of the maximum allocation to be made to a
11 participating accredited nonpublic school located in
12 the school district. The school technology made
13 available shall only be used for purchasing
14 nonsectarian, nonreligious technology.
15 3. The costs of providing technology to
16 participating accredited nonpublic schools as provided
17 in this section shall not be included in the
18 computation of district cost under chapter 257, but
19 shall be shown in the budget as an expense from
20 miscellaneous income. Technology expenditures made in
21 accordance with this section shall be kept on file in
22 the school district.
23 4. A school technology fund is created in the
24 state treasury under the control of the department of
25 management. The department of management shall
26 allocate moneys from the fund to school districts and
27 accredited nonpublic schools pursuant to the
28 requirements of this section."
29 10. Page 23, line 27, by inserting after the
30 words "treatment fund" the following: ", school
31 technology fund,".
32 11. By renumbering as necessary.

Carroll of Poweshiek rose on a point of order that amendment H-8144 was not germane, to amendment H-8072.

The Speaker ruled the point well taken and amendment H-8144 to amendment H-8072, not germane.

Drake of Pottawattamie asked and received unanimous consent to withdraw amendment H-8140, to amendment H-8072, filed by him on February 24, 2004.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8126, to amendment H-8072, filed by Huser of Polk and Dix of Butler on February 24, 2004.

Petersen of Polk asked, and received unanimous consent to withdraw amendment H-8129, to amendment H-8072, filed by Petersen et al., on February 24, 2004.

Huser of Polk offered the following amendment H-8127, to amendment H-8072, filed by Huser, et al., and moved its adoption:

H-8127

- 1 Amend the amendment, H-8072, to House File 2302 as
- 2 follows:
- 3 1. Page 14, line 26, by striking the figure
- 4 "2021" and inserting the following: "2013".
- 5 2. Page 14, line 29, by striking the words "two
- 6 hundred", and inserting the following: "one hundred
- 7 ninety-five".
- 8 3. Page 14, line 31, by striking the words "two
- 9 hundred", and inserting the following: "one hundred
- 10 ninety-five".
- 11 4. Page 14, line 31, by inserting after the word
- 12 "dollars," the following: "However, the agreement
- 13 shall provide that total annual purses shall be no
- 14 less than the total annual purses for horse racing for
- 15 calendar year 2003."
- 16 5. Page 14, line 44, by inserting after the
- 17 figure "2004" the following: "and less ten million
- 18 dollars".

Speaker Rants in the chair at 4:13 p.m.

On motion by Huser of Polk, amendment H-8127 to amendment H-8072 lost.

Sands of Louisa offered the following amendment H-8116, to amendment H-8072, filed by him and moved its adoption:

H-8116

- 1 Amend the amendment, H-8072, to House File 2302 as
- 2 follows:
- 3 1. Page 14, line 28, by striking the words
- 4 "within Polk county", and inserting the following: "
- 5 including any other qualified harness racing track
- 6 facility as may be approved or as approved by the
- 7 commission, that is subject to the agreement."

A non-record roll call was requested.

The ayes were 48, nays 49.

Amendment H-8116 lost.

Sands of Louisa offered the following amendment H-8117, to amendment H-8072, filed by Sands of Louisa and Carroll of Poweshiek and moved its adoption:

H-8117

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:
3 1. Page 14, line 31, by inserting after the word
4 "dollars." the following: "In addition, each
5 agreement concerning purses for horse racing covering
6 any time period within the time period beginning
7 January 1, 2006, and ending December 31, 2020, shall
8 provide that no less than twenty percent of total
9 annual purses for horse racing shall be used to
10 supplement purses for Iowa-foaled and registered
11 horses and that the total annual purses for each horse
12 breed that races shall be the greater of the total
13 annual purse for that breed for calendar year 2005 or
14 sixteen percent of the total annual purses for horse
15 racing."

Roberts of Carroll in the chair at 4:35 p.m.

Speaker Rants in the chair at 4:41 p.m.

Sands of Louisa moved the adoption of amendment H-8117 to amendment H-8072.

A non-record roll call was requested.

The ayes were 41, nays 52.

Amendment H-8117 lost.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8114, to amendment H-8072, filed by him on February 24, 2004.

Carroll of Poweshiek asked and received unanimous consent to withdraw the remainder of amendment H-8145, to amendment

H-8072, filed by him on February 24, 2004.

Jochum of Dubuque offered amendment H-8139, to amendment H-8072, filed by her as follows:

H-8139

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:

3 1. Page 21, line 3, by inserting after the word
4 "services," the following: "information on the
5 availability of mental health coverage as provided by
6 section 514C.21,".

7 2. Page 21, by inserting after line 24 the
8 following:

9 "Sec. ____ **NEW SECTION. 514C.21 MANDATED**
10 **COVERAGE FOR MENTAL HEALTH CONDITIONS.**

11 1. For purposes of this section, unless the
12 context otherwise requires:

13 a. "Mental health condition" means a condition or
14 disorder involving mental illness, gambling addiction,
15 or alcohol or substance abuse, including those that
16 fall under any of the diagnostic categories listed in
17 the mental disorders section of the international
18 classification of disease, as periodically revised.

19 b. "Rates, terms, and conditions" means any
20 lifetime payment limits, deductibles, copayments,
21 coinsurance, and any other cost-sharing requirements,
22 out-of-pocket limits, visit limitations, and any other
23 financial component of benefits coverage that affects
24 the covered individual.

25 2. a. Notwithstanding section 514C.6, a policy or
26 contract providing for third-party payment or
27 prepayment of health or medical expenses shall provide
28 coverage benefits for mental health conditions based
29 on rates, terms, and conditions which are no more
30 restrictive than the rates, terms, and conditions for
31 coverage benefits provided for other health or medical
32 conditions under the policy or contract.

33 Additionally, any rates, terms, and conditions
34 involving deductibles, copayments, coinsurance, and
35 any other cost-sharing requirements shall be
36 cumulative for coverage of both mental health
37 conditions and other health or medical conditions
38 under the policy or contract.

39 b. Coverage required under this subsection shall
40 be as follows:

41 (1) For the treatment of mental illness, coverage
42 shall be for services provided by a licensed mental
43 health professional, or services provided in a
44 licensed hospital or health facility.

45 (2) For the treatment of alcohol or substance
46 abuse, coverage shall be for services provided by a
47 substance abuse counselor, as approved by the
48 department of human services, a licensed health
49 facility providing a program for the treatment of
50 alcohol or substance abuse approved by the department

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1 of human services, or a substance abuse treatment and
2 rehabilitation facility, as licensed by the department
3 of public health pursuant to chapter 125.

4 3. This section applies to the following classes
5 of third-party payment provider contracts or policies
6 delivered, issued for delivery, continued, or renewed
7 in this state on or after January 1, 2005:

8 a. Individual or group accident and sickness
9 insurance providing coverage on an expense-incurred
10 basis.

11 b. An individual or group hospital or medical
12 service contract issued pursuant to chapter 509, 514,
13 or 514A.

14 c. A plan established pursuant to chapter 509A for
15 public employees.

16 d. An individual or group health maintenance
17 organization contract regulated under chapter 514B.

18 e. An individual or group Medicare supplemental
19 policy, unless coverage pursuant to such policy is
20 preempted by federal law.

21 f. Any other entity engaged in the business of
22 insurance, risk transfer, or risk retention, which is
23 subject to the jurisdiction of the commissioner.

24 g. An organized delivery system licensed by the
25 director of public health.

26 4. The commissioner shall adopt rules to
27 administer this section after consultation with the
28 mental health insurance advisory committee.

29 a. The commissioner shall appoint members to a
30 mental health insurance advisory committee. Members
31 shall include all sectors of society impacted by
32 issues associated with coverage of mental health
33 treatment by third-party payors including, but not
34 limited to, representatives of the insurance industry,
35 small and large employers, employee representatives
36 including labor, individual consumers, health care
37 providers, and other groups and individuals that may
38 be identified by the insurance division of the
39 department of commerce.

40 b. The committee shall meet upon the request of
41 the commissioner to review rules proposed under this
42 section by the commissioner, and to make suggestions
43 as appropriate."

44 3. By renumbering as necessary.

Carroll of Poweshiek rose on a point of order that amendment H-8139 was not germane, to amendment H-8072.

The Speaker ruled the point well taken and amendment H-8139 not germane to amendment H-8072.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8143 to amendment H-8072 filed by Fallon of Polk on February 24, 2004.

Greiner of Washington offered amendment H-8113, to amendment H-8072, previously deferred, filed by her as follows:

H-8113

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:

3 1. Page 1, by inserting after line 40 the
4 following:

5 "Sec. ____ Section 35A.13, subsection 3, Code
6 Supplement 2003, is amended by adding the following
7 new paragraph:

8 NEW PARAGRAPH. c. Admission fees credited to the
9 trust fund pursuant to sections 99D.14, 99F.4A, and
10 99F.10."

11 2. Page 6, line 17, by inserting before the words
12 "A licensee" the following: "a."

13 3. Page 6, by inserting after line 27 the
14 following:

15 "b. A licensee shall pay to the commission an
16 admission fee of fifty cents for each person entering
17 the grounds or enclosure of the licensee. The
18 admission revenue received by the commission pursuant
19 to this paragraph shall be credited to the veterans
20 trust fund created in section 35A.13. The admission
21 fee established under this paragraph shall continue to
22 be paid until a total of fifty million dollars has
23 been credited to the veterans trust fund under this
24 paragraph, section 99F.4A, subsection 4, and section
25 99F.10, subsection 2."

26 4. Page 11, line 18, by striking the word
27 "~~admission~~" and inserting the following: "admission
28 and".

29 5. Page 12, line 24, by striking the words
30 "~~regulatory~~ fee" and inserting the following: "fee
31 fees".

32 6. Page 12, line 28, by striking the words

33 "regulatory fee" and inserting the following: "fee
 34 fees".
 35 7. Page 16, line 44, by striking the words
 36 "ADMISSION REGULATORY FEE" and inserting the
 37 following: "ADMISSION FEE AND REGULATORY FEES".
 38 8. Page 16, line 50, by inserting after the
 39 figure "2." the following: "a."
 40 9. Page 17, line 10, by striking the letter "b."
 41 and inserting the following: "b."
 42 10. Page 17, line 14, by striking the word
 43 "rate." and inserting the following: "rate In
 44 addition to the admission fee charged under subsection
 45 3, an excursion gambling boat licensee shall pay to
 46 the commission an admission fee of fifty cents for
 47 each person embarking on an excursion gambling boat.
 48 The admission revenue received by the commission
 49 pursuant to this paragraph shall be credited to the
 50 veterans trust fund created in section 35A.13. The

Page 2

1 admission fee established under this paragraph shall
 2 continue to be paid until a total of fifty million
 3 dollars has been credited to the veterans trust fund
 4 under this paragraph, section 99D.14, subsection 2,
 5 and section 99F.4A, subsection 4."
 6 11. Page 23, line 27, by inserting after the
 7 words "treatment fund" the following: ", veterans
 8 trust fund,".
 9 12. By renumbering as necessary.

Murphy of Dubuque rose on a point of order that amendment H-8113 was not germane, to amendment H-8072.

The Speaker ruled the point well taken and amendment H-8113 to amendment H-8072 not germane to amendment H-8072.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8115, to amendment H-8072, filed by him on February 24, 2004.

Sands of Louisa offered the following amendment H-8120, previously deferred, to amendment H-8072, filed by him and moved its adoption:

H-8120

1 Amend the amendment, H-8072, to House File 2302 as
 2 follows:

- 3 1. Page 6, by inserting after line 2, the
4 following:
5 "Sec. _____. Section 99D.9, Code 2003, is amended by
6 adding the following new subsection:
7 **NEW SUBSECTION. 6A.** A license shall not be
8 granted to a nonprofit corporation if the number of
9 members of the governing board of the nonprofit
10 corporation representing or having a financial
11 interest in a particular horse breed that would race
12 at the licensee's facility exceeds the number of
13 members of the governing board representing or having
14 a financial interest in another particular horse breed
15 that would race at the licensee's facility."
16 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 32, nays 55.

Amendment H-8120 lost.

Gipp of Winneshiek asked and received unanimous consent that House File 2302 be deferred and that the bill retain its place on the special order calendar. (Amendment H-8072, as amended, pending)

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 Second Regular Session of the Eightieth General Assembly were presented to the following Pages by Speaker Rants, Majority Leader Gipp and Minority Leader Murphy:

Danea Carroll
Amanda Crawford
Tiffanee Hokel
Chuck Hurley Jr.
Amber Nelson
Sally Shonka
Alex Watters

The House resumed consideration of House File 2302 and amendment H-8072, as amended, pending.

Carroll of Poweshiek moved the adoption of amendment H-8072, as amended.

Amendment H-8072, as amended, was adopted, placing the following amendments out of order:

Amendment H-8041 by D. Taylor of Linn on February 19, 2004.

Amendment H-8042 filed by Lukan of Dubuque on February, 19, 2004.

Amendment H-8043 filed by Lukan of Dubuque, et al., on February 19, 2004.

Amendment H-8044 filed by Frevert of Palo Alto and Sands of Louisa on February 23, 2004.

Amendment H-8045 filed by Horbach of Tama on February 23, 2004.

Amendment H-8110 to amendment H-8045 filed by Reasoner of Union on February 24, 2004

Amendment H-8111 to amendment H-8045 filed by Reasoner of Union on February 24, 2004

Amendment H-8046 filed by Kuhn of Floyd, et al. on February 23, 2004.

Amendment H-8047 filed by Roberts of Carroll on February 23, 2004.

Amendment H-8048 filed by Horbach of Tama on February 23, 2004.

Amendment H-8049 filed by Roberts of Carroll on February 23, 2004.

Amendment H-8050 filed by Wise of Lee and Cohoon of Des Moines on February 23, 2004.

Amendment H-8051 filed by Mascher of Johnson on February 23, 2004.

Amendment H-8052 filed by Gaskill of Wapello, et al., on February 23, 2004.

Amendment H-8053 by Greiner of Washington on February 23, 2004.

Amendment H-8054 filed by Kuhn of Floyd and Baudler of Adair on February 23, 2004.

Amendment H-8055 filed by Sands of Louisa, et al., on February 23, 2004.

Amendment H-8056 filed by Van Engelenhoven of Marion, et al., on February 23, 2004.

Amendment H-8057 filed by Lukan of Dubuque on February 23, 2004.

- Amendment H-8059 filed by McCarthy of Polk on February 23, 2004.
Amendment H-8060 filed by McCarthy of Polk on February 23, 2004.
Amendment H-8061 filed by McCarthy of Polk on February 23, 2004.
Amendment H-8062 filed by McCarthy of Polk on February 23, 2004.
Amendment H-8063 filed by McCarthy of Polk on February 23, 2004.
Amendment H-8064 filed by McCarthy of Polk on February 23, 2004.
Amendment H-8065 filed by Fallon of Polk on February 23, 2004.
Amendment H-8066 filed by Boddicker of Cedar on February 23, 2004.
Amendment H-8067 filed by Horbach of Tama on February 23, 2004.
Amendment H-8068 filed by Horbach of Tama on February 23, 2004.
Amendment H-8069 filed by Drake of Pottawattamie on February 23, 2004.
Amendment H-8070 filed by Carroll of Poweshiek, et al., on February 23, 2004.
Amendment H-8071 filed by Carroll of Poweshiek, et al., on February 23, 2004.
Amendment H-8073 filed by Greimann of Story, et al., on February 23, 2004.
Amendment H-8074 filed by T. Taylor of Linn, et al., on February 23, 2004.
Amendment H-8075 filed by T. Taylor of Linn, et al., on February 23, 2004.
Amendment H-8076 filed by Frevert of Palo Alto, et al., on February 23, 2004.
Amendment H-8077 filed by Wise of Lee on February 23, 2004.
Amendment H-8078 filed by Carroll of Poweshiek, et al., on February 23, 2004.
Amendment H-8079 filed by D. Olson of Boone on February 23, 2004.
Amendment H-8080 filed by Sands of Louisa on February 23, 2004.
Amendment H-8118 to amendment H-8080 filed by Sands of Louisa on February 24, 2004.
Amendment H-8081 filed by Raecker of Polk and Jochum of Dubuque on February 23, 2004.
Amendment H-8082 filed by Swaim of Davis on February 23, 2004.
Amendment H-8130 to amendment H-8082 filed by Raecker of Polk on February 24, 2004.
Amendment H-8083 filed by Jones of Mills on February 23, 2004.
Amendment H-8084 filed by Fallon of Polk on February 23, 2004.
Amendment H-8085 filed by Stevens of Dickinson on February 23, 2004.

- Amendment H-8086 filed by T. Taylor of Linn on February 23, 2004.
- Amendment H-8087 filed by Jochum of Dubuque on February 23, 2004.
- Amendment H-8088 filed by Jochum of Dubuque on February 23, 2004.
- Amendment H-8089 filed by Jochum of Dubuque on February 23, 2004.
- Amendment H-8090 filed by Jochum of Dubuque and Greimann of Story on February 23, 2004.
- Amendment H-8091 filed by Jochum of Dubuque on February 23, 2004.
- Amendment H-8092 filed by Jochum of Dubuque on February 23, 2004.
- Amendment H-8093 filed by Jochum of Dubuque on February 23, 2004.
- Amendment H-8094 filed by Petersen of Polk on February 23, 2004.
- Amendment H-8095 filed by Jochum of Dubuque on February 23, 2004.
- Amendment H-8096 filed by Jochum of Dubuque on February 23, 2004.
- Amendment H-8097 filed by Jochum of Dubuque on February 23, 2004.
- Amendment H-8098 filed by Jochum of Dubuque, et al., on February 23, 2004.
- Amendment H-8099 filed by Jochum of Dubuque on February 23, 2004.
- Amendment H-8136 to amendment H-8099 filed by Jochum of Dubuque on February 24, 2004.
- Amendment H-8141 to amendment H-8099 filed by Fallon of Polk on February 24, 2004.
- Amendment H-8100 filed by Quirk of Chickasaw, et al., on February 23, 2004.
- Amendment H-8101 filed by Jochum of Dubuque on February 23, 2004.
- Amendment H-8142 to amendment H-8101 filed by Fallon of Polk on February 24, 2004.
- Amendment H-8102 filed by Ford of Polk on February 23, 2004.
- Amendment H-8119 to amendment H-8102 filed by Ford of Polk on February 24, 2004.
- Amendment H-8103 filed by Quirk of Chickasaw, et al., on February 23, 2004.

Amendment H-8104 filed by Dix of Butler, et al., on February 23, 2004.

Amendment H-8131 to amendment H-8104 filed by Petersen of Polk, et al., on February 24, 2004.

Amendment H-8105 filed by Petersen of Polk, et al., on February 23, 2004.

Amendment H-8128 to amendment H-8105 filed by Petersen of Polk et al., on February 24, 2004.

Amendment H-8106 filed by Mascher of Johnson on February 23, 2004.

Amendment H-8107 filed by Osterhaus of Jackson on February 23, 2004.

Amendment H-8108 filed by Huser of Polk, et al., on February 23, 2004.

The House stood at ease at 5:56 p.m., until the fall of the gavel.

The House resumed session at 6:35 p.m., Speaker Rants in the chair.

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. 2302)

The ayes were, 73:

Alons	Baudler	Bell	Boal
Boddicker	Bogges	Bukta	Carroll
Chambers	Cohoon	Connors	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Hoffman	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Lykam
Maddox	Manternach	McCarthy	Mertz
Miller	Oldson	Olson, S.	Osterhaus
Paulsen	Petersen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Shomshor	Stevens	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdye	Wise
Mr. Speaker			
Rants			

The nays were, 26:

Berry	Dandekar	Davitt	Fallon
Foegen	Greimann	Heddens	Hogg
Jacoby	Kuhn	Lensing	Mascher
Murphy	Olson, D.	Quirk	Reasoner
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Van Engelenhoven	Wendt	Whitaker
Whitead	Winckler		

Absent or not voting, 1:

Arnold

Shoultz of Black Hawk rose on a point of order relating to the bill title.

The Speaker ruled that the point was well taken and the title was amended by placing the word "certain" before the words gambling games and pari-mutual wagering.

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 2302 be immediately messaged to the Senate.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Annual report on the status of Chronic Wasting Disease monitoring, surveillance and preparation in Iowa, pursuant to Chapter 189A.2, Code of Iowa.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Annual report of activities, pursuant to Chapter 312.3B, 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

- 2004\546 Fern Slagle, Brooklyn – For celebrating her 87th birthday.
- 2004\547 Everett and Anita Joseph, Williamsburg – For celebrating their 65th wedding anniversary.
- 2004\548 Joseph and Anita Steinke, Williamsburg – For celebrating their 65th wedding anniversary.
- 2004\549 Donald and Arlene Clarahan, Sigourney – For celebrating their 50th wedding anniversary.
- 2004\550 C.J. (Celestine Wobeter), Tama – For celebrating his 90th birthday.
- 2004\551 Louie and Gert Fischels, Independence – For celebrating their 50th wedding anniversary.
- 2004\552 Merle and Irene Clough, Dysart – For celebrating their 65th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS**House File 2148**

Local Government: Arnold, Chair; Fallon and Hanson.

House File 2290

Human Resources: Boddicker, Chair; Jacoby and Upmeyer.

House File 2307

Judiciary: Paulsen, Chair; Hutter and Reasoner.

House File 2332

Public Safety: Klemme, Chair; Sands and Shoultz.

House File 2338

Public Safety: Van Fossen, J.R., Chair; Chambers and Ford.

House File 2339

Judiciary: Van Fossen, J.R., Chair; Greimann and Heaton.

House File 2346

Public Safety: Alons, Chair; Bell and Van Fossen, J.R.

House File 2374

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

House File 2385

Natural Resources: Whitaker, Chair; Baudler and Van Fossen, J.R.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 687**

Commerce, Regulation and Labor: Jacobs, Chair; Jenkins and Quirk.

House Study Bill 689

Human Resources: Carroll, Chair; Jacoby and Upmeyer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 690 Judiciary**

Relating to license revocations for repeat operating-while-intoxicated offenders.

H.S.B. 691 State Government

Relating to voting machines and electronic voting systems.

H.S.B. 692 Judiciary

Eliminating provisions allowing a criminal offender to make a donation or contribution to a charity or local anticrime organization.

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 2225, a bill for an act relating to the establishment of drainage and levee districts, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

House File 2315, a bill for an act relating to agricultural conservation practices.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 502), relating to driver education by a teaching parent.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 572), relating to the number of controlled burns of demolished buildings conducted by certain cities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

Committee Bill (Formerly House Study Bill 670), relating to the comprehensive petroleum underground storage tank fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

COMMITTEE ON HUMAN RESOURCES

House File 627, a bill for an act 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** February 25, 2004.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 597), providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

Committee Bill (Formerly House Study Bill 656), changing the budget certification deadline for county hospital budgets.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 2054), relating to the regulation of target shooting near buildings and feedlots.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

COMMITTEE ON STATE GOVERNMENT

House File 2055, a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly House Study Bill 523), restricting executive branch authority to transfer appropriations between departments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

Committee Bill (Formerly House Study Bill 567), relating to certain alternative form 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 retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

AMENDMENT FILED

H—8148	H.F.	2262	Drake of Pottawattamie
	Jones of Mills		Elgin of Linn
	Connors of Polk		Lykam of Scott

On motion by Gipp of Winneshiek the House adjourned at 7:24 p.m., until 9:00 a.m., Friday, February 27, 2004.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day - Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 27, 2004

The House met pursuant to adjournment at 9:17 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, February 26, 2004 was approved.

INTRODUCTION OF BILLS

House File 2390, by committee on human resources, a bill for an act making technical changes to programs under the purview of the department of human services.

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

House File 2391, by committee on human resources, a bill for an act relating to dependent adult abuse and providing penalties.

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

House File 2392, by committee on environmental protection, a bill for an act relating to controlled burns of demolished buildings conducted by certain cities.

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

House File 2393, by committee on natural resources, a bill for an act relating to the regulation of target shooting near buildings and feedlots and the regulation of public hunting near buildings and feedlots and providing an effective date.

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

House File 2394, by committee on education, a bill for an act relating to driver education by a teaching parent.

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

House File 2395, by committee on judiciary, a bill for an act relating to counterfeit labels and trademarks, and providing penalties.

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

House File 2396, 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 2397, by committee on judiciary, a bill for an act relating to the act or property of a public utility with respect to the definition of nuisance.

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

House File 2398, by committee on judiciary, a bill for an act relating to the establishment of a toll-free telephone service by the department of justice to assist persons interested in receiving consumer fraud information.

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

House File 2399, by committee on public safety, a bill for an act allowing a modified criminal penalty for certain thefts within a seventy-two-hour time period.

Read first time and 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

- 2004\553 E. M. (Mike) Ammann, Montezuma – For celebrating his 90th birthday.
- 2004\554 Willard and Ruth Braden, Oskaloosa – For celebrating their 60th wedding anniversary.
- 2004\555 Lloyd and Shirley Sieck, Grinnell – For celebrating their 50th wedding anniversary.
- 2004\556 Lucy Lamb, Oskaloosa – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2354

Human Resources: Carroll, Chair; Heaton and Smith.

House File 2375

Human Resources: Upmeyer, Chair; Boddicker and Miller.

House File 2377

Agriculture: Alons, Chair; Klemme and Mertz.

House File 2384

Human Resources: Heaton, Chair; Carroll and Smith.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 690

Judiciary: Paulsen, Chair; Struyk and Van Fossen, J.R.

House Study Bill 691

State government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 693 Judiciary

Relating to the appointment of magistrates in lieu of a district court, district associate, or associate juvenile judge.

H.S.B. 694 State Government

Providing for a sick leave and vacation incentive program for state employees and providing an effective date.

H.S.B. 695 Environmental Protection

Providing for the regulation of air quality, and making penalties applicable.

H.S.B. 696 Environmental Protection

Relating to environmental regulations administered by the department of natural resources regarding the use of recycled oil and the calculation of waste volume reduction measures.

H.S.B. 697 Agriculture

Regulating transmissible viruses afflicting poultry and providing penalties.

RESOLUTION FILED

HR 122, by Boggess, a resolution recognizing the 100th anniversary of Glenn Miller's birthday.

Laid over under **Rule 25**.

On motion by Foege of Linn the House adjourned at 9:19 a.m., until 1:00 p.m., Monday, March 1, 2004.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day - Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 1, 2004

The House met pursuant to adjournment at 12:58 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend David A. Feltman, pastor of the First Presbyterian Church, Fort Dodge. He was the guest of Representative Helen Miller from Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Friday, February 27, 2004 was approved.

INTRODUCTION OF BILLS

House File 2400, by Rants, a bill for an act relating to the parties to contracts for services entered into by state departments, institutions, and agencies, and their representatives, and providing for damages.

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

House File 2401, by committee on environmental protection, a bill for an act relating to the comprehensive petroleum underground storage tank fund.

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

House File 2402, by committee on state government, a bill for an act restricting executive branch authority to transfer appropriations between departments.

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

House File 2403, by committee on local government, a bill for an act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

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

House File 2404, 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, making changes related to multicounty consolidation, and including effective and retroactive applicability date provisions.

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

House File 2405, by Swaim, a bill for an act relating to dangerous animals, including by regulating the possession of those animals, requiring registration of the animals, and providing penalties.

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

House File 2406, by Mertz, Whitaker and Dolecheck, a bill for an act relating to the keeping of farm deer.

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

House File 2407, by Hogg, a bill for an act relating to suspended sentences of incarceration for third or subsequent operating-while-intoxicated motor vehicle offenses.

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

House File 2408, by Paulsen, a bill for an act relating to the management of manure, excreta, or other commonly associated wastes of dogs kept by commercial breeders, and providing penalties.

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

House File 2409, by committee on commerce, regulation and labor, a bill for an act providing for the regulation of securities, providing for fees and penalties, and providing an effective date.

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

ADOPTION OF HOUSE RESOLUTION 122

Boggess of Page called up for consideration **House Resolution 122**, a resolution recognizing the 100th anniversary of Glenn Miller's birthday, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Boggess of Page introduced to the House, members of the Glenn Miller Birthplace Society, including: Bob Brown, Pat Bogdanski, Carol Martin, Jim and Carol Klobesdany and Jim Boggess.

The House rose and expressed its welcome.

HOUSE FILE 2331 REREFERRED

The Speaker announced that House File 2331, previously referred to committee on **commerce, regulation and labor** was rereferred to committee on **environmental protection**.

SENATE FILE 399 REREFERRED

The Speaker announced that Senate File 399, previously referred to committee on **appropriations** 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

- 2004\557 Marian and Glen Schweitzer, Winthrop – For celebrating their 70th wedding anniversary.
- 2004\558 Frances Murray, Sioux City – For celebrating her 90th birthday.
- 2004\559 Leona McCall Savery, Soldier – For celebrating her 90th birthday.
- 2004\560 James “Ray” Cannon, Cedar Falls – For celebrating his 80th birthday.
- 2004\561 Keith Tatman, Belle Plaine – For celebrating his 85th birthday.
- 2004\562 Laurel and Jo Gerard, Merengo – For celebrating their 65th wedding anniversary.
- 2004\563 Joan and Keith Mithelman, Norway – For celebrating their 50th wedding anniversary.
- 2004\564 Shirley and Fred DeNeve, Van Horne – For celebrating their 50th wedding anniversary.
- 2004\565 Arlein and Don Benfer, Vinton – For celebrating their 70th wedding anniversary.
- 2004\566 Ruth and Curtis Junge, Keystone – For celebrating their 60th wedding anniversary.
- 2004\567 Dorothy and Ken Dake, Vinton – For celebrating their 50th wedding anniversary.
- 2004\568 Margaret and Bill Koch, Reinbeck – For celebrating their 70th wedding anniversary.
- 2004\569 Robert M. Prosser, Conrad – For celebrating his 90th birthday.
- 2004\570 Mildred Witt, Reinbeck – For celebrating her 95th birthday.
- 2004\571 Theda Glassgow, Clarinda – For celebrating her 88th birthday.
- 2004\572 Mary Price, Clarinda – For celebrating her 94th birthday.
- 2004\573 Ruby and Byron Scotton, Northboro – For celebrating their 66th wedding anniversary.
- 2004\574 Arlene and Hal Fulton, Nodaway – For celebrating their 65th wedding anniversary.
- 2004\575 Ranzie and Barb Hoekstra, Ocheyedon – For celebrating their 50th wedding anniversary.
- 2004\576 Fred and Tillie Anema, Sanborn – For celebrating their 65th wedding anniversary.

- 2004\577 Jim and Ramona Robson, Guthrie Center – For celebrating their 50th wedding anniversary.
- 2004\578 Lawrence and Darlene Edgington, Guthrie Center – For celebrating their 50th wedding anniversary.
- 2004\579 Mattie and John Dieken, Little Rock – For celebrating their 50th wedding anniversary.
- 2004\580 Brent De Haan, Orange City – For being named 2003 Master Pork Producer in Sioux County at the Iowa Pork Congress.
- 2004\581 Frances T. Even, Waterloo – For celebrating her 92nd birthday.
- 2004\582 Betty Bloomberg, Webster City – For celebrating her 80th birthday.
- 2004\583 Vonieta Feaster, Eagle Grove – For celebrating her 80th birthday.
- 2004\584 Phyllis Stupka, Clarion – For celebrating her 80th birthday.
- 2004\585 Marilyn and Val Skarda, Iowa City – For celebrating their 50th wedding anniversary.
- 2004\586 Ms. Kelsey Lenahan, Nevada – For being named a National Merit Scholar.
- 2004\587 Calvin Hennick, Maxwell – For receiving the Hearst Foundation Award.
- 2004\588 Mr. and Mrs. William Hill, Webster City – For celebrating their 50th wedding anniversary.
- 2004\589 Sal Peaken, Colo – For celebrating his 91st birthday.
- 2004\590 Mabel Davis, Iowa City – For celebrating her 95th birthday.
- 2004\591 Helen Barry, Oxford – For celebrating her 90th birthday.
- 2004\592 Vera and Paul Kaefring, Sr., Oxford – For celebrating their 60th wedding anniversary.
- 2004\593 Clarence and Lucille Messerly, Vincent – For celebrating their 70th wedding anniversary.
- 2004\594 Henrietta Floden, Mason City – For celebrating her 90th birthday.
- 2004\595 Ruth Hillis, Mason City – For celebrating her 95th birthday.
- 2004\596 Elvira Engel, Eldora – For celebrating her 85th birthday.
- 2004\597 Kathleen Jones, Clemons – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2331

Environmental Protection: Greiner, Chair; Ford and Hahn.

House File 2371

Education: Boal, Chair; Dandekar and Roberts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 692

Judiciary: Maddox, Chair; Paulsen and Swaim.

House Study Bill 693

Judiciary: Maddox, Chair; Paulsen and Reasoner.

House Study Bill 694

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

House Study Bill 695

Environmental Protection: Greiner, Chair; Hogg and Klemme.

House Study Bill 696

Environmental Protection: Watts, Chair; Greimann and Hahn.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 698 Appropriations

Relating to state budget requirements involving the state general fund expenditure limitation and the Iowa economic emergency fund, and providing effective dates.

H.S.B. 699 Education

A resolution requesting the Legislative Council to create an interim study committee to examine options for integrating technology to improve student achievement.

H.S.B. 700 Commerce, Regulation and Labor

Relating to wireless communications service contracts including waiver of certain consumer rights and the assessment of default charges on consumers.

H.S.B. 701 Commerce, Regulation and Labor

Providing for a health insurance study by the commissioner of insurance and by providing an effective date.

H.S.B. 702 Transportation

Relating to the operation of electric scooters on highways and making a penalty applicable.

H.S.B. 703 Transportation

Relating to motor vehicle accident reports produced by the Iowa state patrol and used by insurance companies, establishing a fee, creating an Iowa state patrol fund, and making an appropriation.

H.S.B. 704 Transportation

Relating to the funding of certain roads subject to transfer of jurisdiction.

RESOLUTION FILED

HCR 113, by Raecker, a concurrent resolution recognizing the 25th anniversary of the Iowa Natural Heritage Foundation.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8149	H.F.	2396	Swaim of Davis
H—8150	H.F.	2341	Hogg of Linn

On motion by Gipp of Winneshiek the House adjourned at 1:22 p.m., until 8:45 a.m., Tuesday, March 2, 2004.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 2, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Tim Maxa, pastor of the Lenox Presbyterian Church, Lenox. He was the guest of Representative Cecil Dolecheck from Ringgold County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, March 1, 2004 was approved.

INTRODUCTION OF BILLS

House File 2410, by Cohoon, a bill for an act changing dates related to school district requests to the department of education for approval to use additional allowable growth for programs for returning dropouts and dropout prevention.

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

House File 2411, by Paulsen, a bill for an act defining the term "possession" for purposes of a criminal case.

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

House File 2412, by Struyk, Quirk, Dandekar and Stevens, a bill for an act providing for a free lifetime hunting and fishing combined license for persons who are honorably discharged veterans.

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

House File 2413, by Cohoon, a bill for an act allowing for the awarding of a cash prize at an annual raffle.

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

House File 2414, by Granzow, a bill for an act requesting the supreme court to convene a study to consider issues relating to the functions performed by mental health patient advocates.

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

House File 2415, by Cohoon, a bill for an act concerning the number of allowable electrical and mechanical amusement devices at a single location.

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

House File 2416, by Hunter, a bill for an act relating to veterans, concerning employment preference and other related benefits.

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

HOUSE FILE 2218 REREFERRED

The Speaker announced that House File 2218, previously referred to committee on **state government** was rereferred to committee on **judiciary**.

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 2nd day of March, 2004: House Files 401 and 2180.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

GOVERNOR'S VETO MESSAGE

March 1, 2004

The Honorable Jeff Lamberti
President of the Senate
State Capitol Building
LOCAL

Dear President Lamberti:

I hereby transmit **Senate File 344**, and Act relating to a monetary limit on an appeal bond and providing an applicability date.

I am unable to approve Senate File 344 in its entirety. This bill maintains the bonding requirement at the level of 110 percent and establishes a capped bonding amount at \$25 million. The current supersedes bond requirement protects the interests of non-appealing parties by requiring that a party who seeks to stay the execution of a judgment must demonstrate that all costs, interest lost, and damages resulting from an appeal can be recovered. Senate File 344 undermines that level of protection afforded to judgment holders under Iowa law by creating a capped bonding system. The \$25 million cap would provide judgment holders with grossly inadequate security coverage during the pendency of their appeal. Moreover, the cap would disturb the current balance of rights between judgment holders and those seeking to stay the execution of a judgment on appeal.

Nevertheless, the State of Iowa should also look after the interests of those seeking to stay the execution of a judgment on appeal. The State could adequately protect their interests by simply providing a district court judge the discretion to stay a judgment pending appeal upon a showing that a bond amount less than 110 percent is reasonable or that extraordinary circumstances exist. In considering whether a stay is necessary, the district court should weigh the interests of both parties, including the financial hardship on both the appellant and the appellee. However, in this showing, the appellant should bear a heavy burden.

A balance of rights between judgment holders and those seeking to stay the execution of a judgment on appeal is essential to our judicial system. Senate File 344 and its \$25 million cap fall well short of that stability and serves as a detriment to judgment holders. In the alternative, instituting a judicial review process will preserve the current sense of balance while allowing discretion for unique circumstances.

For the above reasons, I respectfully disapprove **Senate File 344** in accordance with Article 3, Section 16 of the Constitution of the State of Iowa. In this effort, I am willing to work with our legislature in passing a bill that will establish this proper balance.

Sincerely,
Thomas J. Vilsack
Governor

COMMUNICATIONS RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA NATIONAL GUARD – DEPARTMENT OF DEFENSE

Iowa Communication Network report of savings for calendar year 2003, 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

- 2004\598 Travis Eggers, Luana – For being the Class 2-A District Wrestling Champion.
- 2004\599 Donnie and Rita Larson, Elkader – For celebrating their 50th wedding anniversary.
- 2004\600 Violet Anderson, Elgin – For celebrating her 80th birthday.
- 2004\601 Leila Boddicker, Vinton – For celebrating her 85th birthday.
- 2004\602 Harold Ness, Rembrandt – For celebrating his 80th birthday.
- 2004\603 Lloyd and Rosie Senne, Spencer – For celebrating their 50th wedding anniversary.
- 2004\604 Don and Kathy Odendahl, Spencer – For celebrating their 60th wedding anniversary.
- 2004\605 Lee and Gertrude Lorenz, Wahpeton – For celebrating their 65th wedding anniversary.
- 2004\606 Bob and Jean Ostert, West Union – For celebrating their 50th wedding anniversary.
- 2004\607 Leota Kane, Oelwein – For celebrating her 83rd birthday.
- 2004\608 Hilda Kasemeier, Sumner – For celebrating her 91st birthday.
- 2004\609 Meghan Naber, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2004\610 Elizabeth Alspach, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2004\611 Tricia Blum, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting,
- 2004\612 Molly Livingston, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2004\613 Allison Michelson, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.

- 2004\614 Norman and Verda Baird, Fairfield – For celebrating their 50th wedding anniversary.
- 2004\615 Dick and Lorri Simmons, Fairfield – For celebrating their 50th wedding anniversary.
- 2004\616 William and Lois Schurr, Bettendorf – For celebrating their 50th wedding anniversary.
- 2004\617 Kenneth and Roberta Schmerbach, Guttenberg – For celebrating their 50th wedding anniversary.
- 2004\618 Robert Rasing, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\619 Joyce and Don Peterson, Chariton – For celebrating their 50th wedding anniversary.
- 2004\620 Barb and Jim Steinbach, Chariton – For celebrating their 50th wedding anniversary.
- 2004\621 Wilma McVey, Russell – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2258

Appropriations: Dix, Chair; Bell and Jenkins.

House File 2291

Appropriations: Huseman, Chair; Chambers and Petersen.

House File 2321

Appropriations: Horbach, Chair; Dandekar and Dolecheck.

House File 2326

Appropriations: Dix, Chair; Jenkins and Reasoner.

House File 2330

Commerce, Regulation and Labor: Jenkins, Chair; Ford and Manternach.

House File 2349

Appropriations: De Boef, Chair; Mertz and Roberts.

House File 2356

Local Government: Arnold, Chair; Hanson and Olson, D.

House File 2376

Commerce, Regulation and Labor: Connors, Chair; Horbach and Jenkins.

House File 2386

Judiciary: Dennis, Chair; Boal and Greimann.

House File 2388

Judiciary: Heaton, Chair; Baudler and Jochum.

House File 2405

Natural Resources: Arnold, Chair; Rasmussen and Taylor, D.

House File 2410

Education: Chambers, Chair; Boal and Cohoon.

House File 2411

Judiciary: Paulsen, Chair; Struyk and Van Fossen, J.R.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 688**

Agriculture: Drake, Chair; Olson S. and Stevens.

House Study Bill 697

Agriculture: Baudler, Chair; Lalk and Swaim.

House Study Bill 698

Appropriations: Chambers, Chair; Eichhorn and Quirk.

House Study Bill 699

Education: Boal, Chair; Roberts and Stevens.

House Study Bill 702

Transportation: Klemme, Chair; Miller and Van Engelenhoven.

House Study Bill 703

Transportation: Klemme, Chair; McCarthy and Olson, S.

House Study Bill 704

Transportation: Huseman, Chair; Chambers and Lykam.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 705 Education**

Requesting the Legislative Council to establish an interim study committee to examine the costs and benefits of Iowa joining the Midwestern Higher Education Compact.

H.S.B. 706 Transportation

Authorizing establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 2310), relating to the inclusion of recreational trail development as part of projects under the vision Iowa program and the community attraction and tourism program.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 647), relating to investments in Iowa under the Iowa public employees' retirement system.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 653), relating to moneys and tax credits for economic development.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 666), relating to educational institutions under the university-based research utilization program.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2140), relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2004.

Committee Bill (Formerly House File 2173), relating to the number of signatures required on nomination petitions for school board elections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2004.

Committee Bill (Formerly House Study Bill 595), relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, the imposition of penalties and collection of fees by those state agencies and offices, and the authorization of the commission to garnishee loan defaulters' wages.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2004.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2118), relating to the statutory duties of the commission of Latino affairs regarding Spanish language interpreter qualifications.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly House File 2166), eliminating a time limit on executions of judgments and orders.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 530), relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

Fiscal Note is required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 664), relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 667), relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 2, 2004.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House Study Bill 628), relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2004.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 129), providing for licensure requirements relating to the practice of athletic training and increasing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

RESOLUTIONS FILED

HCR 114, by Shoultz, Mascher, Eichhorn and Roberts, a concurrent resolution memorializing Stephen Garst of Coon Rapids, Iowa.

Laid over under **Rule 25**.

HR 123, by Wilderdyke, a resolution to recognize and honor Gary Guge and his work in the Iowa State University Extension Service.

Laid over under **Rule 25**.

HR 124, by Wise, Foege, Connors, Murphy, Smith, Quirk, Reasoner, T. Taylor, Hunter, Oldson, Dandekar, Jacoby, Stevens, Wendt, Frevert, Greimann, Bell, D. Taylor, Shoultz, Whitaker, Hogg, Cohoon, Fallon, Struyk, Gaskill, Swaim, Huser, Winckler and Bukta, a resolution encouraging the President of the United States to take swift action to remove Rod Paige from the position of United States Secretary of Education.

Laid over under **Rule 25**.

HR 125, by Foege, a resolution commemorating the sesquicentennial anniversary of Cornell College.

Laid over under **Rule 25**.

HR 126, by Greimann, Heddens and Wise, a resolution to recognize the week of May 10, 2004, as Iowa Solar Energy Awareness Week.

Laid over under **Rule 25**.

AMENDMENT FILED

H—8151	H.F.	2392	D. Olson of Boone
	Greimann of Story		Fallon of Polk
	Ford of Polk		Gaskill of Wapello
	Heddens of Story		Hogg of Linn
	Kuhn of Floyd		Shoultz of Black Hawk

On motion by Gipp of Winneshiek the House adjourned at 8:50 a.m., until 8:45 a.m., Wednesday, March 3, 2004.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 3, 2004

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

Prayer was offered by Reverend David Ruhe, pastor of Plymouth Congregational Church, Des Moines. He was the guest of Representative Libby Jacobs from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 2, 2004 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2007, by Cohoon, a joint resolution designating the channel catfish as the official state fish for the State of Iowa.

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

House File 2417, by committee on education, a bill for an act relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state.

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

House File 2418, by committee on education, a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

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

House File 2419, by committee on education, a bill for an act relating to the number of signatures required on nomination petitions for school board elections.

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

House File 2420, by Cohoon, a bill for an act relating to continuing education curriculum content for licensed barbers.

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

House File 2421, by Upmeyer, a bill for an act relating to a pilot project for dementia-specific care alternatives.

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

House File 2422, by Cohoon, a bill for an act allowing for recertification of city and county budgets and providing an effective and applicability date.

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

House File 2423, by Thomas, a bill for an act providing for the transfer of certain special motor vehicle registration plate fees to the veterans license fee fund.

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

House File 2424, by Cohoon, a bill for an act providing for a restriction relating to membership on the board of barber examiners.

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

House File 2425, by committee on economic growth, a bill for an act relating to moneys and tax credits for economic development.

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

House File 2426, by committee on economic growth, a bill for an act relating to the inclusion of recreational trail development as part

of projects under the vision Iowa program and the community attraction and tourism program.

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

House File 2427, by committee on economic growth, a bill for an act relating to investments in Iowa under the Iowa public employees' retirement system.

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

House File 2428, by T. Taylor, a bill for an act relating to the purchase of certain information technology services by a state agency.

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

House File 2429, by Kramer, S. Olson and Frevert, a bill for an act relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date.

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

House File 2430, by T. Taylor, a bill for an act relating to information regarding the use of contract employee services by the state.

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

House File 2431, by committee on economic growth, a bill for an act relating to educational institutions under the university-based research utilization program.

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

House File 2432, by committee on natural resources, a bill for an act relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons.

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

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 3, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 401, an Act relating to the procedures for certificates of completion of property rehabilitation projects for which tax credits may be available.

House File 2180, an Act relating to filling the office of county attorney by appointment.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2004\622 | Shane Spooner, Ankeny – For winning the Class 3-A Heavyweight Championship of the 2004 State High School Wrestling Tournament. |
| 2004\623 | Wallace and Marian Rhinehart, Brooklyn – For celebrating their 50 th wedding anniversary. |
| 2004\624 | Millie Kramme, Hartley – For celebrating her 92 nd birthday. |
| 2004\625 | Howard and Carol Borchard, Hartley – For celebrating their 50 th wedding anniversary. |
| 2004\626 | Mollie Worrell, Smithland – For celebrating her 80 th birthday. |
| 2004\627 | Harold Fredericks, Denison – For celebrating his 85 th birthday. |
| 2004\628 | Lucinda Kahl, Charter Oak – For celebrating her 90 th birthday. |
| 2004\629 | Larry and Helen Cox, Sr., Grinnell – For celebrating their 50 th wedding anniversary. |

SUBCOMMITTEE ASSIGNMENTS

House File 511

State Government: Hutter, Chair; Rasmussen and Whitead.

House File 2218

Judiciary: Eichhorn, Chair; Berry and Dennis.

House File 2336

Human Resources: Carroll, Chair; Heaton and Smith.

House File 2365

Judiciary: Heaton, Chair; Eichhorn and Jochum.

House File 2400

State Government: Jacobs, Chair; Manternach and Oldson.

House File 2406

Agriculture: Mertz, Chair; Dolecheck and Whitaker.

House File 2408

Agriculture: Olson, S., Chair; Klemme and Kuhn.

House File 2412

Natural Resources: Arnold, Chair; Rasmussen and Whitaker.

House File 2414

Judiciary: Kramer, Chair; Heaton and Winckler.

House File 2421

Human Resources: Upmeyer, Chair; Foege and Granzow.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 700

Commerce, Regulation and Labor: Jenkins, Chair; Quirk and Sands.

House Study Bill 701

Commerce, Regulation and Labor: Jenkins, Chair; Hoffman and Oldson.

House Study Bill 705

Education: Dennis, Chair; Tymeson and Winckler.

House Study Bill 706

Transportation: Klemme, Chair; Dolecheck and Huser.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 707 Economic Growth**

Relating to tax credits under the university-based research utilization program.

H.S.B. 708 Judiciary

Creating medical parole for certain persons committed to the custody of the department of corrections.

H.S.B. 709 Public Safety

Relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing an effective date.

H.S.B. 710 State Government

Providing for the licensure of electricians and installers on a statewide basis, providing for apprentice electrician registration, establishing fees, providing penalties, and providing an effective date.

H.S.B. 711 Judiciary

Relating to the recovery of restitution for damages covered by insurance.

H.S.B. 712 Commerce, Regulation and Labor

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

H.S.B. 713 State Government

Concerning charter agencies and agencies designated as charter agencies, making appropriations, and providing an effective date.

H.S.B. 714 Commerce, Regulation and Labor

Relating to electric power generation and the cogeneration pilot program.

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 2031), relating to persons engaged in the business of buying or selling feeder pigs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly House File 2377), regulating the transportation of animal carcasses, and providing for fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 672), regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 697), regulating transmissible viruses afflicting poultry and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly House Study Bill 537), relating to the reorganization of the division of banking of the department of commerce and its regulation of banking.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 583), relating to municipal utilities that provide local exchange services, including nonsubscriber costs, the confidentiality and audits of certain accounting records, and exemption from sales and use taxes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 590), relating to industry standards for boilers, directing the labor commissioner to adopt emergency rules when the industry standards are supplemented, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 608), relating to the collection of costs associated with residential real estate loans.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 612), relating to immunity from third-party liability for claims resulting from contaminated property.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 643), relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 646), conferring additional enforcement authority on the real estate commission, and providing penalties.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 658), relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations and tax offsets of the Iowa comprehensive health insurance association; phaseout of certain individual insurance plans; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; providing and applying penalties; and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 687), relating to the uniform electronic transactions Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2410), changing dates relating to school district requests to the department of education for approval to use additional allowable growth for programs for returning dropouts and dropout prevention

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 40), relating to school district transportation of students participating in open enrollment.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 610), relating to residency qualifications for purposes of postsecondary tuition and fees paid at public institutions of higher education in this state.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 675), relating to school district enrollment of students listed on the sex offender registry.

Fiscal Note is not required.

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

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 2275), relating to stormwater discharge permits issued by the department of natural resources.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

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 **Amend and Do Pass with amendment H-8154** March 2, 2004.

Committee Bill (Formerly House File 487), establishing requirements for persons contracting with the department of human services.

Fiscal Note is not required.

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

Committee Bill (Formerly House File 2188), establishing covenant marriages and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly House File 2203), directing the department of human services to implement child welfare diversion and mediation pilot projects.

Fiscal Note is not required.

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

Committee Bill (Formerly House File 2216), relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Fiscal Note is not required.

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

Committee Bill (Formerly House File 2324), relating to electronic and facsimile prescriptions and making penalties applicable.

Fiscal Note is not required.

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

Committee Bill (Formerly House File 2354), requiring a placement recommendation for persons subject to a court order for involuntary hospitalization.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 626), providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making and appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2179), relating to the establishment of a toll-free telephone service by the department of justice to assist persons interested in receiving consumer fraud information.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly House Study Bill 252), relating to real property, including acknowledgments of real property conveyances and limitations on causes of action concerning real property.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 602), relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 663), relating to the transfer and apportionment of district associate judges and associate juvenile judges, and to the qualifications of magistrates.

Fiscal Note is not required.

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

COMMITTEE ON LOCAL GOVERNMENT

House File 2309, a bill for an act relating to the assessment and collection of penalty and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

Fiscal Note is not required.

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

Committee Bill (Formerly House File 488), 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 **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 669), relating to fire protection service by requiring counties to assume the duties and powers of township trustees in certain circumstances, requiring certain counties to negotiate fire protection agreements for townships, relating to dissolution of benefited fire districts, authorizing certain fire departments to assess fees to property owners for fire protection service, and delaying the budget certification deadline for certain townships, and including an effective date provision.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 671), relating to a prisoner from another state being detained or committed to a county jail in this state.

Fiscal Note is not required.

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

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 257), relating to recycling waste oil filters, establishing fees, and making an appropriation.

Fiscal Note is not required.

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

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 2292), establishing a county enforcement surcharge for citations issued by the county sheriff.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 681), to update and modify the enhanced 911 emergency telephone communications system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 139), establishing a choose life motor vehicle registration plate and appropriating fees from such plates for adoption-related services.

Fiscal Note is not required.

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

Committee Bill (Formerly House File 2086), relating to fees retained by country treasurers for the issuance of driver's licenses and nonoperator identification cards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

Committee Bill (Formerly House Study Bill 639), relating to disclosure requirements for the sale, lease, or trade of a motor vehicle and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2004.

RESOLUTIONS FILED

HCR 115, by Tymeson, a concurrent resolution requesting the Legislative Council to establish an interim study committee to examine the costs and benefits of Iowa joining the Midwestern Higher Education Compact.

Laid over under **Rule 25**.

HR 127, by Tymeson, a resolution requesting the Legislative Council to create an interim study committee to examine options for integrating technology to improve student achievement.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8152	H.F.	2294	Bogges of Page
H—8153	H.F.	2394	Mascher of Johnson
H—8154	H.F.	22	Committee on Human Resources

On motion by Gipp of Winneshiek the House adjourned at 8:57 a.m., until 8:45 a.m., Thursday, March 4, 2004.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-sixth Session Day

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

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

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

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

INTRODUCTION OF BILLS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 112

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

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

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

The House rose and expressed its welcome.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 112** be immediately messaged to the Senate.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

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

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

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 707

Economic Growth: Jenkins, Chair; Kramer and Thomas.

House Study Bill 708

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

House Study Bill 709

Public Safety: Alons, Chair; Bell and Sands.

House Study Bill 710

State Government: Drake, Chair; Connors and Watts.

House Study Bill 711

Judiciary: Paulsen, Chair; Eichhorn and Reasoner.

House Study Bill 712

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

House Study Bill 713

State Government: Jacobs, Chair; Oldson and Watts.

House Study Bill 714

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 715 Human Resources**

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

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House File 2408), relating to the management of manure, excreta, or other commonly associated wastes of dogs kept by commercial breeders, and providing penalties.

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

COMMITTEE ON COMMERCE, REGULATION AND LABOR

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

COMMITTEE ON ECONOMIC GROWTH

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

COMMITTEE ON ENVIRONMENTAL PROTECTION

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

COMMITTEE ON JUDICIARY

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

COMMITTEE ON PUBLIC SAFETY

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

COMMITTEE ON STATE GOVERNMENT

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

Fiscal Note is note required.

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

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

Fiscal Note is note required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

COMMITTEE ON TRANSPORTATION

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

Fiscal Note is not required.

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

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

Fiscal Note is not required.

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

RESOLUTION FILED

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

Laid over under **Rule 25**.

AMENDMENTS FILED

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

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

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-seventh Session Day .

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 5, 2004

The House met pursuant to adjournment at 10:16 a.m., Kramer of Polk in the chair.

The Journal of Thursday, March 4, 2004 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2008, by Frevert, Shoultz, Gaskill and Mertz, a joint resolution nullifying an administrative rule establishing a moratorium on new gambling licenses and providing an effective date.

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

House File 2459, by committee on education, a bill for an act relating to residency qualifications for purposes of postsecondary tuition and fees paid at public institutions of higher education in this state.

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

House File 2460, by committee on education, a bill for an act relating to school district enrollment of students listed on the sex offender registry.

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

House File 2461, by committee on education, a bill for an act changing dates related to school district requests to the department of education for approval to use additional allowable growth for programs for returning dropouts and dropout prevention.

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

House File 2462, by committee on human resources, a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects.

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

House File 2463, by T. Taylor, a bill for an act relating to counseling and time off for railroad employees involved in certain accidents.

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

House File 2464, by committee on human resources, a bill for an act providing for the establishment and funding of an automated external defibrillator grant program, and providing an effective date.

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

House File 2465, by committee on human resources, a bill for an act establishing requirements for persons contracting with the department of human services.

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

House File 2466, by committee on education, a bill for an act relating to school district transportation of students participating in open enrollment.

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

House File 2467, by committee on state government, a bill for an act relating to the quorum requirement for the Iowa Access advisory council.

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

House File 2468, by committee on state government, a bill for an act to limit the period of effectiveness for an administrative rule adopted without a notice of intended action and opportunity for public participation.

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

House File 2469, by committee on transportation, a bill for an act relating to the maximum gross weight limit for vehicles hauling crops during the annual period of harvest.

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

House File 2470, by committee on economic growth, a bill for an act relating to a study identifying a permanent funding source for the grow Iowa values fund.

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

House File 2471, by committee on local government, a bill for an act relating to a prisoner from another state being detained or committed to a county jail in this state.

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

House File 2472, by committee on local government, a bill for an act relating to comprehensive plans used by cities and counties when developing zoning regulations and including an applicability provision.

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

House File 2473, by committee on human resources, a bill for an act relating to involuntary hospitalization procedures involving the county single entry point process and patient advocates.

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

House File 2474, by committee on agriculture, a bill for an act regulating the transportation of animal carcasses, and providing for fees and penalties.

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

House File 2475, by committee on agriculture, a bill for an act relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs.

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

House File 2476, by committee on agriculture, a bill for an act regulating transmissible viruses afflicting poultry and providing penalties.

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

House File 2477, by committee on local government, a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, authorizing certain fire departments to assess fees to certain property owners for fire protection service, and delaying the budget certification deadline for certain townships, and including an effective date provision and applicability date provisions.

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

House File 2478, by committee on agriculture, a bill for an act regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

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

House File 2479, by committee on agriculture, a bill for an act relating to the management of manure, excreta, or other commonly associated wastes of dogs kept by commercial breeders, and providing penalties.

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

House File 2480, by committee on judiciary, a bill for an act prohibiting the award of pets, or advertisement thereof, in certain circumstances, and providing a penalty.

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

House File 2481, by committee on judiciary, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

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

House File 2482, by committee on judiciary, a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making an appropriation, making penalties applicable, and providing an effective date.

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

House File 2483, by committee on commerce, regulation and labor, a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings.

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

GOVERNOR'S VETO MESSAGE

March 5, 2004

The Honorable Jeffrey Lamberti
President of the Senate
State Capitol Building
LOCAL

Dear President Lamberti:

I hereby transmit Senate File 2124, an Act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, providing for a reduction in area education agency funding, making appropriations, and providing an applicability date.

The bill as drafted falls short of the two percent allowable growth in fiscal year 2005 and underfunds the important Area Education Agencies. Students in Iowa schools will be ill served by only setting a two percent allowable growth rate for fiscal year 2006, capping the state aid available that may result in less than two percent growth, reducing state aid to Area Education Agencies, and mandating expenditures for textbooks and supplies. The children, teachers, and families of Iowa deserve better than this. They deserve adequate resources so their schools can be the best they can be. They deserve education to be our top priority, because if it isn't, their future and our future as a state will suffer. The bill as drafted would lead to teacher layoffs, larger class sizes, and limited learning opportunities for our children.

The bill requires that \$10 million be allocated annually for textbooks and supplies from the amount each district receives for foundation aid. Local authorities should have the power to determine how to allocate limited resources; and school districts need additional resources in all areas, not just textbooks and supplies. This requirement usurps local districts' decision-making authority and priority setting.

Education is also Iowa's strongest asset for future economic growth. Education is what we used to sell and market this state when we encourage companies to locate

here. Iowa's workforce is extremely productive because they are so well educated – if we do not act now to fund education adequately, we will erode our economic growth efforts to attract and retain high-skill, high-wage jobs.

I am unable to approve Senate File 2124. This bill changes the process of setting allowable growth by eliminating the requirement that the legislature act in the year preceding the budget year in which allowable growth is required. Moving the date so the rate is set six months before the start of the school year, rather than eighteen months, sends the signal that education is no longer a top priority.

After hearing from thousands of people, it is clear that Iowans want us to support education. Republicans in the legislature must not be listening to the same students, parents, teachers, and administrators I hear from every day. Iowans deserve better – they deserve to be heard.

For the above reasons, I hereby respectfully disapprove Senate File 2124. However, I stand ready to work with legislators to establish an allowable growth number for next year that truly reflects Iowa's commitment to educational excellence and complies with Iowa law.

Sincerely,
Thomas J. Vilsack
Governor

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2004\644 | Daniel J. Lekwa, Nevada – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\645 | Christopher A. Jacob, Nevada – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\646 | Errette and Margaret Logan, Fort Madison – For celebrating their 70 th wedding anniversary. |
| 2004\647 | Les and Gladys McGohan, Mt. Pleasant – For celebrating their 65 th wedding anniversary. |

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 715

Human Resources: Boddicker, Chair; Heafon and Smith.

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 2406), relating to the keeping of farm deer.

Fiscal Note not required.

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

Committee Bill (Formerly House Study Bill 655), relating to setback distance requirements that apply to residences which are constructed in proximity to animal feeding operation structures and making penalties applicable.

Fiscal Note not required.

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

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly House Study Bill 701), providing for a health insurance study by the commissioner of insurance and by providing an effective date.

Fiscal Note not required.

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

Committee Bill (Formerly House Study Bill 714), relating to electric power generation and the cogeneration pilot program.

Fiscal Note not required.

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

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 2285), creating a main street economic initiative.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 665), amending the joint rules of the Senate and House of Representatives for the Eightieth General Assembly.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 677), relating to purchasing preferences for Iowa-based products and services.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 679), relating to regional development and joint exercise of governmental powers, related county enterprise authority, and providing tax credits for economic development regions.

Fiscal Note is not required.

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

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2191), providing for the establishment of a cancer drug repository program.

Fiscal Note is not required.

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

Committee Bill (Formerly House File 2209), relating to the provision of a copy of a certificate of birth to a biological parent.

Fiscal Note is not required.

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

Committee Bill (Formerly House File 2228), to establish a newslines for the blind program within the department for the blind and to establish telephone utility assessments.

Fiscal Note is not required.

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

Committee Bill (Formerly House File 2295), relating to juvenile court jurisdiction over child support orders.

Fiscal Note is not required.

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

Committee Bill (Formerly House File 2421), relating to a pilot project for dementia-specific care alternatives.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 153), 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.

Fiscal Note is not required.

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

Committee Bill (Formerly House Study Bill 649), providing for reform of services and other support provided for persons with mental illness, developmental disabilities, or brain injury, revising county property tax levy authority for the services, and providing appropriations and effective dates.

Fiscal Note is not required.

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

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 2250), relating to shared governmental functions among local governments by allowing certain cities and counties to be certified as freedom communities, effecting income and property taxation and fee-setting authority within such communities, providing other incentives for such certification, and by modifying the establishment and authority of community clusters, and providing an effective date.

Fiscal Note is not required.

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

AMENDMENTS FILED

H—8157	H.F.	2394	Mascher of Johnson
H—8158	H.F.	2394	Mascher of Johnson
H—8159	H.F.	2394	Mascher of Johnson
H—8160	H.F.	2394	Mascher of Johnson
H—8161	H.F.	2418	Mascher of Johnson
H—8162	H.F.	2394	Huser of Polk
H—8163	H.F.	2390	Huser of Polk
H—8164	H.F.	2394	Mascher of Johnson
H—8165	H.F.	2170	Huser of Polk
H—8166	H.F.	2170	Huser of Polk

H—8167	H.F.	2170	Huser of Polk
H—8168	H.F.	2170	Huser of Polk
H—8169	H.F.	2380	Huser of Polk
H—8170	H.F.	2305	Huser of Polk
H—8171	H.F.	2305	Huser of Polk
H—8172	H.F.	2305	Huser of Polk
H—8173	H.F.	2304	Huser of Polk
H—8174	H.F.	2304	Huser of Polk

On motion by Lukan of Dubuque the House adjourned at 10:20 a.m., until 1:00 p.m., Monday, March 8, 2004.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 8, 2004

The House met pursuant to adjournment at 1:04 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Tim Parker, pastor of St. Peter Lutheran Church, Westgate. He was the guest of Representative David Lalk from Fayette County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Friday, March 5, 2004 was approved.

INTRODUCTION OF BILLS

House File 2484, by committee on commerce, regulation and labor, a bill for an act relating to the reorganization of the division of banking of the department of commerce and its regulation of banking.

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

House File 2485, by committee on commerce, regulation and labor, a bill for an act relating to the telemarketing provisions of the consumer fraud Act, and applying remedies and penalties.

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

House File 2486, by committee on agriculture, a bill for an act providing for offenses involving animals and crops and related property, and providing penalties.

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

House File 2487, by committee on commerce, regulation and labor, a bill for an act relating to individual health insurance program

modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates.

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

House File 2488, by committee on commerce, regulation and labor, a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties.

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

House File 2489, by committee on commerce, regulation and labor, a bill for an act relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive health insurance association; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; and providing and applying penalties.

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

House File 2490, by committee on commerce, regulation and labor, a bill for an act relating to the uniform electronic transactions Act.

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

House File 2491, by committee on economic growth, a bill for an act creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates.

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

House File 2492, by committee on human resources, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

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

House File 2493, by committee on public safety, a bill for an act relating to regulation of sales at unused property markets and providing penalties.

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

House File 2494, by committee on public safety, a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit.

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

House File 2495, by committee on state government, a bill for an act 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.

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

House File 2496, by committee on state government, a bill for an act relating to the use of titles pertaining to physical therapy and providing a penalty.

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

House File 2497, by committee on state government, a bill for an act providing for a sick leave and vacation incentive program for state employees and providing an effective date.

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

House File 2498, by committee on natural resources, a bill for an act relating to recycling waste oil filters and establishing fees.

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

House File 2499, by committee on state government, 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 placed on the **calendar**.

House File 2500, by committee on state government, a bill for an act relating to the confidentiality of certain information relating to homeless individuals.

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

House File 2501, by committee on state government, a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision.

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

House File 2502, by committee on judiciary, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

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

House File 2503, by committee on judiciary, a bill for an act defining the term "possession" for purposes of a criminal case.

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

House File 2504, by committee on judiciary, a bill for an act relating to the statute of limitations relative to a judgment of distribution of marital assets involving fraud.

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

House File 2505, by committee on commerce, regulation and labor, a bill for an act providing for the selling of alcoholic beverages,

wine, or beer on credit by a convention center, civic center, or events center under specified circumstances.

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

House File 2506, by committee on human resources, a bill for an act relating to electronic and facsimile prescriptions and making penalties applicable.

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

House File 2507, by committee on human resources, a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

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

House File 2508, by committee on judiciary, a bill for an act relating to the theft of leased or rented personal property and making penalties applicable.

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

The House stood at ease at 1:18 p.m., until the fall of the gavel.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Webster and T. Taylor of Linn on request of Bukta of Clinton.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty members present, twenty absent.

SPECIAL PRESENTATION

Boggess of Page introduced to the House the Honorable Donna Barry, former state representative from Harrison County.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS Regular Calendar

House Joint Resolution 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments, with report of committee recommending amendment and passage, was taken up for consideration.

Jacobs of Polk offered the following amendment H-8039 filed by the committee on administration and rules and moved its adoption:

H-8039

- 1 Amend House Joint Resolution 2005 as follows:
- 2 1. Title page, line 24, by striking the word
- 3 "RESOLVED" and inserting the following: "ENACTED".

The committee amendment H-8039 was adopted.

Jacobs of Polk moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 2005)

The yeas were, 80

Baudler	Bell	Berry	Boddicker
Boggess	Bukta	Carroll	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Elgin	Foegel
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs

Jacoby	Jenkins	Jochum	Jones
Kramer	Kuhn	Kurtenbach	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Thomas	Tjepkes
Tymeson	Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdylke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 18:

Alons	Arnold	Boal	Chambers
De Boef	Drake	Eichhorn	Fallon
Ford	Greimann	Heddens	Hogg
Klemme	Lalk	Roberts	Shomshor
Taylor, D.	Van Engelenhoven		

Absent or not voting, 2:

Miller Taylor, T.

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

House File 2201, a bill for an act providing for exemptions from massage therapy licensure requirements, was taken up for consideration.

Greiner of Washington offered the following amendment H-8017 filed by Greiner, et al., and moved its adoption:

H-8017

- 1 Amend House File 2201 as follows:
- 2 1. Page 1, line 35, by striking the words "or
- 3 physical therapists" and inserting the following:
- 4 "physical therapists, or physician assistants".

Amendment H-8017 was adopted.

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. 2201)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Miller Taylor, T.

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

House File 2230, a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box; was taken up for consideration.

Klemme of Plymouth in the chair at 2:28 p.m.

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. 2230)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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
Klemme, Presiding			

The nays were, none.

Absent or not voting, 3:

Miller	Rants, Spkr.	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 2319, a bill for an act relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs, was taken up for consideration.

Jacobs of Polk offered the following amendment H-8123 filed by her and moved its adoption:

H-8123

- 1 Amend House File 2319 as follows:
- 2 1. Page 2, by inserting after line 12 the
- 3 following:
- 4 "c. NONELECTION YEARS. a candidate's committee of
- 5 a candidate for statewide office, the general
- 6 assembly, or county office shall file reports in a
- 7 nonelection year as follows:
- 8 Report due: Covering period:
- 9 January 19 January 1 through December 31
- 10 of the previous year".

Amendment H-8123 was adopted.

Jacobs of Polk offered the following amendment H-8058 filed by her and moved its adoption:

H-8058

- 1 Amend House File 2319 as follows:
- 2 1. Page 4, by striking lines 2 through 5 and
- 3 inserting the following:
- 4 "a. STATEWIDE OFFICE AND GENERAL ASSEMBLY
- 5 ELECTIONS.
- 6 ELECTION YEAR. a political committee expressly
- 7 advocating the nomination, election, or defeat of
- 8 candidates for statewide office or the general
- 9 assembly shall file a report on the same dates as a
- 10 candidate's committee is required to file reports
- 11 under subsection 2, paragraph "a".
- 12 NONELECTION YEAR. a political committee expressly
- 13 advocating the nomination, election, or defeat of
- 14 candidates for statewide office or the general
- 15 assembly shall file a report as follows:"

Amendment H-8058 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. 2319)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggest
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
Jacoby	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
Shomshor	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	Klemme, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller Taylor, T.

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

House File 2325, a bill for an act relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal, 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. 2325)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carróll	Chambers	Cohon
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
Jacoby	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
Shomshor	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	Klemme, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller Taylor, T.

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 Joint Resolution 2005**, and **House Files 2201, 2230, 2319 and 2325**.

House File 2327, a bill for an act relating to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers, 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. 2327)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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
Shomshor	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	Klemme, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller Taylor, T.

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

House File 2328, a bill for an act relating to child protection confidentiality requirements involving the department of human services, 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. 2328)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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
Shomshor	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	Klemme, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller Taylor, T.

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

House File 2340, a bill for an act relating to the temporary absence of an elected city official on active military duty and the appointment of a temporary replacement and providing an effective date, 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. 2340)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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
Shomshor	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	Klemme, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller Taylor, T.

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

House File 2347, a bill for an act relating to the uniform limited partnership Act and providing a penalty and effective dates, was taken up for consideration.

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. 2347)

The ayes were, 97:

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
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Shomshor
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
Klemme, Presiding			

The nays were, none.

Absent or not voting, 3:

Greimann	Miller	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 2350, a bill for an act relating to family investment program eligibility requirements involving motor vehicle equity, family investment plans, limited benefit plans, and required school

attendance and including an applicability provision, 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. 2350)

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
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Hahn
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	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	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	Klemme, Presiding

The nays were, 1:

Jacoby

Absent or not voting, 3:

Greimann

Miller

Taylor, T.

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 2327, 2328, 2340, 2347 and 2350.**

House File 2351, a bill for an act relating to enforcement of waste tire violations and providing a penalty, was taken up for consideration.

Kurtenbach of Story 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. 2351)

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	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Shomshor
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
Klemme, Presiding			

The nays were, none.

Absent or not voting, 3:

Greimann

Miller

Taylor, T.

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

House File 2358, a bill for an act providing for technical and substantive changes relating to the practice of cosmetology, establishing penalties, and making penalties applicable, 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. 2358)

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	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Shomshor
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
Klemme,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Greimann Miller Taylor, T.

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

House File 2367, a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund, 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. 2367)

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	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Shomshor
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
Klemme, Presiding			

The nays were, none.

Absent or not voting, 3:

Greimann

Miller

Taylor, T.

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

House File 2373, a bill for an act providing for the inapplicability of provisions regulating licensed real estate brokers and salespersons to auctioneers under specified circumstances, and providing penalties, was taken up for consideration.

Kurtenbach of Story 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. 2373)

The ayes were, 85:

Alons	Baudler	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	De Boef	Dennis	Dix
Dolecheck	Drake	Elgin	Foege
Ford	Freeman	Gaskill	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Struyk	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Wildurdyke	Winckler	Wise
Klemme, Presiding			

The nays were, 12:

Arnold	Davitt	Eichhorn	Fallon
Frevert	Mertz	Osterhaus	Shomshor
Stevens	Swaim	Van Engelenhoven	Whitead

Absent or not voting, 3:

Greimann

Miller

Taylor, T.

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

House File 2378, a bill for an act relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care, 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. 2378)

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	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Shomshor
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
Klemme, Presiding			

The nays were, none.

Absent or not voting, 3:

Greimann

Miller

Taylor, T.

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 2351, 2358, 2367, 2373 and 2378.**

House File 2399, a bill for an act allowing a modified criminal penalty for certain thefts within a seventy-two-hour time period, 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?" (H.F. 2399)

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	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternách	Mascher
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	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	Klemme, Presiding

The nays were, 1:

Gaskill

Absent or not voting, 3:

Greimann	Miller	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 2402, a bill for an act restricting executive branch authority to transfer appropriations between departments, 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.

Speaker Rants in the chair at 4:22 p.m.

On the question "Shall the bill pass?" (H.F. 2402)

The ayes were, 61:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	Dandekar	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
McCarthy	Olson, S.	Paulsen	Quirk
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Stevens	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Mr. Speaker			
Rants			

The nays were, 36:

Berry	Bukta	Cohoon	Connors
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Heddens	Hunter
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	Mertz	Murphy
Oldson	Olson, D.	Osterhaus	Petersen
Reasoner	Shomshor	Shoultz	Smith
Swaim	Taylor, D.	Thomas	Wendt
Whitaker	Whitead	Winckler	Wise

Absent or not voting, 3:

Greimann	Miller	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 2403, a bill for an act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date, was taken up for consideration.

Connors of Polk in the chair at 4:30 p.m.

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. 2403)

The ayes were, 96:

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	Frevert	Gaskill	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	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	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Connors, Presiding

The nays were, none.

Absent or not voting, 4:

Greimann	Miller	Taylor, T.	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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jacoby of Johnson on request of Murphy of Dubuque.

House File 2419, an act relating to the number of signatures required on nomination petitions for school board elections, 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. 2419)

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	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam

Maddox	Manternach	McCarthy	Mertz
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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	Connors, Presiding		

The nays were, 2:

Hunter	Mascher
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Absent or not voting, 4:

Greimann	Jacoby	Miller	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 2427, a bill for an act relating to investments in Iowa under the Iowa public employees' retirement system, was taken up for consideration.

Kramer of Polk offered the following amendment H-8156 filed by him and Jenkins of Black Hawk and moved its adoption:

H-8156

- 1 Amend House File 2427 as follows:
- 2 1. Page 1, line 10, by striking the words "Iowa
- 3 businesses", and inserting the following: "business
- 4 growth in Iowa".

Amendment H-8156 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. 2427)

The ayes were, 80:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Gaskill	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
Mertz	Oldson	Olson, D.	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	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	Whitaker
Wildurdyke	Winckler	Wise	Connors, Presiding

The nays were, 16:

Berry	Bukta	Fallon	Ford
Frevert	Hunter	Jochum	Kuhn
McCarthy	Murphy	Osterhaus	Shomshor
Shoultz	Taylor, D.	Wendt	Whitead

Absent or not voting, 4:

Greimann	Jacoby	Miller	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.

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 8, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2119, a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys.

Also: That the Senate has on March 8, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2148, a bill for an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

Also: That the Senate has on March 8, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2166, a bill for an act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

Also: That the Senate has on March 8, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2187, a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

Also: That the Senate has on March 8, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2189, a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties.

Also: That the Senate has on March 8, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2191, a bill for an act relating to agreements to arbitrate and providing remedies.

Also: That the Senate has on March 8, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2202, a bill for an act relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall, and providing for related matters.

Also: That the Senate has on March 8, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2230, a bill for an act relating to immunity from third-party liability for claims resulting from contaminated property.

Also: That the Senate has on March 8, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2235, a bill for an act establishing a uniform mediation Act.

MICHAEL E. MARSHALL, Secretary

House File 2397, a bill for an act relating to the act or property of a public utility with respect to the definition of nuisance, was taken up for consideration.

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. 2397)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cphoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
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	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shultz	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	Connors, Presiding	

The nays were, 1:

Fallon

Absent or not voting, 4:

Greimann

Jacoby

Miller

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 2399, 2402, 2403, 2419, 2427 and 2397.**

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2004\648 | Alexander Roland Metcalf, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\649 | Mr. and Mrs. William Schurr, LeClaire – For celebrating their 50 th wedding anniversary. |
| 2004\650 | Mildred Weiss, De Witt – For celebrating her 90 th birthday. |
| 2004\651 | Rondo Pietscher, Camanche – For celebrating his 80 th birthday. |
| 2004\652 | Jovani Galvan, West Liberty – For receiving 2 nd place in the Class 2-A, 189 lb. Division of the 2004 High School State Wrestling Tournament. |
| 2004\653 | Shirley Rodgers, Mason City – For celebrating her 80 th birthday. |
| 2004\654 | Eva Harman, Mason City – For celebrating her 106 th birthday. |
| 2004\655 | Norene Murphy, Guthrie Center – For celebrating her birthday. |
| 2004\656 | Charles Siemsen, Audubon – For celebrating his 85 th birthday. |
| 2004\657 | Iris Bailey, Fontanelle – For celebrating her 94 th birthday. |
| 2004\658 | Bob and Darlene McCool, Bayard – For celebrating their 50 th wedding anniversary. |
| 2004\659 | ZonaBelle, and Ivel Carroll, Panora – For celebrating their 65 th wedding anniversary. |
| 2004\660 | Emilie Rogers, Fontanelle – For celebrating her 98 th birthday. |
| 2004\661 | Jim and Ramona Robson, Guthrie Center – For celebrating their 50 th wedding anniversary. |

- 2004\662 Kathryn L. Anderson, Stratford – For being named to the Simpson College President's List.
- 2004\663 Oma Garth, Webster City – For celebrating her 95th birthday.
- 2004\664 Marj Smith, Stratford – For celebrating her 80th birthday.
- 2004\665 Everett and Maxine McAlexander, Percival – For celebrating their 62nd wedding anniversary.
- 2004\666 Faye Gifford Pierce, Alpha – For celebrating his 90th birthday.
- 2004\667 Loretta Davis, Oelwein – For celebrating her 95th birthday.
- 2004\668 Garrett and Margaret Schutt, Sioux Center – For celebrating their 64th wedding anniversary.
- 2004\669 Cal Paulsen, Waterloo – For celebrating his 80th birthday.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 716 Ways and Means

Relating to the standards applicable to purposes of imposing an Iowa business activity tax and including an applicability date provision.

H.S.B. 717 Appropriations

Providing a transfer from the cash reserve fund to the rebuild Iowa infrastructure fund for purposes of the standing appropriation to the environment first 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 PUBLIC SAFETY

Committee Bill (Formerly House File 2346), allowing a nonresident person who has been issued and possesses a valid out-of-state weapons permit to carry weapons in this state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 04, 2004.

Committee Bill (Formerly House Study Bill 685), relating to evidence in a sexual abuse case.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 04, 2004.

Committee Bill (Formerly House Study Bill 709), relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 04, 2004.

RESOLUTIONS FILED

HCR 117, by Horbach, a concurrent resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

Laid over under **Rule 25**.

HR 128, by Maddox and Miller, a resolution to honor the National Bar Association for its important contributions to the legal profession and the judicial process.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8175	H.F.	2401	Greiner of Washington
H—8176	H.F.	2343	Klemme of Plymouth
			Heddens of Story
H—8177	H.F.	2392	D. Olson of Boone
			Kuhn of Floyd
H—8178	H.F.	2366	Arnold of Lucas
H—8179	H.F.	2435	Sands of Louisa
H—8180	H.F.	2396	Hogg of Linn
H—8181	H.F.	2396	Swaim of Davis
H—8182	H.F.	2440	Swaim of Davis
H—8183	H.F.	2473	Smith of Marshall

H—8184	H.F.	2401	Greiner of Washington
H—8185	H.F.	2304	Eichhorn of Hamilton
J.R. Van Fossen of Scott			Schickel of Cerro Gordo
Tjepkes of Webster			Lukan of Dubuque
H—8186	H.F.	511	Ford of Polk
H—8187	H.F.	2440	Hogg of Linn
H—8188	H.F.	2440	Jochum of Dubuque
H—8189	H.F.	2440	Hogg of Linn
H—8190	H.F.	2401	Shoultz of Black Hawk
H—8191	H.F.	2396	Swaim of Davis
H—8192	H.F.	2170	Hogg of Linn
H—8193	H.F.	2442	Winckler of Scott
Jochum of Dubuque			Lensing of Johnson
Berry of Black Hawk			
H—8194	H.F.	2440	Hogg of Linn
H—8195	H.F.	2170	Eichhorn of Hamilton
H—8196	H.F.	2440	Hogg of Linn

On motion by Gipp of Winneshiek the House adjourned at 5:20 p.m., until 8:45 a.m., March 9, 2004.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 9, 2004

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

Prayer was offered by Reverend Catherine Quehl-Engel, Chaplin of Cornell College, Mt. Vernon. She was the guest of Representative Ro Foege from Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, March 8, 2004 was approved.

INTRODUCTION OF BILLS

House File 2509, by committee on transportation, a bill for an act relating to the issuance of special motor vehicle registration plates.

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

House File 2510, by committee on state government, a bill for an act providing for the licensure of electricians and installers on a statewide basis, providing for apprentice electrician registration, establishing fees, providing penalties, and providing an effective date.

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

House File 2511, by committee on economic growth, a bill for an act relating to area development and joint exercise of governmental powers, related county enterprise authority, and providing tax credits for economic development areas.

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

House File 2512, by committee on public safety, a bill for an act allowing a nonresident person who has been issued and possesses a valid out-of-state weapons permit to carry weapons in this state.

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

House File 2513, by committee on human resources, a bill for an act to establish a newline for the blind program within the department for the blind and to establish telephone utility assessments.

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

House File 2514, by committee on human resources, a bill for an act relating to a pilot project for dementia-specific care alternatives.

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

House File 2515, by committee on agriculture, a bill for an act relating to the keeping of farm deer.

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

House File 2516, by committee on public safety, a bill for an act relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing an effective date.

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

House File 2517, by committee on environmental protection, a bill for an act relating to environmental regulations administered by the department of natural resources regarding the use of recycled oil and the calculation of waste volume reduction measures.

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

House File 2518, by committee on environmental protection, a bill for an act relating to the duties of the soil and water conservation division of the department of agriculture and land stewardship.

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

SENATE MESSAGES CONSIDERED

Senate File 2119, by committee on commerce, a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys.

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

Senate File 2148, by committee on judiciary, a bill for an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

Read first time and **passed on file**.

Senate File 2166, by committee on judiciary, a bill for an act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

Read first time and **passed on file**.

Senate File 2187, by committee on commerce, a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

Read first time and **passed on file**.

Senate File 2189, by committee on commerce, a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties.

Read first time and **passed on file**.

Senate File 2191, by committee on judiciary, a bill for an act relating to agreements to arbitrate and providing remedies.

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

Senate File 2202, by committee on education, a bill for an act relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall, and providing for related matters.

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

Senate File 2230, by committee on commerce, a bill for an act relating to immunity from third-party liability for claims resulting from contaminated property and providing an effective date.

Read first time and **passed on file**.

Senate File 2235, by committee on judiciary, a bill for an act establishing a uniform mediation Act.

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

ADOPTION OF HOUSE RESOLUTION 125

Foege of Linn called up for consideration **House Resolution 125**, a resolution commemorating the sesquicentennial anniversary of Cornell College and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Foege of Linn introduced to the House, Dr. Les Garner the President of Cornell College whom addressed the House briefly regarding the types of education offered at Cornell College and their pride to be a part of the state of Iowa.

The House rose and expressed its welcome.

The House stood at ease at 9:07 a.m., until the fall of the gavel.

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

CONSIDERATION OF BILLS
Regular Calendar

House File 2170, a bill for an act relating to product liability actions, was taken up for consideration.

Huser of Polk asked and received unanimous consent that amendments H-8167, H-8165 and H-8168 be deferred.

Eichhorn of Hamilton offered the following amendment H-8195 filed by him and moved its adoption:

H-8195

- 1 Amend House File 2170 as follows:
- 2 1. Page 1, line 34, by inserting after the words
- 3 "by a" the following: "reasonable and visible".
- 4 2. Page 2, line 3, by inserting after the word
- 5 "instruct." the following: "When reasonable minds may
- 6 differ as to whether the warning or instruction is
- 7 reasonable and visible, the issues shall be decided by
- 8 the trier of fact."
- 9 3. Page 2, by striking lines 4 through 13.

Amendment H-8195 was adopted, placing out of order amendments H-8165, H-8166 and H-8168 filed by Huser of Polk on March 5, 2004.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-8192 filed by him on March 8, 2004.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8167, previously deferred, filed by her on March 5, 2004.

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. 2170)

The ayes were, 99:

Alons
Berry

Arnold
Boal

Baudler
Boddicker

Bell
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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Shomshor	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 was agreed to.

HOUSE FILES 427, 587 and 2088 WITHDRAWN

Eichhorn of Hamilton asked and received unanimous consent to withdraw House Files 427, 587 and 2088 from further consideration by the House.

SPECIAL PRESENTATION

Hahn of Muscatine introduced to the House the Honorable Barry Brauns, former state representative from Muscatine County.

The House rose and expressed its welcome.

House File 2243, a bill for an act regarding notice requirements by customers of and limitations on liability for liquefied petroleum gas suppliers, retailers, handlers, and transports, and making a penalty applicable, with report of committee recommending passage, was taken up for consideration.

Speaker pro tempore Carroll in the chair at 11:21 a.m.

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. 2243)

The ayes were, 80:

Alons	Arnold	Baudler	Bell
Boal	Boggess	Bukta	Chambers
Cohoon	Connors	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Elgin	Fallon	Foege
Ford	Freeman	Frevrt	Gaskill
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Jacobs
Jacoby	Jenkins	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Manternach	McCarthy
Mertz	Miller	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Reasoner
Roberts	Sands	Schickel	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyeke	Wise	Carroll, Presiding

The nays were, 19:

Berry	Boddicker	Eichhorn	Greimann
Hunter	Huser	Hutter	Jochum
Kramer	Lensing	Mascher	Murphy
Osterhaus	Rayhons	Shomshor	Shultz
Tjepkes	Tymeson	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 2262, a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates, was taken up for consideration.

Drake of Pottawattamie offered the following amendment H-8148 filed by Drake, et al., and moved its adoption:

H-8148

1 Amend House File 2262 as follows:

2 1. Page 23, by inserting after line 20 the
3 following:

4 "Sec. ____ Section 400.8, subsection 1, Code 2003,
5 is amended to read as follows:

6 400.8 ORIGINAL ENTRANCE EXAMINATION –
7 APPOINTMENTS.

8 1. The commission, when necessary under the rules,
9 including minimum and maximum age limits, which shall
10 be prescribed and published in advance by the
11 commission and posted in the city hall, shall hold
12 examinations for the purpose of determining the
13 qualifications of applicants for positions under civil
14 service, other than promotions, which examinations
15 shall be practical in character and shall relate to
16 matters which will fairly test the mental and physical
17 ability of the applicant to discharge the duties of
18 the position to which the applicant seeks appointment.
19 The physical examination of applicants for appointment
20 to the positions of police officer, police matron, or
21 fire fighter shall be held in accordance with medical
22 protocols established by the board of trustees of the
23 fire and police retirement system established by
24 section 411.5 and shall be conducted in accordance
25 with the directives of the board of trustees.

26 However, the prohibitions of section 216.6, subsection
27 1, paragraph "d", regarding tests for the presence of
28 the antibody to the human immunodeficiency virus shall
29 not apply to such examinations. The board of trustees
30 may change the medical protocols at any time the board

31 so determines. The physical examination of an
 32 applicant for the position of police officer, police
 33 matron, or fire fighter shall be conducted after a
 34 conditional offer of employment has been made to the
 35 applicant. An applicant shall not be discriminated
 36 against on the basis of height, weight, sex, or race
 37 in determining physical or mental ability of the
 38 applicant. Reasonable rules relating to strength,
 39 agility, and general health of applicants shall be
 40 prescribed. The costs of the physical examination
 41 required under this subsection shall be paid from the
 42 trust and agency fund of the city."
 43 2. By renumbering as necessary.

Amendment H-8148 was adopted.

Drake of Pottawattamie offered the following amendment H-8040
 filed by him and moved its adoption:

H-8040

1 Amend House File 2262 as follows:
 2 1. Page 23, line 29, by striking the word
 3 "actual" and inserting the following: "reasonable".
 4 2. Page 23, by striking lines 30 and 31 and
 5 inserting the following: "of production."

Amendment H-8040 was adopted.

Drake of Pottawattamie offered the following amendment H-8155
 filed by him and moved its adoption:

H-8155

1 Amend House File 2262 as follows:
 2 1. Page 27, by inserting after line 26 the
 3 following:
 4 "Sec. ____ Section 411.36, subsection 1, paragraph
 5 c, Code 2003, is amended to read as follows:
 6 c. A city treasurer, city financial officer, or
 7 city clerk involved with the financial matters of the
 8 city from four participating cities, one of whom is
 9 from a city having a population of less than ~~forty~~
 10 thirty thousand, and three of whom are from cities
 11 having a population of ~~forty~~ thirty thousand or more.
 12 The members authorized pursuant to this paragraph
 13 shall be appointed by the governing body of the Iowa
 14 league of cities."
 15 2. By renumbering as necessary.

Amendment H-8155 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. 2262)

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	Jacoby
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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shultz	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

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2170, 2243 and 2262.**

House File 2270, a bill for an act relating to certain notice requirements for cooperative associations retaining abandoned property, was taken up for consideration.

Freeman of Buena Vista 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. 2270)

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
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	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.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 2270** be immediately messaged to the Senate.

On motion by Jacobs of Polk, the House was recessed at 11:42 a.m., until 12:30 p.m.

AFTERNOON SESSION

The House reconvened at 12:52 p.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-two members present, twenty-eight absent.

The House stood at ease at 1:01 p.m., until the fall of the gavel.

The House resumed session at 1:50 p.m., Speaker Rants in the chair.

SPECIAL PRESENTATION

Jenkins of Black Hawk introduced to the House the Honorable Marv Diemer, former state representative from Black Hawk County.

House File 2304, a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance, was taken up for consideration.

Horbach of Tama offered the following amendment H-8109 filed by him as follows:

H-8109

- 1 Amend House File 2304 as follows:
- 2 1. Page 1, by inserting after line 29 the
- 3 following:
- 4 "Sec.____. Section 85.36, Code 2003, is amended by
- 5 adding the following new subsection:
- 6 NEW SECTION. 5A. In the case of an employee who
- 7 is employed pursuant to a contract for a specified
- 8 period of time, but is paid on a pay period basis
- 9 where the pay periods extend beyond the contract
- 10 period, the employee's weekly gross earnings shall be
- 11 computed by dividing the total amount paid to the
- 12 employee pursuant to the contract by fifty-two."

Speaker pro tempore Carroll in the chair at 12:57 p.m.

Mascher of Johnson rose on a point of order that amendment H-8109 was not germane.

The Speaker ruled the point not well taken and amendment H-8109 germane.

Horbach of Tama moved the adoption of amendment H-8109.

A non-record roll call was requested.

The ayes were 48, nays 35.

Amendment H-8109 was adopted.

Huser of Polk offered the following amendment H-8173 filed by her and moved its adoption:

H-8173

- 1 Amend House File 2304 as follows:
- 2 1. Page 2, by inserting after line 28 the
- 3 following:
- 4 "Sec.____. Section 86.14, Code 2003, is amended by
- 5 adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. An injured employee
- 7 prevailing in a proceeding under this section shall be

- 8 entitled to recover reasonable attorney fees and costs
9 from the opposing party."
10 2. By renumbering as necessary.

Amendment H-8173 lost.

Eichhorn of Hamilton offered the following amendment H-8185 filed by Eichhorn, et al., and moved its adoption:

H-8185

- 1 Amend House File 2304 as follows:
2 1. Page 2, by inserting after line 28 the
3 following:
4 "Sec. ____ NEW SECTION. 86.16 HEARINGS -
5 SCHEDULING.
6 Pursuant to rules adopted under chapter 17A, all
7 contested cases before the workers' compensation
8 commissioner shall be brought to issue and heard on a
9 date that is no more than fourteen months from the
10 date the original notice and petition is filed, except
11 that a continuance for a hearing date later than
12 fourteen months from the date of filing may be granted
13 upon a showing of good cause."

Amendment H-8185 was adopted.

Hogg of Linn offered the following amendment H-8174 filed by Huser of Polk and moved its adoption:

H-8174

- 1 Amend House File 2304 as follows:
2 1. Page 7, by inserting after line 3, the
3 following:
4 "Sec. ____ WORKERS' COMPENSATION STUDY. The
5 workers' compensation commissioner and the
6 commissioner of insurance shall commence a study to
7 determine the inflationary factors in workers'
8 compensation insurance premiums charged to Iowa
9 employers that include the escalating cost of medical
10 services and prescription drugs and to make
11 recommendations in regard to fee schedules for medical
12 services. The study shall include the amount of
13 commissions paid to insurance producers and recommend
14 a fee schedule for commissions received by insurance
15 producers writing such coverages. The study shall
16 also include what effect, if any, the handling of
17 workers' compensation by attorneys on a contingency

- 18 fee basis has on the receipt of benefits by employees
 19 or on insurance premiums."
 20 2. By renumbering as necessary.

Amendment H-8174 lost.

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. 2304)

The ayes were, 56:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	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	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Roberts	Sands
Schickel	Shoultz	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Wise	Carroll, Presiding

The nays were, 43:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Reasoner
Shomshor	Smith	Stevens	Struyk
Swaim	Taylor, D.	Thomas	Wendt
Whitaker	Whitead	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.

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 9, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2167, a bill for an act relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

Also: That the Senate has on March 9, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2174, a bill for an act relating to the appointment of the ninth member of the state board of regents.

Also: That the Senate has on March 9, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2177, a bill for an act relating to the possession and self-administration of asthma medication by public and accredited nonpublic school students.

Also: That the Senate has on March 9, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2193, a bill for an act relating to the civil commitment of sexually violent predators.

Also: That the Senate has on March 9, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2199, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

Also: That the Senate has on March 9, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2217, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Also: That the Senate has on March 9, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2239, a bill for an act relating to certain protections for members and families of members of the Iowa national guard or United States reserve forces during military service.

Also: That the Senate has on March 9, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2240, a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings.

Also: That the Senate has on March 9, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2244, a bill for an act relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records.

MICHAEL E. MARSHALL, Secretary

House File 2306, a bill for an act relating to fees charged for delayed redemption of electronic gift cards, 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. 2306)

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	Jacoby
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	Rants, Spkr.	Rasmussen

Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
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:

Taylor, T. 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 2341, a bill for an act allowing off-duty, out-of-state, and retired peace officers to carry weapons, was taken up for consideration.

Hogg of Linn offered the following amendment H-8125 filed by him and moved its adoption:

H-8125

1 Amend House File 2341 as follows:
 2 1. Page 1, by striking lines 17 and 18, and
 3 inserting the following:
 4 "(2) "Out-of-state peace officer" means any peace
 5 officer authorized to make arrests and conduct other
 6 law enforcement activities pursuant to section 804.7B,
 7 subsection 2."

Amendment H-8125 lost.

Hogg of Linn offered the following amendment H-8150 filed by him and moved its adoption:

H-8150

1 Amend House File 2341 as follows:
 2 1. Page 2, line 12, by inserting after the word
 3 "years," the following: "if the peace officer is
 4 under the age of seventy."
 5 2. Page 2, line 13, by inserting after the word
 6 "met." the following: "If the peace officer is age

- 7 seventy or older, a nonprofessional permit to carry
 8 weapons shall be issued for a period not to exceed two
 9 years, upon a determination that the requirements of
 10 sections 724.8 to 724.10 have been met."
 11 3. By renumbering as necessary.

Amendment H-8150 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. 2341)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Chambers
Cohoon	Connors	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foegen
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Hahn,
Hanson	Heaton	Heddens	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jacoby	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
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Wilderdyke	Winckler	Wise	Carroll, Presiding

The nays were, 7:

Berry	Bukta	Fallon	Greimann
Hogg	Hunter	Whitead	

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 2027 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House File 2027 from further consideration by the House.

HOUSE FILE 2199 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House File 2199 from further consideration by the House.

HOUSE FILES 274, 448, 481 and 2173 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House Files 274, 448, 481 and 2173 from further consideration by the House.

House File 2394, a bill for an act relating to driver education by a teaching parent, was taken up for consideration.

Mascher of Johnson offered the following amendment H-8158 filed by her and moved its adoption:

H-8158

- 1 Amend House File 2394 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "parent" the following: ", under the supervision of a
- 4 person certified by the department and authorized by
- 5 the board of educational examiners to provide street
- 6 or highway driving instruction,".
- 7 2. Page 3, by inserting after line 16 the
- 8 following:
- 9 "h. Documentation that the teaching parent
- 10 administered the approved course under the supervision
- 11 of a person certified by the department and authorized
- 12 by the board of educational examiners to provide
- 13 street or highway driving instruction."
- 14 3. By renumbering as necessary.

Amendment H-8158 lost.

Mascher of Johnson offered the following amendment H-8160 filed by her and moved its adoption:

H-8160

- 1 Amend House File 2394 as follows:
- 2 1. Page 1, line 13, by inserting after the figure
- 3 "3" the following: ", include the best teaching
- 4 practices for driver education programs,".

Amendment H-8160 lost.

Cohon of Des Moines offered the following amendment H-8157 filed by Mascher of Johnson and moved its adoption:

H-8157

- 1 Amend House File 2394 as follows:
- 2 1. Page 1, line 29, by inserting after the word
- 3 "year;" the following: "who has successfully
- 4 completed a behind-the-wheel driving instructor
- 5 authorization course approved by the department;".

Amendment H-8157 lost.

Mascher of Johnson offered amendment H-8153 filed by her as follows:

H-8153

- 1 Amend House File 2394 as follows:
- 2 1. Page 1, line 31, by striking the word "and".
- 3 2. Page 1, line 33, by striking the word "years."
- 4 and inserting the following: "years; and who
- 5 continuously maintains a clear driving record while
- 6 administering an approved course to a student under
- 7 this section. A person who becomes disqualified as a
- 8 teaching parent on the basis of the person's driving
- 9 record while administering an approved course shall
- 10 discontinue administering the course and shall not be
- 11 eligible to qualify as a teaching parent until the
- 12 person's driving record is clear and remains clear for
- 13 two years."

Mascher of Johnson offered the following amendment H-8203, to amendment H-8153, filed by her from the floor and moved its adoption:

H-8203

- 1 Amend the amendment, H-8153, to House File 2394, as
2 follows:
3 1. Page 1, by striking lines 2 through 13, and
4 inserting the following:
5 " _____. Page 1, line 33, by inserting after the
6 word "years" the following: "as evidenced by the
7 written certification of the department obtained prior
8 to beginning the instruction of the student in an
9 approved course".
10 _____. Page 2, line 34, by inserting after the
11 figure "2" the following: "and a copy of the
12 department's certification of the teaching parent's
13 clear driving record".
14 2. By renumbering as necessary.

Amendment H-8203 was adopted.

Speaker Rants in the chair at 3:35 p.m.

On motion by Mascher of Johnson, amendment H-8153, as amended, lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8159 filed by her on March 5, 2004.

Bukta of Clinton asked and received unanimous consent to withdraw amendment H-8164 filed by Mascher of Johnson on March 5, 2004.

Huser of Polk offered amendment H-8162 filed by her as follows:

H-8162

- 1 Amend House File 2394 as follows:
2 1. Page 3, by inserting after line 28 the
3 following:
4 "Sec. _____. Section 321.194, subsection 1,
5 paragraph a, subparagraph (1), Code 2003, is amended
6 to read as follows:
7 (1) During the hours of 6 a.m. to 10 p.m. over the
8 most direct and accessible route between the
9 licensee's residence and schools of enrollment and
10 between schools of enrollment for the purpose of
11 attending duly scheduled courses of instruction and
12 extracurricular activities within the school district.
13 For purposes of this section, "school" means a public
14 school or an accredited or nonaccredited private

15 school.

16 Sec. Section 321.194, subsection 1, paragraph
17 b, unnumbered paragraph 1, Code 2003, is amended to
18 read as follows:

19 Each application shall be accompanied by a
20 statement from the school board, superintendent, or
21 principal, if authorized by the superintendent, of the
22 applicant's school or, if the applicant attends a
23 private school, by the governing authority of the
24 private school. The statement shall be upon a form
25 provided by the department. The school board,
26 superintendent, ~~or principal, if authorized by the~~
27 superintendent, or governing authority shall certify
28 that a need exists for the license and that the board,
29 superintendent, ~~or principal authorized by the~~
30 superintendent, or governing authority, is not
31 responsible for actions of the applicant which pertain
32 to the use of the driver's license. Upon receipt of a
33 statement of necessity, the department shall issue the
34 driver's license. The fact that the applicant resides
35 at a distance less than one mile from the applicant's
36 school of enrollment is prima facie evidence of the
37 nonexistence of necessity for the issuance of a
38 license. The ~~school board~~ board of directors of a public
39 school district shall develop and adopt a policy
40 establishing the criteria that shall be used by a
41 school district administrator to approve or deny
42 certification that a need exists for a license. The
43 student enrolled in a public school may appeal to the
44 school board the decision of a school district
45 administrator to deny certification. The decision of
46 the school board is final. The driver's license shall
47 not be issued for purposes of attending a public
48 school in a school district other than either of the
49 following:"

50 2. Title page, line 1; by inserting after the

Page 2

- 1 word "parent" the following: "and issuance of special
- 2 driver's licenses to minors".
- 3 3. By renumbering as necessary.

Paulsen of Linn rose on a point of order that amendment H-8162 was not germane.

The Speaker ruled the point well taken and amendment H-8162 not germane.

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.

Boggess of Page in the chair at 3:57 p.m.

On the question "Shall the bill pass?" (H.F. 2394)

The ayes were, 67:

Alons	Arnold	Baudler	Boal
Boddicker	Carroll	Chambers	Dandekar
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevert	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lukan	Maddox
Manternach	McCarthy	Mertz	Miller
Olson, S.	Paulsen	Petersen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Struyk
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyeke	Wise	Boggess, Presiding	

The nays were, 32:

Bell	Berry	Bukta	Cohoon
Connors	Davitt	Ford	Gaskill
Greimann	Heddens	Hogg	Hunter
Jacoby	Jochum	Lensing	Lykam
Mascher	Murphy	Oldson	Olson, D.
Osterhaus	Quirk	Shomshor	Shoultz
Smith	Stevens	Swaim	Taylor, D.
Wendt	Whitaker	Whitead	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.

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 9, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2190, a bill for an act relating to the development of the long-term care system in Iowa.

Also: That the Senate has on March 9, 2004, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 110, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a review of the school finance formula.

Also: That the Senate has on March 9, 2004, amended and adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 111, a concurrent resolution requesting the Legislative Council to establish an interim study committee to examine the costs and benefits of Iowa joining the Midwestern Higher Education Compact.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar on request of Gipp of Winneshiek; T. Taylor of Linn on request of Murphy of Dubuque.

House File 2451, a bill for an act relating to stormwater discharge permits issued by the department of natural resources, was taken up for consideration.

Kurtenbach of Story 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. 2451)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	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	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	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
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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
Boggess, Presiding			

The nays were, none.

Absent or not voting, 3:

Boddicker Hoffman Taylor, T.

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 2304, 2306, 2341, 2394 and 2451.**

House File 2343, a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date, was taken up for consideration.

Klemme of Plymouth offered the following amendment H-8176 filed by Klemme, et al., and moved its adoption:

H-8176

- 1 Amend House File 2343 as follows:
- 2 1. Page 1, by striking lines 3 and 4 and
- 3 inserting the following:
- 4 "1. In the event that federal funding is received
- 5 for administering vaccinations for first responders,
- 6 the department shall offer a".
- 7 2. Page 2, line 3, by striking the words "and
- 8 physicians" and inserting the following: "physicians,
- 9 and military unit clinics".
- 10 3. Page 2, by striking lines 4 through 7.
- 11 4. By renumbering as necessary.

Amendment H-8176 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. 2343)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	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	Jacoby	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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven

Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdryke	Winckler
Wise	Bogges, Presiding		

The nays were, none.

Absent or not voting, 2:

Boddicker Taylor, T.

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

HOUSE FILE 2275 WITHDRAWN

Kurtenbach of Story asked and received unanimous consent to withdraw House File 2275 from further consideration by the House.

House File 2366, a bill for an act relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty, was taken up for consideration.

Arnold of Lucas offered the following amendment H-8178 filed by him and moved its adoption:

H-8178

- 1 Amend House File 2366 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "be" the following: "at least fifty percent".

Amendment H-8178 was adopted.

Arnold of Lucas 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. 2366)

The ayes were, 97:

Alons	Arnold	Baudler	Berry
Boal	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	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	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
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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
Bogges, Presiding			

The nays were, none.

Absent or not voting, 3:

Bell Boddicker Taylor, T.

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

HOUSE FILE 301 WITHDRAWN

Arnold of Lucas asked and received unanimous consent to withdraw House File 301 from further consideration by the House.

House File 2392, a bill for an act relating to controlled burns of demolished buildings conducted by certain cities, was taken up for consideration.

D. Olson of Boone offered the following amendment H-8151 filed by D. Olson, et al., and moved its adoption:

H-8151

- 1 Amend House File 2392 as follows:
- 2 1. Page 1, line 12, by striking the words "and

- 3 that" and inserting the following: "that".
 4 2. Page 1, line 14, by inserting after the word
 5 "property" the following: ", and that approval of the
 6 local board of health, as defined in section 137.2,
 7 must be received prior to any burn taking place".

Roll call was requested by Mascher of Johnson and Greimann of Story.

Rule 75 was invoked.

On the question "Shall amendment H-8151 be adopted?" (H.F. 2392)

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foegen	Ford	Frevert	Gaskill
Greimann	Heaton	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Petersen
Quirk	Reasoner	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

The nays were, 51:

Alons	Arnold	Baudler	Boal
Carroll	Chambers	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hanson	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	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Boggess, Presiding	

Absent or not voting, 2:

Boddicker Taylor, T.

Amendment H-8151 lost.

D. Olson of Boone offered the following amendment H-8177 filed by him and Kuhn of Floyd and moved its adoption:

H-8177

- 1 Amend House File 2392 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "building" the following: "public use area,
- 4 educational institution, religious institution, or
- 5 commercial enterprise".

Rule 75 was invoked.

A non-record roll call was requested.

The ayes were 46, nays 49.

Amendment H-8177 lost.

Mascher of Johnson invoked Rule 43, to rerefer House File 2392 to the committee on local government.

Objection was raised.

Masher of Johnson moved to rerefer House File 2392 to the committee on local government.

A non-record roll call was requested.

The ayes were 46, nays 52.

The motion to rerefer lost.

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. 2392)

The ayes were, 54:

Alons	Arnold	Baudler	Boal
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	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Swaim
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Bogges, Presiding		

The nays were, 43:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Huser
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shomshor	Shoultz	Smith	Stevens
Struyk	Taylor, D.	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 3:

Boddicker	Connors	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.

Speaker Rants in the chair at 6:29 p.m.

House File 2393, a bill for an act relating to the regulation of target shooting near buildings and feedlots and the regulation of public hunting near buildings and feedlots and providing an effective date, 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. 2393)

The ayes were, 75:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boggess	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Freeman	Frevert
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Lykam
Maddox	Manternach	Mertz	Olson, S.
Osterhaus	Paulsen	Quirk	Raecker
Rasmussen	Rayhons	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, 22:

Ford	Gaskill	Greimann	Heddens
Hogg	Hunter	Jacoby	Jochum
Kuhn	Lensing	Mascher	McCarthy
Miller	Murphy	Oldson	Olson, D.
Petersen	Reasoner	Shomshor	Shoultz
Whitead	Winckler		

Absent or not voting, 3:

Boddicker	Connors	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 2398, a bill for an act relating to the establishment of a toll-free telephone service by the department of justice to assist persons interested in receiving consumer fraud information, 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. 2398)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boggess	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foegen	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Shomshor
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 and 3:

Boddicker	Connors	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 2054 WITHDRAWN

Baudler of Adair asked and received unanimous consent to withdraw House File 2054 from further consideration by the House.

HOUSE FILE 2179 WITHDRAWN

Hutter of Scott asked and received unanimous consent to withdraw House File 2179 from further consideration by the House.

HOUSE FILES 83 and 572 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House Files 83 and 572 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 2343, 2366, 2392, 2393 and 2398.**

House File 2401, a bill for an act relating to the comprehensive petroleum underground storage tank fund, was taken up for consideration.

Shoultz of Black Hawk offered amendment H-8190 filed by him as follows:

H-8190

- 1 Amend House File 2401 as follows:
- 2 1. Page 1, line 34, by striking the word
- 3 "reimburse" and inserting the following: "provide a
- 4 loan with no interest to".
- 5 2. Page 1, line 35, by inserting after the word
- 6 "site" the following: "for".
- 7 3. Page 2, line 2, by striking the words "owner,
- 8 for" and inserting the following: "owner. Loan
- 9 proceeds received under this section shall be used
- 10 for".
- 11 4. Page 2, line 11, by striking the words "an
- 12 application for reimbursement" and inserting the
- 13 following: "a loan application".
- 14 5. Page 2, by inserting after line 31 the
- 15 following:
- 16 "2A. In addition to any other terms deemed
- 17 necessary by the board, a loan agreement entered into
- 18 pursuant to this section shall include provisions
- 19 relating to collateral or the granting of a lien on
- 20 real property where the aboveground petroleum storage

- 21 tank site is located and to repayment terms."
 22 6. Page 3, line 1, by inserting after the word
 23 "reimbursement" the following: "through the loan
 24 proceeds".
 25 7. Page 3, line 3, by inserting after the word
 26 "reimbursed" the following: "through loan proceeds".
 27 8. Page 3, line 5, by striking the word
 28 "reimbursement" and inserting the following: "a
 29 loan".
 30 9. Page 3, line 16, by inserting after the word
 31 "reimbursement" the following: "through loan
 32 proceeds".

Shoultz of Black Hawk offered the following amendment H-8207, to amendment H-8190, filed by him from the floor and moved its adoption:

H-8207

- 1 Amend the amendment, H-8190, to House File 2401 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 32 and
 4 inserting the following:
 5 "____. Page 1, by inserting after line 7 the
 6 following:
 7 "NEW SUBSECTION. 22. "Upgrade" means work
 8 required at an aboveground petroleum storage tank site
 9 in order to be in compliance with the requirements of
 10 40 C.F.R. § 112."
 11 ____ Page 1, by inserting after line 11 the
 12 following:
 13 "Sec.____. Section 455G.8, Code Supplement 2003,
 14 is amended by adding the following new subsection:
 15 NEW SUBSECTION. 6. ABOVEGROUND PETROLEUM STORAGE
 16 TANK MANAGEMENT FEE. By January 15 of each year, an
 17 owner of an aboveground petroleum storage tank that is
 18 not a depositor, as defined in section 424.2, shall
 19 remit an annual management fee of two hundred dollars
 20 to the treasurer of state for deposit in the remedial
 21 account of the fund."
 22 2. By renumbering as necessary.

Amendment H-8207 was adopted.

On motion by Shoultz of Black Hawk, amendment H-8190, as amended, lost.

Greiner of Washington offered the following amendment H-8184 filed by her and moved its adoption:

H-8184

- 1 Amend House File 2401 as follows:
- 2 1. Page 2, line 31, by inserting after the word
- 3 "seq." the following: "and any applicable provisions
- 4 of chapter 101 and the administrative rules adopted
- 5 pursuant to chapter 101."

Amendment H-8184 was adopted.

Greiner of Washington offered the following amendment H-8175 filed by her and moved its adoption:

H-8175

- 1 Amend House File 2401 as follows:
- 2 1. Page 3, by inserting after line 22 the
- 3 following:
- 4 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."
- 6 2. Title page, line 2, by inserting after the
- 7 word "fund" the following: "and providing an
- 8 effective date".
- 9 3. By renumbering as necessary.

Amendment H-8175 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. 2401)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Bogges	Bukta
Carroll	Chambers	Cohoon	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	Jacoby	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	Shomshor
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:

Boddicker Connors 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 2418, a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control, was taken up for consideration.

Mascher of Johnson offered the following amendment H-8161 filed by her and moved its adoption:

H-8161

- 1 Amend House File 2418 as follows:
- 2 1. Page 1, line 20, by striking the word "spring"
- 3 and inserting the following: "university holiday or".

Amendment H-8161 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. 2418)

The ayes were, 97:

Alonis	Arnold	Baudler	Bell
Berry	Boal	Boggess	Bukta
Carroll	Chambers	Cohoon	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	Jacoby	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	Shomshor
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:

Boddicker Connors Taylor, T.

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

HOUSE FILE 2140 WITHDRAWN

Tjepkes of Webster asked and received unanimous consent to withdraw House File 2140 from further consideration by the House.

House File 2396, a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment, was taken up for consideration.

Swaim of Davis offered the following amendment H-8191 filed by him and moved its adoption:

H-8191

1 Amend House File 2396 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. NEW SECTION. 677.7A OFFER TO RECEIVE
5 JUDGMENT AFTER ACTION BROUGHT.

6 The plaintiff in an action for the recovery of
7 money only may, at any time after the service of
8 notice and before trial, serve upon the defendant or
9 the defendant's attorney an offer in writing to
10 receive judgment against the defendant for a specified
11 sum with costs.

12 Sec. NEW SECTION. 677.8A ACCEPTANCE -
13 OFFER TO RECEIVE JUDGMENT.

14 If the defendant accepts the offer, and gives
15 notice thereof to the plaintiff or the plaintiff's
16 attorney within five days after the offer is made, the
17 offer, and an affidavit that the notice of acceptance
18 was delivered in the time limited, may be filed by the
19 defendant, or the plaintiff may file the acceptance
20 with a copy of the offer, verified by affidavit; and
21 in either case a minute of the offer and acceptance
22 shall be entered upon the judge's calendar and
23 judgment shall be rendered by the court accordingly."

24 2. Page 1, line 4, by inserting after the words
25 "which is" the following: "at least twenty percent".

26 3. Page 1, by inserting after line 6, the
27 following:

28 "Sec. NEW SECTION. 677.10B PENALTY -
29 ADDITIONAL PREJUDGMENT INTEREST.

30 If an offer to receive judgment is made under this
31 chapter and is not accepted, and a subsequent trial
32 results in a judgment which is at least twenty percent
33 more than the offer to receive judgment, prejudgment
34 interest shall be calculated at twice the normal rate
35 after the date of the offer to receive judgment."

36 4. By renumbering as necessary.

Amendment H-8191 lost.

Swaim of Davis offered the following amendment H-8149 filed by him and moved its adoption:

H-8149

1 Amend House File 2396 as follows:

- 2 1. Page 1, line 2, by inserting before the word
 3 "If" the following: "1."
 4 2. Page 1, by inserting after line 6 the
 5 following:
 6 "2. If any offer to confess judgment is made under
 7 this chapter and is not accepted, and a subsequent
 8 trial results in a judgment which is more than the
 9 offer to confess judgment, twice the amount of
 10 prejudgment interest shall be calculated and subject
 11 to recovery after the date of the offer to confess
 12 judgment."

Amendment H-8149 lost.

Swaim of Davis offered the following amendment H-8181 filed by him and moved its adoption:

H-8181

- 1 Amend House File 2396 as follows:
 2 1. Page 1, line 4, by inserting after the word
 3 "is" the following: "at least twenty percent".
 4 2. By renumbering as necessary.

Amendment H-8181 lost.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-8180 filed by him on March 8, 2004.

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. 2396)

The ayes were, 52:

Alons	Arnold	Baudler	Boal
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	Wildurdyke	Mr. Speaker
			Rants

The nays were, 45:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Huser
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

Absent or not voting, 3:

Boddicker	Connors	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 FILES 581 and 2097 WITHDRAWN

Paulsen of Linn asked and received unanimous consent to withdraw House Files 581 and 2097 from further consideration by the House.

House File 2447, a bill for an act relating to industry standards for boilers, directing the labor commissioner to adopt emergency rules when the industry standards are supplemented, providing for appeals of the commissioner's orders, and providing an effective date, 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?" (H.F. 2447)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Bogges	Bukta
Carroll	Chambers	Cohoon	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	Jacoby	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	Shomshor
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:

Boddicker Connors 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 2396, 2401, 2418 and 2447.**

INTRODUCTION OF BILLS

House File 2519, by Fallon, a bill for an act prohibiting division of school foundation property taxes for financing certain urban renewal plans and providing an effective date.

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

House File 2520, by committee on economic growth, a bill for an act relating to purchasing preferences for Iowa-based products and services.

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

House File 2521, by committee on commerce, regulation and labor, a bill for an act providing for a health insurance study by the commissioner of insurance and by providing an effective date.

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

House File 2522, by committee on public safety, a bill for an act relating to evidence in a sexual abuse case.

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

House File 2523, by committee on environmental protection, a bill for an act providing for the regulation of air quality, and making penalties applicable.

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

House File 2524, by committee on public safety, a bill for an act relating to requiring certain persons to submit a DNA sample for DNA profiling, authorizing a fee, providing a penalty, and providing effective and contingent effective dates.

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

House File 2525, by committee on economic growth, a bill for an act relating to economic development by creating a main street program and an entrepreneurship training curriculum.

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

House File 2526, by committee on environmental protection, a bill for an act relating to lead abatement and property owner or agent liability, and providing for the establishment of fees.

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

House File 2527, by committee on human resources, a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent.

Read first time and placed on the **calendar**.

House File 2528, by committee on human resources, a bill for an act relating to consideration of a juvenile court order by the district court in a custody proceeding.

Read first time and placed on the **calendar**.

House File 2529, by committee on local government, a bill for an act relating to shared governmental functions among local governments by allowing certain cities and counties to be certified as freedom communities, providing incentives for such certification, and by modifying the establishment and authority of community clusters and related county enterprise authority, and providing an effective date.

Read first time and placed on the **calendar**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 8, 2004. Had I been present, I would have voted "aye" on House File 2347, 2350, 2351, 2358, 2367, 2373, 2378, 2403 and 2419, and "nay" on House Files 2402 and 2427.

GREIMANN of Story

I was necessarily absent from the House chamber on March 8, 2004. Had I been present, I would have voted "nay" on House File 2419, and "aye" on House Files 2397 and 2427.

JACOBY of Johnson

I was necessarily absent from the House chamber on March 8, 2004. Had I been present, I would have voted "aye" on House Joint Resolution 2005 and House Files 2201, 2230, 2319, 2325, 2327, 2328, 2340, 2347, 2350, 2351, 2358, 2367, 2378, 2397, 2399, 2403 and 2419, and "nay" on House Files 2373, 2402 and 2427.

MILLER of Webster

I was necessarily absent from the House chamber on March 8, 2004. Had I been present, I would have voted "aye" on House File 2403.

J.K. VAN FOSSEN of Scott

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-four 4-H members from Benton, Iowa, Tama, Poweshiek, and Jasper Counties, Iowa, accompanied by Nancy Allen and nine parents and Extension Staff. By Horbach of Tama, Carroll of Poweshiek, Hanson of Benton and De Boef of Keokuk.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2004\670 | Peter M. Macias, Bettendorf – For celebrating his 85 th birthday. |
| 2004\671 | Bill and Heleen Dunkle, Waterloo – For celebrating their 60 th wedding anniversary. |
| 2004\672 | Corlis Boylan, Waterloo – For celebrating his 90 th birthday. |
| 2004\673 | Welden Peterson, Iowa Falls – For celebrating his 80 th birthday. |
| 2004\674 | Mabel Carlson, Le Grande – For celebrating her 88 th birthday. |
| 2004\675 | Rex and Marilyn White, Rhodes – For celebrating their 50 th wedding anniversary. |
| 2004\676 | Merlin and Norma Klaas, State Center – For celebrating their 50 th wedding anniversary. |
| 2004\677 | Irma and Oswald Jacobson, Iowa Falls – For celebrating their 60 th wedding anniversary. |
| 2004\678 | Mr. and Mrs. Elvin Hanson, Nashua – For celebrating their 50 th wedding. |

- 2004\679 Richard F. Scully, New Hampton – For celebrating his 95th birthday.
- 2004\680 Mr. and Mrs. Kenneth Lines, Nashua – For celebrating their 50th wedding anniversary.
- 2004\681 Anne Graber, Swedesburg – For being chosen by Unit #626 of Olds to attend the annual session of the Iowa American Legion Auxiliary Girls State.
- 2004\682 Frank Meirick, New Hampton – For celebrating his 90th birthday.
- 2004\683 David J. Llewellyn, St. Charles – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\684 Ray Youngblut, Jesup – For celebrating his 80th birthday.
- 2004\685 Russ and Kathy Rosenberg, Sr., St. Ansgar – For celebrating their 50th wedding anniversary.
- 2004\686 Leona McAllister, Conrad – For celebrating her 100th birthday.
- 2004\687 Cindy Gott, Winfield – For being chosen by the Winfield American Legion Auxiliary to attend the annual session of the Iowa American Legion Auxiliary Girls State.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 717

Appropriations: Dolecheck, Chair; Chambers and Thomas.

RESOLUTIONS FILED

HCR 118, by committee on economic growth, a concurrent resolution amending the joint rules of the Senate and House of Representatives for the Eightieth General Assembly.

Laid over under **Rule 25**.

HCR 119, by committee on human resources, a concurrent resolution providing for the formation of a committee by the Legislative Council to make recommendations regarding the development of a drug repository program.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8197	H.F.	2440	Hogg of Linn
H—8198	H.F.	2458	Eichhorn of Hamilton
H—8199	H.F.	2440	Hogg of Linn
H—8200	H.F.	2352	Wilderdye of Harrison
H—8201	H.R.	127	Stevens of Dickinson
H—8202	H.F.	2444	Dolecheck of Ringgold McCarthy of Polk
H—8204	H.F.	2508	Swaim of Davis
H—8205	H.F.	2473	Smith of Marshall
H—8206	H.F.	2457	Kramer of Polk
H—8208	H.F.	2494	Sands of Louisa
H—8209	H.F.	2404	Van Engelenhoven of Marion Arnold of Lucas Roberts of Carroll
			Greiner of Washington Eichhorn of Hamilton Whitaker of Van Buren
H—8210	H.F.	2483	Rayhons of Hancock Whitaker of Van Buren
H—8211	H.F.	2444	Huser of Polk Raecker of Polk
H—8212	H.F.	2390	Jenkins of Black Hawk Heaton of Henry
			Foege of Linn Osterhaus of Jackson
H—8213	H.F.	2440	Upmeyer of Hancock

On motion by Gipp of Winneshiek the House adjourned at 8:14 p.m., until 8:45 a.m., Wednesday, March 10, 2004.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 10, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Amy Miracle, senior pastor of the Westminster Presbyterian Church, Des Moines. She was the guest of Representative Jo Oldson from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 9, 2004 was approved.

PETITION FILED

The following petition was received and placed on file:

By Thomas of Clayton, from ninety-nine County Auditors favoring legislation that fully meets the necessary requirements for compliance with the Help America Vote Act (HAVA) separate from any other legislation.

INTRODUCTION OF BILLS

House File 2530, by committee on judiciary, a bill for an act relating to the assessment of surcharges in criminal proceedings.

Read first time and placed on the **calendar**.

House File 2531, by committee on agriculture, a bill for an act relating to setback distance requirements that apply to residences which are constructed in proximity to animal feeding operation structures and making penalties applicable.

Read first time and placed on the **calendar**.

House File 2532, by committee on state government, a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2533, by committee on judiciary, a bill for an act relating to protective orders and court-approved consent agreements under the domestic abuse Act.

Read first time and placed on the **calendar**.

House File 2534, by committee on judiciary, a bill for an act relating to consumer fraud violations, including the creation of a private remedy for consumer fraud violations.

Read first time and placed on the **calendar**.

House File 2535, by committee on human resources, a bill for an act 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.

Read first time and referred to committee on **appropriations**.

House File 2536, by committee on commerce, regulation and labor, a bill for an act providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2537, by committee on human resources, a bill for an act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury.

Read first time and placed on the **calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2167, by committee on judiciary, a bill for an act relating to the Iowa probate code, including provisions relating to

estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

Read first time and **passed on file.**

Senate File 2174, by committee on education, a bill for an act relating to the appointment of the ninth member of the state board of regents.

Read first time and referred to committee on **education.**

Senate File 2177, by committee on education, a bill for an act relating to the possession and self-administration of asthma or other airway constricting disease medication by public and accredited nonpublic school students.

Read first time and referred to committee on **education.**

Senate File 2190, by committee on human resources, a bill for an act relating to the development of the long-term care system in Iowa.

Read first time and referred to committee on **human resources.**

Senate File 2193, by committee on judiciary, a bill for an act relating to the civil commitment of sexually violent predators.

Read first time and referred to committee on **judiciary.**

Senate File 2199, by committee on judiciary, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

Read first time and **passed on file.**

Senate File 2217, by committee on ways and means, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Read first time and referred to committee on **ways and means.**

Senate File 2239, by committee on state government, a bill for an act relating to certain protections for members and families of

members of the Iowa national guard or United States reserve forces during military service.

Read first time and referred to committee on **state government**.

Senate File 2240, by committee on commerce, a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings.

Read first time and **passed on file**.

ADOPTION OF HOUSE RESOLUTION 123

Wilderdyke of Harrison called up for consideration **House Resolution 123**, a resolution to recognize and honor Gary Guge and his work in the Iowa State University Extension Service, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 109

Foege of Linn and Jacoby of Johnson called up for consideration **House Resolution 109**, a resolution honoring Dr. Norm Nielsen, President of Kirkwood Community College, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Jacoby of Johnson introduced to the House, Dr. Norm Nielsen, whom addressed the House briefly thanking the body for the support of Kirkwood College.

The House rose and expressed its welcome.

The House stood at ease at 8:59 a.m., until the fall of the gavel.

The House resumed session at 11:22 a.m., Klemme of Plymouth 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 10, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2173, a bill for an act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

Also: That the Senate has on March 10, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2188, a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights.

Also: That the Senate has on March 10, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2208, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable.

Also: That the Senate has on March 10, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2224, a bill for an act relating to grain regulation.

Also: That the Senate has on March 10, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2253, a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties.

Also: That the Senate has on March 10, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2266, a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property.

MICHAEL E. MARSHALL, Secretary

On motion by Jacobs of Polk, the House was recessed at 11:23 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.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 10, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2149, a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles.

Also: That the Senate has on March 10, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2175, a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

Also: That the Senate has on March 10, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2261, a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 2460, a bill for an act relating to school district enrollment of students listed on the sex offender registry, was taken up for consideration.

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. 2460)

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	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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	Wise
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Maddox	Quirk	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.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 2460** be immediately messaged to the Senate.

House File 2440, a bill for an act relating to awards of noneconomic damages against health care providers, was taken up for consideration.

The House stood at ease at 1:15 p.m., until the fall of the gavel.

The House resumed session at 1:55 p.m., Speaker Rants in the chair.

The House resumed consideration of House File 2440.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-8187 filed by him on March 8, 2004.

Jochum of Dubuque offered amendment H-8188 filed by her as follows:

H-8188

1 Amend House File 2440 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. **NEW SECTION. 507F.1 CONSUMER**
5 **ADVOCATE ON INSURANCE – APPOINTMENT – POLITICAL**
6 **ACTIVITY – REMOVAL.**

7 1. The attorney general shall appoint a competent
8 attorney to the office of consumer advocate on
9 insurance. The appointment is subject to senate
10 confirmation in accordance with section 2.32. The
11 advocate's term of office is for four years. The term
12 begins and ends as set forth in section 69.19.

13 2. If a vacancy occurs in the office of consumer
14 advocate on insurance, the vacancy shall be filled for
15 the unexpired term in the same manner as an original
16 appointment.

17 3. The consumer advocate on insurance shall devote
18 the advocate's entire time to the duties of the
19 office. During the advocate's term of office the
20 advocate shall not be a member of a political
21 committee, shall not contribute to a political
22 campaign fund other than through the income tax
23 checkoff for contributions to the Iowa election
24 campaign fund and the presidential election campaign
25 fund, and shall not take part in political campaigns
26 or be a candidate for a political office.

27 4. The attorney general may remove the consumer
28 advocate on insurance for malfeasance or nonfeasance

29 in office, or for any cause which renders the advocate
30 ineligible for appointment, or incapable or unfit to
31 discharge the duties of the advocate's office. The
32 advocate's removal, when so made, is final.

33 5. The office of consumer advocate on insurance
34 shall be limited to regulating insurance markets in
35 Iowa deemed noncompetitive by the commissioner of
36 insurance.

37 Sec. 2. NEW SECTION. 507F.2 DUTIES.

38 The office of the consumer advocate on insurance
39 shall:

40 1. Adopt rules pursuant to chapter 17A and perform
41 other duties necessary to the administration of this
42 chapter.

43 2. Investigate the legality of all rates, charges,
44 rules, regulations, and practices of all persons
45 within the purview of the office of the consumer
46 advocate on insurance, and institute civil proceedings
47 before the insurance division or any court to correct
48 any illegality on the part of any person. In any
49 investigation, the person acting for the office of the
50 consumer advocate on insurance shall have the power to

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1 ask the commissioner of insurance to issue subpoenas,
2 compel the attendance and testimony of witnesses, and
3 the production of papers, books, and documents.

4 3. Make recommendations to the general assembly
5 regarding insurance regulation.

6 4. Make recommendations to the insurance division
7 or any other governmental agency which has an impact
8 on insurance regulation in the state through
9 rulemaking and review and, if the advocate deems it to
10 be in the public interest, appeal the rulemaking or
11 contested case decisions of the insurance division or
12 any other governmental agency which has an impact on
13 insurance regulation in the state.

14 5. Represent the interests of the public relating
15 to insurance reform, coverage, and rates where action
16 is necessary for the protection of public rights.

17 6. Institute judicial review of final or
18 interlocutory actions of the insurance division if the
19 review is deemed to be in the public interest.

20 7. Act as attorney for and represent all consumers
21 generally and the public generally in all proceedings
22 before the insurance division, federal and state
23 agencies, and related judicial review proceedings and
24 appeals.

25 8. Appear for all consumers generally and the
26 public generally in all actions instituted in any
27 state or federal court which involve the validity of a

28 rule, regulation, or order of the insurance division.

29 9. Appear and participate as a party in the name
30 of the office of consumer advocate on insurance in the
31 performance of the duties of the office.

32 Sec. 3. NEW SECTION. 507F.3 OFFICE – EMPLOYEES
33 – EXPENSES.

34 1. The office of the consumer advocate on
35 insurance shall be located within the office of the
36 attorney general. Administrative support services
37 shall be provided to the consumer advocate by the
38 office of the attorney general.

39 2. The consumer advocate on insurance may employ
40 attorneys, legal assistants, secretaries, clerks, and
41 other employees the consumer advocate on insurance
42 finds necessary for the full and efficient discharge
43 of the duties and responsibilities of the office. The
44 consumer advocate on insurance may employ consultants
45 as expert witnesses or technical advisors pursuant to
46 contract as the advocate finds necessary for the full
47 and efficient discharge of the duties of the office.
48 Employees of the consumer advocate on insurance, other
49 than the advocate, are subject to merit employment,
50 except as provided in section 19A.3.

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1 3. The salary of the consumer advocate on
2 insurance shall be fixed by the attorney general
3 within the salary range set by the general assembly.
4 The salaries of employees of the consumer advocate on
5 insurance is as provided by law. The appropriation
6 for the office of consumer advocate on insurance shall
7 be separate line item contained in the appropriation
8 from the general fund of the state to the department
9 of justice.

10 Sec. 4. NEW SECTION. 507F.4 INSURANCE DIVISION
11 RECORDS.

12 The consumer advocate on insurance has free access
13 to all the files, records, and documents in the office
14 of the insurance division except:

15 1. Personal information in confidential personnel
16 records of the insurance division.

17 2. Records which represent and constitute the work
18 product of the general counsel of the insurance
19 division where the records relate to a proceeding
20 before the division in which the consumer advocate on
21 insurance is a party or a proceeding in any state or
22 federal court in which both the division and the
23 consumer advocate on insurance are parties.

24 3. Insurer information of a confidential nature
25 which could jeopardize an insurer's competitive status
26 and is provided by an insurer to the division.

27 However, such information shall be provided to the
 28 consumer advocate on insurance by the insurance
 29 division, if the division determines it to be in the
 30 public interest.

31 Sec. 5. NEW SECTION. 507F.5 SERVICE.

32 The consumer advocate on insurance is entitled to
 33 service of all documents required by statute or rule
 34 to be served on parties in proceedings before the
 35 insurance division and all notices, petitions,
 36 applications, complaints, answers, motions, and other
 37 pleadings filed pursuant to statute or rule with the
 38 division.

39 Sec. 6. NEW SECTION. 507F.6 CONSUMER ADVOCATE ON
 40 INSURANCE ADVISORY COMMITTEE.

41 The attorney general shall appoint seven members to
 42 a consumer advocate on insurance advisory committee to
 43 meet at the request of the consumer advocate on
 44 insurance for consultation regarding the protection of
 45 public rights in insurance regulation. A member shall
 46 be appointed from each congressional district with the
 47 appointee residing within the district at the time of
 48 the appointment. The remaining appointees shall be
 49 members at large. Members shall be appointed which
 50 represent the various sectors or the population and

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1 appointments shall be made in compliance with sections
 2 69.16 and 69.16A. The members shall serve four-year
 3 terms and their appointments are not subject to
 4 confirmation by the senate. A vacancy shall be filled
 5 in the same manner as the original appointment for the
 6 unexpired portion of the member's term. Members of
 7 the committee shall serve without compensation, but
 8 shall be reimbursed for actual expenses from funds
 9 appropriated to the office of the consumer advocate on
 10 insurance.

11 Sec. 7. NEW SECTION. 519A.5A RATE INCREASES –
 12 RIGHT OF REVIEW.

13 1. An insurer subject to this chapter as a member
 14 of the association shall not make effective a proposed
 15 increase of any medical malpractice insurance rate
 16 individually underwritten by the insurer until the
 17 proposed increase has been reviewed and approved by
 18 the commissioner.

19 2. An insurer under subsection 1 shall give
 20 written notice of a proposed increase of any rate to
 21 an affected person sixty days prior to the time the
 22 application for the increase is filed with the
 23 commissioner. The notice to the insured shall state
 24 that the insured has a right to file a written
 25 objection to the rate increase and that the insured

26 may appeal to the commissioner within thirty days
27 after the commissioner has approved a rate increase.

28 3. After the filing of an application for an
29 increase of any rate by an insurer under subsection 1,
30 the commissioner, prior to the expiration of thirty
31 days after the filing date, shall docket the case as a
32 formal proceeding and set the case for hearing.

33 4. If, after the hearing, the commissioner finds
34 the proposed rate increase to be unlawful, the
35 commissioner shall by order authorize and direct the
36 insurer to file a new or changed rate which, when
37 approved by the commissioner and placed in effect,
38 will satisfy the requirements of this chapter and this
39 title.

40 5. An order of the commissioner made pursuant to
41 this section shall be subject to judicial review as
42 provided in chapter 17A.

43 6. The commissioner shall adopt rules pursuant to
44 chapter 17A to administer this section.

45 Sec. 8. NEW SECTION. 519A.14 INSURANCE RATE –
46 ROLLBACK.

47 1. For any medical malpractice insurance policy
48 underwritten by an insurer subject to this chapter
49 issued or renewed on or after July 1, 2004, the
50 insurer shall reduce its charges to levels which are

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1 twenty percent less than the charges for the same
2 coverage which were in effect on July 1, 2003.

3 2. This section shall not apply to an affected
4 insurer under this chapter who demonstrates on an
5 actuarially sound basis that a reduction pursuant to
6 subsection 1 would deny the affected insurer a fair
7 return.

8 Sec. 9. NEW SECTION. 519A.15 NOTICE OF
9 CANCELLATION AND NONRENEWAL – REASONS.

10 An insurer subject to this chapter shall not cancel
11 or refuse to renew a policy of medical malpractice
12 insurance issued individually underwritten by the
13 insurer except by notice to the insured. Notice of
14 cancellation or nonrenewal of a policy is not
15 effective unless it is based on one or more of the
16 following reasons:

- 17 1. Nonpayment of premium.
- 18 2. Fraud or misrepresentation affecting the policy
19 or the presentation of a claim.
- 20 3. A determination by the commissioner that a
21 continuation of a policy under this chapter would
22 substantially increase the hazard insured against."
- 23 2. Title page, line 1, by striking the words
24 "noneconomic damages against" and inserting the

25 following: "damages against and medical malpractice
26 insurance policies issued to".

Horbach of Tama rose on a point of order that amendment H-8188 was not germane.

The Speaker ruled the point well taken and amendment H-8188 not germane.

Jochum of Dubuque asked for unanimous consent to suspend the rules to consider amendment H-8188.

Objection was raised.

Jochum of Dubuque moved to suspend the rules to consider amendment H-8188.

Roll call was requested by Jochum of Dubuque and T. Taylor of Linn.

On the question "Shall the rules be suspended to consider amendment H-8188?" (H.F. 2440)

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	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	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	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdryke
Carroll, Presiding			

Absent or not voting, none:

The motion to suspend the rules lost.

Hogg of Linn offered the amendment H-8196 filed by him as follows:

H-8196

1 Amend House File 2440 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 519A.5A RATE INCREASES
5 - RIGHT OF REVIEW.

6 An insurer subject to this chapter shall not make
7 effective a proposed increase of any medical
8 malpractice insurance rate individually underwritten
9 by the insurer until the proposed increase has been
10 reviewed and approved by the commissioner.

11 Sec. 2. STUDY.

12 1. The commissioner of insurance shall conduct a
13 study of medical malpractice insurance premiums
14 charged to a licensed health care provider as defined
15 in section 519A.2 to determine whether such premiums
16 are based upon an identified risk assessment and Iowa
17 tort law. The study shall include a report specifying
18 the total amount of premiums charged to a licensed
19 health care provider as well as the total amount of
20 claims paid, including settlements and judgments,
21 during the previous ten-year period. The amount of
22 paid claims reported shall exclude the costs of
23 administration, which shall be reported separately.
24 The study shall also specify the investment income of
25 companies underwriting such coverage during the
26 previous ten-year period and shall identify the
27 factors involved in any increase, decrease, or
28 fluctuation in premiums charged to a licensed health
29 care provider.

30 2. The commissioner of insurance shall provide a
31 statistical report from information gathered from all
32 applicable licensing boards to verify the total amount
33 of moneys paid by settlement or judgment by a licensed

34 health care provider.

35 3. The commissioner of insurance shall include a
36 determination of the effect of the collateral source
37 rule on the reduction of premiums charged to licensed
38 health care providers and the total estimated savings.

39 4. The commissioner of insurance shall include an
40 analysis of the effect of damage award limits,
41 including limits on noneconomic and punitive damages,
42 on premiums charged to licensed health care providers
43 in Iowa."

44 2. Title page, by striking lines 1 and 2 and
45 inserting the following: "An Act relating to health
46 care providers, and providing for a study."

47 3. By renumbering as necessary.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8217, to amendment H-8196, filed by him from the floor.

Horbach of Tama rose on a point of order that amendment H-8196 was not germane.

The Speaker ruled the point well taken and amendment H-8196 not germane.

Hogg of Linn asked for unanimous consent to suspend the rules to consider amendment H-8196.

Objection was raised.

Hogg of Linn moved to suspend the rules to consider amendment H-8196.

Roll call was requested by Hogg of Linn and Mascher of Johnson.

On the question "Shall the rules be suspended to consider amendment H-8196?" (H.F. 2440)

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk

Reasoner	Shomshor	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	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, none.

The motion to suspend the rules lost.

Hogg of Linn asked and received unanimous consent to withdraw the following amendments:

Amendment H-8189 filed by Hogg of Linn on March 8, 2004.

Amendment H-8194 filed by Hogg of Linn on March 8, 2004.

Amendment H-8197 filed by Hogg of Linn on March 9, 2004.

Amendment H-8199 filed by Hogg of Linn on March 9, 2004.

Upmeyer of Hancock offered amendment H-8213 filed by her as follows:

H-8213

- 1 Amend House File 2440 as follows:
- 2 1. Page 1, line 8, by inserting after the figure
- 3 "135.1," the following: "an advanced registered nurse
- 4 practitioner licensed pursuant to chapter 152,".
- 5 2. By renumbering as necessary.

Mascher of Johnson rose on a point of order that amendment H-8213 was not germane.

The Speaker ruled the point not well taken and amendment H-8213 germane.

On motion by Upmeyer of Hancock, amendment H-8213 was adopted.

Swaim of Davis asked and received unanimous consent to withdraw amendment H-8182 filed by him on March 8, 2004.

SPECIAL PRESENTATION

Connors of Polk introduced to the House the Honorable Clifford Branstad, former state representative from Winnebago County.

The House rose and expressed its welcome.

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. 2440)

The ayes 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	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyeke
Mr. Speaker			
Rants			

The nays were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter

Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Reasoner	Shomshor	Shoultz
Smith	Stevens	Struyk	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 **House File 2440** be immediately messaged to the Senate.

HOUSE FILE 2202 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House File 2202 from further consideration by the House.

Roberts of Carroll in the chair at 3:25 p.m.

House File 2431, a bill for an act relating to educational institutions under the university-based research utilization 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. 2431)

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	Foega
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner

Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2404, 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, making changes related to multicounty consolidation, and including effective and retroactive applicability date provisions, was taken up for consideration.

Van Engelenhoven of Marion offered the following amendment H-8209 filed by Van Engelenhoven, et al., and moved its adoption:

H-8209

- 1 Amend House File 2404 as follows:
- 2 1. Page 2, by striking lines 11 through 13 and
- 3 inserting the following: "established by resolution
- 4 of the".

Amendment H-8209 was adopted.

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. 2404)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cphoon
Connors	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	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shultz	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	Roberts,	
		Presiding	

The nays were, 5:

Dandekar	Ford	Maddox	Paulsen
Swaim			

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 2459, a bill for an act relating to residency qualifications for purposes of postsecondary tuition and fees paid at

public institutions of higher education in this state, 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?" (H.F. 2459)

The ayes were, 99:

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
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	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	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

De Boef

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 2431, 2404 and 2459.**

House File 2390, a bill for an act making technical changes to programs under the purview of the department of human services, was taken up for consideration.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-8212 filed by Jenkins of Black Hawk, et al., on March 9, 2004.

Huser of Polk offered the following amendment H-8163 filed by her and moved its adoption:

H-8163

- 1 Amend House File 2390 as follows:
- 2 1. Page 3, by inserting after line 26, the
- 3 following:
- 4 "Sec. __. ADOPTION SUBSIDY PROGRAM – ACTIVITY –
- 5 INTERIM STUDY COMMITTEE.
- 6 1. Unless the general assembly enacts legislation
- 7 to allow changes in the adoption subsidy program
- 8 during the 2004 session of the general assembly,
- 9 effective January 1, 2004, and ending June 30, 2005,
- 10 the department of human services shall not adopt rules
- 11 or implement policies that reduce the overall subsidy
- 12 outlays or other financial assistance provided to a
- 13 recipient of an adoption subsidy, but shall continue
- 14 to apply the adoption subsidy program rules and
- 15 policies in effect on December 31, 2003.
- 16 2. The legislative council is requested to
- 17 establish an interim study committee to review the
- 18 adoption subsidy program, which includes a review of
- 19 current practices regarding the determination of
- 20 subsidy levels, disparities in subsidy levels among
- 21 regions of the state, program costs and benefits, the
- 22 fiscal and programmatic impact of projected future
- 23 program growth, and quantification of savings in other
- 24 programs and services resulting from the utilization
- 25 of the adoption subsidy program. The committee shall
- 26 seek input from the department of human services,
- 27 adoptive parents and others with experience or
- 28 expertise with the adoption subsidy program and
- 29 related services and supports. The interim committee

30 shall submit a report of its findings and
 31 recommendations to the general assembly no later than
 32 December 1, 2004.

33 Sec. EFFECTIVE DATE – RETROACTIVE
 34 APPLICABILITY. The section of this Act relating to
 35 application of adoption subsidy program rules and
 36 policies effective on December 31, 2003, and a
 37 legislative study, being deemed of immediate
 38 importance, takes effect upon enactment and is
 39 retroactively applicable to January 1, 2004."

40 2. Title page, line 2, by inserting after the
 41 word "services" the following: ", providing an
 42 effective date, and providing for retroactive
 43 applicability".

44 3. By renumbering as necessary.

Amendment H-8163 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. 2390)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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
Roberts,
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.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2390** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 2538, by committee on appropriations, a bill for a act providing a transfer from the cash reserve fund to the rebuild Iowa infrastructure fund for purposes of the standing appropriation to the environment first fund and providing an effective date.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2149, by committee on state government, a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date.

Read first time and referred to committee on **state government**.

Senate File 2173, by committee on business and labor relations, a bill for an act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

Read first time and referred to committee on **commerce, regulation and labor**.

Senate File 2188, by committee on state government, a bill for an act providing for the establishment of a commission on the status of

Iowans of Asian and Pacific Islander heritage within the department of human rights.

Read first time and **passed on file.**

Senate File 2208, by committee on agriculture, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable.

Read first time and referred to committee on **agriculture.**

Senate File 2224, by committee on agriculture, a bill for an act relating to grain regulation.

Read first time and referred to committee on **agriculture.**

Senate File 2253, by committee on transportation, a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties.

Read first time and **passed on file.**

Senate File 2261, by committee on judiciary, a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit.

Read first time and **passed on file.**

Senate File 2266, by committee on judiciary, a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property.

Read first time and referred to committee on **judiciary.**

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 10, 2004. Had I been present, I would have voted "aye" on House File 2460.

QUIRK of Chickasaw

I was necessarily absent from the House chamber on March 8 and 9, 2004. Had I been present, I would have voted "aye" on House Joint Resolution 2005 and House Files 2170, 2201, 2230, 2243, 2262, 2270, 2306, 2319, 2325, 2327, 2328, 2340, 2343, 2347, 2350, 2351, 2358, 2366, 2367, 2373, 2378, 2397, 2398, 2399, 2401, 2403, 2418, 2419, 2447 and 2451, and "nay" on House Files 2304, 2341, 2392, 2393, 2394, 2396, 2402 and 2427.

T. TAYLOR of Linn

I was necessarily absent from the House chamber on March 10, 2004. Had I been present, I would have voted "aye" on House File 2460.

WILDERDYKE of Harrison

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Four S.A.T.O. students from Melcher-Dallas High School. Students Against Tobacco Use. By Van Engelenhoven of Marion.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2004\688 | C.J. Gauger, Ames – For celebrating his 90 th birthday. |
| 2004\689 | Nick Weber, Clear Lake – For winning the Class 2-A, 160 lb. Championship of the 2004 State High School Wrestling Tournament. |
| 2004\690 | James Krabbe, Latimer – For celebrating his 95 th birthday. |
| 2004\691 | Olive "Mickey" Duggan, Cedar Falls – For celebrating her 90 th birthday. |

- 2004\692 Donald and LaVonne Neese, Cedar Falls – For celebrating their 50th wedding anniversary.
- 2004\693 Wayne and Ardith Heins, Cedar Falls – For celebrating their 50th wedding anniversary.
- 2004\694 The Family of Velma Rich, Mt. Pleasant – Celebrated her 100th birthday on August 5, 2003, and that with her recent passing, the family has lost their mother, mother-in-law, grandmother and great-grandmother. The House of Representatives does hereby extend its deepest sympathy.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2119

Commerce, Regulation and Labor: Sands, Chair; Manternach and Wise.

Senate File 2191

Judiciary: Maddox, Chair; Jochum and Paulsen.

Senate File 2235

Judiciary: Maddox, Chair; Boal and Reasoner.

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 Study Bill 717), providing a transfer from the cash reserve fund to the rebuild Iowa infrastructure fund for purposes of the standing appropriation to the environment first fund and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2004.

RESOLUTIONS FILED

HR 129, by Mascher, a resolution honoring 4-H clubs.

Laid over under **Rule 25**.

SCR 110, by Committee on Education, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a review of the school finance formula.

Laid over under **Rule 25**.

SCR 111, by Committee on Education, a concurrent resolution requesting the Legislative Council to establish an interim study committee to examine the costs and benefits of Iowa joining the Midwestern Higher Education Compact.

Passed on file.

AMENDMENTS FILED

H—8214	H.F.	2508	Heaton of Henry
H—8215	H.F.	2380	Freeman of Buena Vista
H—8216	H.F.	2488	Kurtenbach of Story
H—8218	H.F.	2055	Jacobs of Polk
H—8219	H.F.	2534	Eichhorn of Hamilton
H—8220	H.F.	2497	Elgin of Linn
H—8221	H.F.	2505	Jenkins of Black Hawk
H—8222	H.F.	2476	Baudler of Adair
			Swaim of Davis
H—8223	H.F.	2538	Kuhn of Floyd
H—8224	H.F.	2497	Elgin of Linn

On motion by Gipp of Winneshiek the House adjourned at 4:04 p.m., until 8:45 a.m., Thursday, March 11, 2004.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 11, 2004

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prior to convening the House was entertained with the fiddle music of Curtis Carroll, son of Speaker pro tempore Danny Carroll.

The House rose and expressed its appreciation.

Prayer was offered by Reverend Splett, pastor of St. Paul Lutheran Church, Eldora. He was the guest of Representative Polly Granzow from Hardin County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, March 10, 2004 was approved.

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 10, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2183, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date.

Also: That the Senate has on March 11, 2004, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 106, a concurrent resolution designating March 2004 as Iowa Women's History Month.

Also: That the Senate has on March 11, 2004, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 107, a concurrent resolution urging the Congress of the United States to enact the Housing Bond and Credit Modernization and Fairness Act.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 511, a bill for an act relating to the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit, with report of committee recommending passage, was taken up for consideration.

Hutter of Scott offered the following amendment H-8186 filed by Ford of Polk and moved its adoption:

H-8186

- 1 Amend House File 511 as follows:
- 2 1. Page 1, line 1, by inserting after the word
- 3 "Code" the following: "Supplement".
- 4 2. Page 1, line 9, by inserting after the word
- 5 "Code" the following: "Supplement".

Amendment H-8186 was adopted.

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. 511)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins

Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	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:

Bukta	Fallon	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 MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 511** be immediately messaged to the Senate.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 106.

ADOPTION OF SENATE CONCURRENT RESOLUTION 106

Mascher of Johnson called up for consideration **Senate Concurrent Resolution 106**, a concurrent resolution designating March 2004 as Iowa Women's History Month.

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. Mascher of Johnson and Maddox of Polk presented the following winners of the contest:

Sixth and Seventh Grade Category

First Place — Rachel Evans, Urbandale Middle School, Urbandale.

Second Place — Tausha Vannatta, Parkview Middle School, Ankeny.

Third Place — Lauren Ehrler, Andrew Community.

Eighth and Ninth Grade Category

First Place — Kathryn Skilton, Nashua-Plainfield Middle School.

Second Place — Jessie Stumme, Central Academy, Des Moines.

Best Essays on Women in Science and Engineering

Six and Seventh Grade Category

First Place — Ryan Hupp, Prairie Middle School, Cedar Rapids.

Eighth and Ninth Grade Category

First Place — Kelly Pierce, Waukee Middle School, Waukee.

Second Place — Alex Hedrick, Wilson Junior High School, Council Bluffs.

Edith Rose Murphy Sackett Award for the
Best Essay on a Women Volunteer

First Place — Anna McNulty, Merrill Middle School, Des Moines.

The House stood at ease at 9:10 a.m., until the fall of the gavel.

The House resumed session at 10:01 a.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dolecheck of Ringgold on request of Speaker Rants; Fallon of Polk on request of Huser of Polk; Horbach of Tama on request of Speaker Rants.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House File 2538.

Appropriations Calendar

House File 2538, a bill for an act providing a transfer from the cash reserve fund to the rebuild Iowa infrastructure fund for purposes of the standing appropriation to the environment first fund and providing an effective date, was taken up for consideration.

Kuhn of Floyd offered the following amendment H-8223 filed by him and moved its adoption:

H-8223

- 1 Amend House File 2538 as follows:
- 2 1. Page 1, line 6, by striking the words "amount
- 3 for the purpose" and inserting the following:
- 4 "amounts for the purposes".
- 5 2. Page 1, line 8, by inserting before the word
- 6 "To" the following: "1."
- 7 3. Page 1, by inserting after line 11 the
- 8 following:
- 9 "2. To make Iowa communications network part III
- 10 lease and maintenance payments:
- 11 \$ 1,363,500"
- 12 4. Page 1, line 19, by striking the figure
- 13 "17,500,000" and inserting the following:
- 14 "18,863,500".

Roll call was requested by Kuhn of Floyd and Stevens of Dickinson.

On the question "Shall amendment H-8223 be adopted?" (H.F. 2538)

The ayes were, 44:

Bell	Berry	Cphoon	Connors
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Greimann	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Petersen
Quirk	Reasoner	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim

Taylor, D. Whitaker	Taylor, T. Whitead	Thomas Winckler	Wendt Wise
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The nays were, 50:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Huseman	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kurtenbach	Lalk	Lukan
Maddox	Manternach	Olson, S.	Paulsen
Raecker	Rasmussen	Roberts	Sands
Schickel	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdike	Mr. Speaker Rants		

Absent or not voting, 6:

Bukta	Dolecheck	Fallon	Horbach
Osterhaus	Rayhons		

Amendment H-8223 lost.

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?" (H.F. 2538)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Drake	Eichhorn	Elgin
Foega	Ford	Freeman	Frevort
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson

Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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:

Bukta	Dolecheck	Fallon	Horbach
Osterhaus			

Under the provision of Rule 76, 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.

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 11, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2247, a bill for an act creating a special combat infantry motor vehicle registration plate and a special combat field medical motor vehicle registration plate and providing an effective date.

Also: That the Senate has on March 11, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2249, a bill for an act regulating contest events involving animals, and providing a penalty and effective date.

Also: That the Senate has on March 11, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2272, a bill for an act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous.

Also: That the Senate has on March 11, 2004, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 108, a concurrent resolution memorializing Stephen Garst of Coon Rapids, Iowa.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that **House File 2538** and **Senate Concurrent Resolution 106** be immediately messaged to the Senate.

House File 2490, a bill for an act relating to the uniform electronic transactions Act, 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. 2490)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Cohoon	Connors
Dandekar	De Boef	Dennis	Dix
Drake	Eichhorn	Elgin	Foegel
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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:

Bukta	Davitt	Dolecheck	Fallon
Horbach	Osterhaus		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2145, a bill for an act relating to membership on certain city planning and zoning commissions, was taken up for consideration.

Huser of Polk offered amendment H-8038 filed by Fallon of Polk as follows:

H-8038

1 Amend House File 2145 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Sec. ____ Section 335.7, Code 2003, is amended to
 5 read as follows:
 6 335.7 CHANGES – PROTEST.
 7 The regulations, restrictions, and boundaries may
 8 be amended, supplemented, changed, modified, or
 9 repealed. Notwithstanding section 335.4, as a part of
 10 an ordinance changing land from one zoning district to
 11 another zoning district or an ordinance approving a
 12 site development plan, a board of supervisors may
 13 impose conditions on a property owner which are in
 14 addition to existing regulations if the additional
 15 conditions have been agreed to in writing by the
 16 property owner before the public hearing required
 17 under this section or any adjournment of the hearing.
 18 The conditions must be reasonable and imposed to
 19 satisfy public needs which are directly caused by the
 20 requested change. In case, however, of a protest
 21 against the change signed by the owners of twenty
 22 percent or more either of the area included in the
 23 proposed change, or of the area immediately adjacent
 24 to the proposed change and within five hundred feet of
 25 the boundaries of the proposed change, the amendment
 26 shall not become effective except by the favorable
 27 vote of at least sixty percent of all of the members
 28 of the board of supervisors. The provisions of
 29 section 335.6 relative to public hearings and official
 30 notice shall apply equally to all ~~changes or~~

31 amendments, supplements, changes, modifications, or
 32 repeals of regulations, restrictions, and boundaries.
 33 In addition, notice of such amendments, supplements,
 34 changes, modifications, or repeals shall be sent by
 35 regular mail to all owners of property located in the
 36 area, or adjacent to the area, to which the
 37 amendments, supplements, changes, modifications, or
 38 repeals apply.

39 Sec. _____. Section 414.5, Code 2003, is amended to
 40 read as follows:

41 414.5 CHANGES – PROTEST.

42 The regulations, restrictions, and boundaries may,
 43 from time to time, be amended, supplemented, changed,
 44 modified, or repealed. Notwithstanding section 414.2,
 45 as a part of an ordinance changing land from one
 46 zoning district to another zoning district or an
 47 ordinance approving a site development plan, a council
 48 may impose conditions on a property owner which are in
 49 addition to existing regulations if the additional
 50 conditions have been agreed to in writing by the

Page 2

1 property owner before the public hearing required
 2 under this section or any adjournment of the hearing.
 3 The conditions must be reasonable and imposed to
 4 satisfy public needs which are directly caused by the
 5 requested change. In case, however, of a written
 6 protest against a change or repeal which is filed with
 7 the city clerk and signed by the owners of twenty
 8 percent or more of the area of the lots included in
 9 the proposed change or repeal, or by the owners of
 10 twenty percent or more of the property which is
 11 located within two hundred feet of the exterior
 12 boundaries of the property for which the change or
 13 repeal is proposed, the change or repeal shall not
 14 become effective except by the favorable vote of at
 15 least three-fourths of all the members of the council.
 16 The protest, if filed, must be filed before or at the
 17 public hearing. The provisions of section 414.4
 18 relative to public hearings and official notice apply
 19 equally to all ~~changes or~~ amendments, supplements,
 20 changes, modifications, or repeals of regulations,
 21 restrictions, and boundaries. In addition, notice of
 22 such amendments, supplements, changes, modifications,
 23 or repeals shall be sent by regular mail to all owners
 24 of property located in the area, or adjacent to the
 25 area, to which the amendments, supplements, changes,
 26 modifications, or repeals apply."

27 2. Title page, line 1, by inserting after the
 28 words "relating to" the following: "city and county
 29 zoning, including requiring notice to property owners

30 and providing for".

31 3. By renumbering as necessary.

Tjepkes of Webster rose on a point of order that amendment H-8038 was not germane.

The Speaker ruled the point well taken and amendment H-8038 not germane.

Roberts of Carroll in the chair at 11:04 a.m.

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. 2145)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Carroll	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevrt
Gaskill	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
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	Wilderdyke	Winckler	Wise
Roberts, Presiding			

The nays were, 1:

Whitead

Absent or not voting, 6:

Bukta	Dolecheck	Fallon	Gipp
Horbach	Osterhaus		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2383, a bill for an act relating to rural improvement zones, 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. 2383)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Granzow	Greimann	Greiner
Hahn	Heaton	Hanson	Heddens
Hoffman	Hogg	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Racker	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	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	Roberts,
			Presiding

The nays were, none.

Absent or not voting, 8:

Bukta	Dolecheck	Fallon	Gipp
Horbach	Osterhaus	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 FILE 2091 WITHDRAWN

Lalk of Fayette asked and received unanimous consent to withdraw House File 2091 from further consideration by the House.

House File 2452, a bill for an act providing for licensure requirements relating to the practice of athletic training and increasing a penalty, 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. 2452)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.

Van Fossen, J.R.	Wendt	Whitaker	Whitead
Wildurdyke	Winckler	Wise	Roberts, Presiding

The nays were, 1:

Watts

Absent or not voting, 7:

Bukta	Dolecheck	Fallon	Gipp
Horbach	Osterhaus	Rants, Spkr.	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2467, a bill for an act relating to the quorum requirement for the IowAccess advisory council, 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. 2467)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	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
Whitehead	Wilderdike	Winckler	Wise
Roberts, Presiding			

The nays were, none.

Absent or not voting, 7:

Bukta	Dix	Dolecheck	Fallon
Horbach	Osterhaus	Rants, Spkr.	

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 2145, 2383, 2452, 2467 and 2490.**

House File 2468, a bill for an act to limit the period of effectiveness for an administrative rule adopted without a notice of intended action and opportunity for public participation, 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. 2468)

The ayes were, 64:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carrroll
Chambers	Connors	Dandekar	De Boef
Dennis	Drake	Eichhorn	Elgin
Freeman	Gaskill	Granzow	Greiner
Hahn	Hanson	Heaton	Hoffman
Hogg	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Mascher
Mertz	Miller	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Sands	Schickel	Struyk
Taylor, D.	Thomas	Tjepkes	Tymeson

Upmeyer Watts	Van Engelenhoven Wildurdyke	Van Fossen, J.K. Wise	Van Fossen, J.R. Roberts, Presiding
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The nays were, 28:

Berry	Cohoon	Davitt	Foega
Ford	Frevert	Greimann	Heddens
Hunter	Jacoby	Jochum	Lensing
Lykam	McCarthy	Murphy	Oldson
Olson, D.	Reasoner	Shomshor	Shoultz
Smith	Stevens	Swaim	Taylor, T.
Wendt	Whitaker	Whitead	Winckler

Absent or not voting, 8:

Bukta	Dix	Dolecheck	Fallon
Gipp	Horbach	Osterhaus	Rants, Spkr.

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 2468** be immediately messaged to the Senate.

On motion by Jacobs of Polk, the House was recessed at 11:54 a.m., until 12:30 p.m.

AFTERNOON SESSION

The House reconvened at 12:32 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 2480, a bill for an act prohibiting the award of pets, or advertisement thereof, in certain circumstances, and providing a penalty, was taken up for consideration.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-five members present, forty-five absent.

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. 2480)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	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, 6:

Bukta	Dolecheck	Fallon	Horbach
Osterhaus	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 2481, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order, 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. 2481)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdye	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 6:

Bukta	Dolecheck	Fallon	Horbach
Osterhaus	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 2497, a bill for an act providing for a sick leave and vacation incentive program for state employees and providing an effective date, was taken up for consideration.

Elgin of Linn asked and received unanimous consent to withdraw amendment H-8220 filed by him on March 10, 2004.

Elgin of Linn offered the following amendment H-8224 filed by him and moved its adoption:

H-8224

- 1 Amend House File 2497 as follows:
- 2 1. Page 1, by striking lines 14 through 16, and
- 3 inserting the following: "this state,".
- 4 2. By striking page 3, line 29, through page 4,
- 5 line 6.
- 6 3. Page 4, by inserting after line 6, the
- 7 following:
- 8 "Sec. ___. SPAN OF CONTROL. The department of
- 9 administrative services, in consultation with the
- 10 department of management and after discussion and
- 11 collaboration with executive branch agencies, shall
- 12 pursue a goal of increasing the ratio of the number of
- 13 employees per supervisor for executive branch agencies
- 14 in the aggregate to twelve employees for one
- 15 supervisor by December 31, 2005."
- 16 4. By renumbering as necessary.

Amendment H-8224 was adopted.

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. 2497)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Drake	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox

Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Reasoner	Roberts
Sands	Schickel	Shomshor	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, 2:

Eichhorn	Rayhons
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Absent or not voting, 5:

Bukta	Dolecheck	Fallon	Horbach
Osterhaus			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2496, a bill for an act relating to the use of titles pertaining to physical therapy 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. 2496)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jöchum	Jones
Klemme	Kramer	Kuhn	Kurtenbach

Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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, 5:

Bukta	Dolecheck	Fallon	Horbach
Osterhaus			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2476, a bill for an act regulating transmissible viruses afflicting poultry and providing penalties, was taken up for consideration.

Baudler of Adair offered the following amendment H-8222 filed by him and Swaim of Davis and moved its adoption:

H-8222

- 1 Amend House File 2476 as follows:
- 2 1. Page 5, by striking lines 3 through 5.
- 3 2. By renumbering as necessary.

Amendment H-8222 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. 2476)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Drake	Eichhorn	Elgin
Foega	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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:

Bukta	Dolecheck	Fallon	Horbach
Osterhaus			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

PAGE PRESENTATION

Speaker Rants invited Eva Tavernier, the Minority Leader's Page, to the Speaker's station for a special presentation and thanked her for her service to the House of Representatives.

A certificate of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Eightieth General Assembly was presented to her by Speaker Christopher Rants, Minority Leader Patrick Murphy and Majority Whip Libby Jacobs.

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 11, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2246, a bill for an act requiring the board of directors of a school district to adopt a student promotion policy to support student reading at grade level, providing for related matters, and providing an effective date and for the Act's applicability.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2183, by committee on commerce, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date.

Read first time and referred to committee on **commerce, regulation and labor**.

Senate File 2247, by committee on transportation, a bill for an act creating a special combat infantry motor vehicle registration plate and a special combat field medical motor vehicle registration plate, modifying the fees for natural resources registration plates, and providing an effective date.

Read first time and referred to committee on **transportation**

Senate File 2272, by committee on judiciary, a bill for an act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous.

Read first time and referred to committee on **public safety**.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Arnold of Lucas offered the following **House Memorial Resolution 101** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 101

Whereas, The Honorable Robert K. Beck, of Appanoose County, Iowa, who was a member of the Fifty-fifth general assembly, passed away January 13, 2004; *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, Arnold of Lucas, Swaim of Davis and Gaskill of Wapello.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

Wise of Lee offered the following **House Memorial Resolution 102** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 102

Whereas, The Honorable Adrian B. Brinck, of Lee County, Iowa, who was a member of the Fifty-eighth, Sixty-first, Sixty-third, and Sixty-fifth general assemblies, passed away July 3, 2003; *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, Wise of Lee, Heaton of Henry and Whitaker of Van Buren.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

Van Engelenhoven of Marion offered the following **House Memorial Resolution 103** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 103

Whereas, The Honorable Carroll Johnson, of Marion County, Iowa, who was a member of the Forty-eighth, Forty-ninth, Fiftieth, and Fiftieth Extra general assemblies, passed away April 13, 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, Van Engelenhoven of Marion, Arnold of Lucas and Davitt of Warren.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

Swaim of Davis offered the following **House Memorial Resolution 104** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 104

Whereas, The Honorable Delmont T. Moffitt, of Appanoose County, Iowa, who was a member of the Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-second, and Sixty-fourth general assemblies, passed away June 30, 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, Swaim of Davis, Arnold of Lucas and Reasoner of Union.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 105

Cohon of Des Moines offered the following **House Memorial Resolution 105** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 105

Whereas, The Honorable William R. Monroe, Jr., of Des Moines County, Iowa, who was a member of the Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, and Sixty-seventh Extra general assemblies, passed away August 23, 2003; 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, Cohoon of Des Moines, Sands of Louisa and Wise of Lee.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 106

Swaim of Davis offered the following **House Memorial Resolution 106** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 106

Whereas, The Honorable Kenneth E. Owen, of Appanoose County, Iowa, who was a member of the Fifty-sixth, Fifty-seventh, and Fifty-eighth general assemblies, passed away January 23, 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, Swaim of Davis, Arnold of Lucas and Gaskill of Wapello.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 107

Wendt of Woodbury offered the following **House Memorial Resolution 107** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 107

Whereas, The Honorable H. Lyle Scheelhaase, of Woodbury County, Iowa, who was a member of the Sixty-sixth, Sixty-Seventh, and Sixty-seventh Extra general assemblies, passed away November 18, 2003; *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, Wendt of Woodbury, Whitead of Woodbury and Huseman of Cherokee.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 108

Jones of Mills offered the following **House Memorial Resolution 108** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 108

Whereas, The Honorable William J. Scherle, of Mills County, Iowa, who was a member of the Fifty-ninth, Sixtieth, Sixtieth Extra, and Sixty-first general assemblies, passed away August 27, 2003; 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, Jones of Mills, Boggess of Page and Struyk of Pottawattamie.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 109

Upmeyer of Hancock offered the following **House Memorial Resolution 109** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 109

Whereas, The Honorable Delwyn D. Stromer, of Hancock County, Iowa, who was a member of the Sixty-second, Sixty-third, Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra, and the first half of the Seventy-third general assemblies, passed away September 7, 2003; 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, Upmeyer of Hancock, Rayhons of Hancock and Eichhorn of Hamilton.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 110

Berry of Black Hawk offered the following **House Memorial Resolution 110** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 110

Whereas, The Honorable Charles J. Uban II, of Black Hawk County, Iowa, who was a member of the Sixty-first and Sixty-fourth general assemblies, passed away September 2, 2003; *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, Berry of Black Hawk, Jenkins of Black Hawk and Shultz of Black Hawk.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2476, 2480, 2481, 2496 and 2497.**

HOUSE FILE 2489 REREFERRED

The Speaker announced that House File 2489, previously placed on the **calendar** was rereferred to committee on **ways and means**.

SENATE FILE 449 REREFERRED

The Speaker announced that Senate File 449, previously referred to committee on **commerce, regulation and labor** 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

- 2004\695 Rosalie Upah, Elberon – For celebrating her 80th birthday.
- 2004\696 Ralph Utterback, Toledo – For celebrating his 80th birthday.
- 2004\697 Chet and Rhonda McEltree, Toledo – For celebrating their 60th wedding anniversary.
- 2004\698 Marvin Walraven, Oskaloosa – For celebrating his 80th birthday.
- 2004\699 Woodrow and Zelda Jones, Grinnell – For celebrating their 70th wedding anniversary.
- 2004\700 Clyde and Dorothy Davis, Grinnell – For celebrating their 69th wedding anniversary.
- 2004\701 Carl and Margaret Veldhuizen, Oskaloosa – For celebrating their 50th wedding anniversary.
- 2004\702 Gerald Klyn, Oskaloosa – For celebrating his 80th birthday.
- 2004\703 Nellie McKeag, Montezuma – For celebrating her 85th birthday.
- 2004\704 Olevia Lidtka, Grinnell – For celebrating her 90th birthday.
- 2004\705 Kelly Pierce, Waukee Middle School – For receiving 1st place in the 8-9th grade category for Best Essay on Women in Science and Engineering in the “Write Women Back Into History” Essay Contest.
- 2004\706 Molly Worrell, Smithland – For celebrating her 80th birthday.
- 2004\707 Rose Spreng, Dow City – For celebrating her 80th birthday.
- 2004\708 Harold Fredericks, Denison – For celebrating his 85th birthday.
- 2004\709 Veronica Cufningham, Anthon – For celebrating her 80th birthday.
- 2004\710 Harvey and Gisela Meeves, Charter Oak – For celebrating their 50th wedding anniversary.
- 2004\711 Vivian Vander Pol, Lynnville – For celebrating her 80th birthday.
- 2004\712 Jon Holscher, Ankeny – For receiving the Business Professionals of America Recognition of Achievement.
- 2004\713 Hildreth Quire, Iowa City – For celebrating her 90th birthday.
- 2004\714 George and Marjorie Dane, Iowa City – For celebrating their 60th wedding anniversary.
- 2004\715 Ernest Schiller, Donnellson – For receiving the Milken Family Foundation National Educator Award.

SUBCOMMITTEE ASSIGNMENTS

House File 2242

Ways and Means: Taylor, D., Chair; Carroll and Kramer.

House File 2329

Ways and Means: Kurtenbach, Chair; Jones and Shomshor.

House File 2382

Ways and Means: Olson S., Chair; Lukan and Winckler.

House File 2409

Ways and Means: Sands, Chair; Oldson and Paulsen.

House File 2429

Ways and Means: Kramer, Chair; Frevert and Olson, S.

House File 2433

Ways and Means: Huser, Chair; Jones and Lukan.

House File 2501

Ways and Means: Kramer, Chair; Carroll and Jochum.

Senate File 2174

Education: Raecker, Chair; Mascher and Paulsen.

Senate File 2177

Education: Upmeyer, Chair; Roberts and Wendt.

Senate File 2190

Human Resources: Upmeyer, Chair; Boddicker and Hunter.

Senate File 2193

Judiciary: Maddox, Chair; Dennis and Greimann.

Senate File 2202

Education: Dennis, Chair; Berry and Boal.

Senate File 2208

Agriculture: Huseman, Chair; Frevert and Rayhons.

Senate File 2224

Agriculture: Huseman, Chair; Kuhn and Rayhons.

Senate File 2266

Judiciary: Paulsen, Chair; Berry and Kramer.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 716**

Ways and Means: Van Fossen, J.K., Chair; Kramer and Oldson.

RESOLUTIONS FILED

SCR 106, by Tinsman and Holveck, a concurrent resolution designating March 2004 as Iowa Women's History Month.

Passed on file.

SCR 107, by committee on economic growth, a concurrent resolution urging the Congress of the United States to enact the Housing Bond and Credit Modernization and Fairness Act.

Laid over under **Rule 25**.

SCR 108, by Quirmbach, Kettering and Redfern, a concurrent resolution memorializing Stephen Garst of Coon Rapids, Iowa.

Passed on file.

AMENDMENTS FILED

H—8225	H.F.	2475	S. Olson of Clinton
H—8226	H.F.	2532	Frevert of Palo Alto
H—8227	H.F.	2395	Schickel of Cerro Gordo Heaton of Henry
H—8228	H.F.	2504	Boal of Polk
H—8229	H.F.	2475	S. Olson of Clinton
H—8230	H.F.	2462	Heaton of Henry

H—8231	H.F.	2500	Gaskill of Wapello
	Whitaker of Van Buren		Arnold of Lucas
	Swaim of Davis		Greiner of Washington
	De Boef of Keokuk		Carroll of Poweshiek
H—8232	H.F.	2391	Upmeyer of Hancock
H—8233	H.F.	2479	Paulsen of Linn
H—8234	H.F.	2521	Jenkins of Black Hawk
H—8235	H.F.	2391	Upmeyer of Hancock

On motion by Jacobs of Polk the House adjourned at 1:24 p.m., until 9:00 a.m., Friday, March 12, 2004.

JOURNAL OF THE HOUSE

Sixty-first Calendar Day - Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 12, 2004

The House met pursuant to adjournment at 9:00 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 11, 2004 was approved.

INTRODUCTION OF BILL

House File 2539, by committee on commerce, regulation and labor, a bill for an act to permit a state bank to organize as a limited liability company.

Read first time and placed on the **calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2244, by committee on commerce, a bill for an act relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records.

Read first time and referred to committee on **commerce, regulation and labor**.

Senate File 2246, by committee on education, a bill for an act requiring the board of directors of a school district to adopt a student promotion policy to support student reading at grade level, providing for related matters, and providing an effective date and for the Act's applicability.

Read first time and referred to committee on **education**.

Senate File 2249, by committee on judiciary, a bill for an act regulating contest events involving animals, and providing a penalty and effective date.

Read first time and referred to committee on **public safety**.

HOUSE FILE 2433 REREFERRED

The Speaker announced that House File 2433, previously referred to committee on **ways and means** was placed on the **calendar**.

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

2004\716 Kevin Swanson, Ankeny – For receiving the Business Professionals of America Recognition of Achievement.

RESOLUTION FILED

HR 130, by D. Olson, a resolution recognizing the Order of DeMolay and National DeMolay Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8236	S.F.	2112	D. Olson of Boone
H—8237	S.F.	2070	Huser of Polk

On motion by Kuhn of Floyd the House adjourned at 9:01 a.m., until 1:00 p.m., Monday, March 15, 2004.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 15, 2004

The House met pursuant to adjournment at 1:00 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Dan French, pastor of the Davis Street Christian Church, Ottumwa. He was the guest of Representative Mary Gaskill from Wapello County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mitch Dunn, Sandy Dunn, Michelle Sweeney, Pat Sweeney and John Toal from the Vietnam Veterans Association of America, Fort Dodge Chapter #861. They were the guests of Representative Helen Miller from Webster County whom is also a member.

The Journal of Friday, March 12, 2004 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Gipp of Winneshiek; Greiner of Washington, until her arrival, on request of Gipp of Winneshiek; Roberts of Carroll, until his arrival, on request of Gipp of Winneshiek; Wise of Lee on request of Murphy of Dubuque.

On motion by Gipp of Winneshiek, the House was recessed at 1:09 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:21 p.m., Speaker pro tempore Carroll in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

S. Olson of Clinton on request of Gipp of Winneshiek.

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.

SENATE MESSAGE CONSIDERED

Senate File 2175, by committee on business and labor relations, a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

Read first time and referred to committee on **commerce, regulation and labor**.

CONSIDERATION OF BILLS

Regular Calendar

House File 2055, a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights, with report of committee recommending passage, was taken up for consideration.

Jacobs of Polk offered amendment H-8218 filed by her as follows:

H-8218

- 1 Amend House File 2055 as follows:
- 2 1. Page 4, by striking lines 2 through 5, and
- 3 inserting the following:
- 4 "2. Accept gifts, grants, devises, or bequests of
- 5 real or personal property from the federal government
- 6 or any other source for the use and purposes of the
- 7 commission. Notwithstanding sections 8.33 and 12C.7,
- 8 the interest accrued from moneys received under this
- 9 subsection shall not revert to the general fund of the
- 10 state, but shall remain available for expenditure by
- 11 the commission."

Jacobs of Polk offered the following amendment H-8239, to amendment H-8218, filed by her from the floor and moved its adoption:

H-8239

1 Amend the amendment, H-8218, to House File 2055, as
2 follows:

3 1. Page 1, by inserting after line 11 the
4 following:

5 " _____. Page 4, line 8, by striking the word
6 "shall" and inserting the following: "may".

7 _____. Page 4, line 9, by striking the word "shall"
8 and inserting the following: "may".

9 _____. Page 4, line 11, by striking the word
10 "shall" and inserting the following: "may"."

Amendment H-8239 was adopted.

On motion by Jacobs of Polk amendment H-8218, as amended, was adopted.

SENATE FILE 2188 SUBSTITUTED FOR HOUSE FILE 2055

Jacobs of Polk asked and received unanimous consent to substitute Senate File 2188 for House File 2055.

Senate File 2188, a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights, 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. 2188)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boguess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevort	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones

Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	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	Wilderdyke	Winckler
Carroll, Presiding			

The nays were, 1:

Boddicker

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2352, a bill for an act relating to the appointment of illegal dumping enforcement officers and providing a penalty, was taken up for consideration.

Wilderdyke of Harrison offered the following amendment H-8200 filed by him and moved its adoption:

H-8200

- 1 Amend House File 2352 as follows:
- 2 1. Page 1, line 26, by inserting after the word
- 3 "city," the following: "and any private property with
- 4 the permission of the landowner".

Amendment H-8200 was adopted.

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. 2352)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Wilderdyke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2053 WITHDRAWN

Wilderdyke of Harrison asked and received unanimous consent to withdraw House File 2053 from further consideration by the House.

House File 2435, a bill for an act relating to immunity from third-party liability for claims resulting from contaminated property, was taken up for consideration.

Sands of Louisa offered the following amendment H-8179 filed by him and moved its adoption:

H-8179

- 1 Amend House File 2435 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following:
- 4 "5A. "Response action" means any action taken to
- 5 reduce, minimize, eliminate, clean up, control,
- 6 assess, or monitor a release of hazardous substances,
- 7 hazardous waste, or regulated substances to protect
- 8 the public health, safety, or the environment."
- 9 2. Page 2, by inserting after line 32 the
- 10 following:
- 11 "Sec. ____ NEW SECTION. 455B.754 LEGAL
- 12 RESPONSIBILITY.
- 13 This division shall not be interpreted to affect
- 14 the legal responsibility to the state to conduct
- 15 response actions under any applicable state law.
- 16 Sec. ____ EFFECTIVE DATE. This Act, being deemed
- 17 of immediate importance, takes effect upon enactment."
- 18 3. Title page, line 2, by inserting after the
- 19 word "property" the following: "and providing an
- 20 effective date".

Amendment H-8179 was adopted.

SENATE FILE 2230 SUBSTITUTED FOR HOUSE FILE 2435

Sands of Louisa asked and received unanimous consent to substitute Senate File 2230 for House File 2435.

Senate File 2230, a bill for an act relating to immunity from third-party liability for claims resulting from contaminated property and providing an effective date, 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. 2230)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges

Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevort
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Wildurdyke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2443, a bill for an act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty, was taken up for consideration.

SENATE FILE 2166 SUBSTITUTED FOR HOUSE FILE 2443

Hutter of Scott asked and received unanimous consent to substitute Senate File 2166 for House File 2443.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk on request of Murphy of Dubuque; Whitead of Woodbury on request of Murphy of Dubuque.

Senate File 2166, a bill for an act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty, 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?" (S.F. 2166)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foegen	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Wildurdyke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2444, a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties, was taken up for consideration.

Dolecheck of Ringgold offered the following amendment H-8202 filed by him and McCarthy of Polk and moved its adoption:

H-8202

- 1 Amend House File 2444 as follows:
- 2 1. Page 4, line 33, by striking the word "five"
- 3 and inserting the following: "seven".

Amendment H-8202 was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-8211 filed by him and Huser of Polk on March 9, 2004.

SENATE FILE 2253 SUBSTITUTED FOR HOUSE FILE 2444

Dolecheck of Ringgold asked and received unanimous consent to substitute Senate File 2253 for House File 2444.

Senate File 2253, a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties, was taken up for consideration.

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?" (S.F. 2253)

The ayes were, 89:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Bogges	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	Dennis	Dix	Dolecheck
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser

Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Reasoner	Sands	Schickel
Shomshor	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	Wildurdyke	Winckler
Carroll, Presiding			

The nays were, 4:

Baudler	Drake	Heaton	Rayhons
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Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

Under the provision of Rule 76, conflict of interest, Lykam of Scott refrained from voting.

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 2352** and **Senate Files 2166, 2188, 2230 and 2253**

House File 2457, a bill for an act relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts, was taken up for consideration.

Kramer of Polk offered the following amendment H-8206 filed by him and moved its adoption:

H-8206

- 1 Amend House File 2457 as follows:
- 2 1. Page 11, line 15, by striking the word
- 3 "country" and inserting the following: "county".

Amendment H-8206 was adopted.

SENATE FILE 2167 SUBSTITUTED FOR HOUSE FILE 2457

Kramer of Polk asked and received unanimous consent to substitute Senate File 2167 for House File 2457.

Senate File 2167, a bill for an act relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts, was taken up for consideration.

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?" (S.F. 2167)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Umpeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.

Watts	Wendt	Whitaker	Wilderdyke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2462, a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects, was taken up for consideration.

Heaton of Henry offered the following amendment H-8230 filed by him and moved its adoption:

H-8230

- 1 Amend House File 2462 as follows:
- 2 1. Page 1, line 2, by striking the word "five"
- 3 and inserting the following: "one".

Amendment H-8230 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. 2462)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Wilderdyke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2203 WITHDRAWN

Boddicker of Adair asked and received unanimous consent to withdraw House File 2203 from further consideration by the House.

House File 2488, a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties, was taken up for consideration.

Kurtenbach of Story offered the following amendment H-8216 filed by him and moved its adoption:

H-8216

- 1 Amend House File 2488 as follows:
- 2 1. Page 2, line 9, by inserting after the word
- 3 "fees" the following: ", unless the person suspected
- 4 of violating a provision of section 543B.1 prevails in
- 5 any application for permanent injunctive relief".

Amendment H-8216 was adopted.

SENATE FILE 2189 SUBSTITUTED FOR HOUSE FILE 2488

Kurtenbach of Story asked and received unanimous consent to substitute Senate File 2189 for House File 2488.

Senate File 2189, a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties, was taken up for consideration.

Kurtenbach of Story 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. 2189)

The ayes were, 91:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	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
Wildurdyke	Winckler	Carroll,	
		Presiding	

The nays were, 3:

Eichhorn	Heaton	Hutter
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Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

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 File 2462** and **Senate Files 2167** and **2189**.

House File 2483, a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings, was taken up for consideration.

SENATE FILE 2240 SUBSTITUTED FOR HOUSE FILE 2483

Jenkins of Black Hawk asked and received unanimous consent to substitute Senate File 2240 for House File 2483.

Senate File 2240, a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings, 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?" (S.F. 2240)

The ayes were, 91:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shultz	Smith	Stevens

Struyk	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wilderdylke	Winckler	Carroll, Presiding	

The nays were, 3:

Gaskill	Swaim	Whitaker
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Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2493, a bill for an act relating to regulation of sales at unused property markets and providing penalties, 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?" (H.F. 2493)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	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	Wilderdyke	Winckler
Carroll, Presiding			

The nays were, 1:

Hunter

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2494, a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit, was taken up for consideration.

Sands of Louisa offered the following amendment H-8208 filed by him and moved its adoption:

H-8208

- 1 Amend House File 2494 as follows:
- 2 1. Page 1, by striking lines 21 through 29, and
- 3 inserting the following:
- 4 "d. A fourth violation within three years shall
- 5 result in revocation of the license or permit.
- 6 e. For purposes of this subsection:
- 7 (1) The date of any violation shall be used in
- 8 determining the period between violations.
- 9 (2) Suspension shall be limited to the specific
- 10 license or permit for the premises found in violation.
- 11 (3) Notwithstanding section 123.40, revocation
- 12 shall be limited to the specific license or permit
- 13 found in violation and shall not disqualify a licensee
- 14 or permittee from holding a license or permit at a
- 15 separate location."

Amendment H-8208 was adopted.

SENATE FILE 2261 SUBSTITUTED FOR HOUSE FILE 2494

Sands of Louisa asked and received unanimous consent to substitute Senate File 2261 for House File 2494.

Senate File 2261, a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit, 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. 2261)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	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	Wilderdyeke	Winckler	Carroll, Presiding

The nays were, none.

Absent or not voting, 7:

De Boef	Fallon	Olson, S.	Roberts
Shoultz	Whitead	Wise	

Under the provision of Rule 76, conflict of interest, Heaton of Henry refrained from voting.

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 2493** and **Senate Files 2240** and **2261**.

House File 2505, a bill for an act providing for the selling of alcoholic beverages, wine, or beer on credit by a convention center, civic center, or events center under specified circumstances, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment H-8221 filed by him and moved its adoption:

H-8221

- 1 Amend House File 2505 as follows:
- 2 1. Page 1, by striking lines 5 through 8 and
- 3 inserting the following: "provision does not apply to
- 4 sales by a club to its members, ~~nor~~ to sales by a
- 5 hotel or motel to bona fide registered guests, nor to
- 6 retail sales by the managing entity of a convention
- 7 center, civic center, or events center."

Amendment H-8221 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. 2505)

The ayes were, 80:

Bell	Berry	Boal	Boddicker
Bogges	Bukta	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foegen	Ford	Freeman

Frevert	Gaskill	Gipp	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Reasoner	Sands	Schickel	Shomshor
Shoultz	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tymeson
Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wildurdyke	Winckler	Carroll, Presiding

The nays were, 13:

Alons	Arnold	Baudler	Granzow
Hogg	Hutter	Kuhn	Lalk
Rayhons	Smith	Tjepkes	Van Engelenhoven
Whitaker			

Absent or not voting, 7:

De Boef	Fallon	Kurtenbach	Olson, S.
Roberts	Whitead	Wise	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

Senate File 2059, a bill for an act relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date, with report of committee recommending passage, 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?" (S.F. 2059)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Wilderdyeke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 2070, a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and issuance of commercial driver's licenses, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Huser of Polk offered the following amendment H-8237 filed by her and moved its adoption:

H-8237

- 1 Amend Senate File 2070, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 9, by striking the words "and
- 4 time".
- 5 2. Page 7, line 13, by striking the words "and
- 6 time".
- 7 3. Page 10, line 33, by striking the words "and
- 8 time".
- 9 4. Page 10, line 34, by inserting after the word
- 10 "application," the following: "If the delivery is by
- 11 electronic means and the time is electronically
- 12 recorded on the application along with the date, the
- 13 time shall be included with the date on all subsequent
- 14 documents and records where the date of perfection is
- 15 required under this chapter."
- 16 5. Page 11, line 26, by striking the words "and
- 17 time".
- 18 6. Page 11, line 29, by striking the words "and
- 19 time".
- 20 7. Page 11, line 34, by striking the words "and
- 21 time".
- 22 8. Page 12, line 3, by striking the words "and
- 23 time".

Amendment H-8237 was adopted.

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. 2070)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Wilderdyeke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

Senate File 2112, 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, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys, with report of committee recommending passage, was taken up for consideration.

D. Olson of Boone asked and received unanimous consent to withdraw amendment H-8236 filed by him on March 12, 2004.

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?" (S.F. 2112)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	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	Wilderdye	Winckler
Carroll, Presiding			

The nays were, 1:

Hogg

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

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 2540, by Gipp, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date.

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: **House File 2505** and **Senate Files 2059, 2070 and 2112.**

HOUSE FILE 2330 WITHDRAWN

Jenkins of Black Hawk asked and received unanimous consent to withdraw House File 2330 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 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2133, a bill for an act requiring the lottery authority to submit budget information to the legislature.

Also: That the Senate has on March 15, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2150, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or product possession violation occurs and providing a penalty.

Also: That the Senate has on March 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2176, a bill for an act relating to abandonment of a child as grounds for termination of parental rights.

Also: That the Senate has on March 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2306, a bill for an act relating to fees charged for delayed redemption of electronic gift cards.

Also: That the Senate has on March 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2343, a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

Also: That the Senate has on March 15, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2399, a bill for an act allowing a modified criminal penalty for certain thefts within a seventy-two-hour time period.

Also: That the Senate has on March 15, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2278, a bill for an act creating medical parole for certain persons committed to the custody of the department of corrections.

MICHAEL E. MARSHALL, Secretary

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 economic development and the committee on ways and means Tuesday, March 16, 2004 at 8:00 a.m. to consider House File 2540.

HOUSE FILE 2487 REFERRED

The Speaker announced that House File 2487, previously placed on **calendar** was referred to committee on **ways and means**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on, March 11, 2004. Had I been present, I would have voted "aye" on House Files 511, 2145, 2383, 2452, 2467, 2476, 2480, 2481, 2490, 2496, 2497 and 2538 and "nay" on House File 2468.

BUKTA of Clinton

I was necessarily absent from the House chamber on March 11, 2004. Had I been present, I would have voted "aye" on House Files 511, 2145, 2383, 2452, 2467, 2476, 2480, 2481, 2490, 2496, 2497 and 2538 and "nay" on House File 2468.

OSTERHAUS of Jackson

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2004\717 | Hazel Venenga, Cedar Falls – For celebrating her 90 th birthday. |
| 2004\718 | Virginia and Don Bistline, Brandon – For celebrating their 50 th wedding anniversary. |
| 2004\719 | Lillian McNulty, Newhall – For celebrating her 90 th birthday. |
| 2004\720 | Iva Ondler, Vinton – For celebrating her 90 th birthday. |
| 2004\721 | Leona Mease, Van Horne – For celebrating her 100 th birthday. |
| 2004\722 | Neva Hardy, Independence – For celebrating her 80 th birthday. |
| 2004\723 | Art Kitner, Independence – For celebrating his 85 th birthday. |
| 2004\724 | Jim Davidson, Winthrop – For celebrating his 85 th birthday. |
| 2004\725 | Stephanie Aguero, Muscatine – For being named to the Iowa Basketball Coaches Association 11 th annual Academic All-State Team. |
| 2004\726 | Tony and Betty Callahan, Dubuque – For celebrating their 50 th wedding anniversary. |
| 2004\727 | Earl and Jean Hayes, Dubuque – For celebrating their 50 th wedding anniversary. |
| 2004\728 | Margaret DuMond, Waterloo – For celebrating her 90 th birthday. |
| 2004\729 | Lillian Wetterling, Mason City – For celebrating her 91 st birthday. |
| 2004\730 | Cletus Fandel, Mason City – For celebrating his 85 th birthday. |

SUBCOMMITTEE ASSIGNMENTS

House File 2448

Ways and Means: Kurtenbach, Chair; Oldson and Sands.

House File 2509

Ways and Means: Huser, Chair; Jones and Lukan.

Senate File 2149

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

Senate File 2239

State Government: Greiner, Chair; Hutter, Manternach, Mascher and Whitead.

Senate File 2272

Public Safety: Eichhorn, Chair; Hogg and Van Fossen, J.R.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 718 Ways and Means**

Relating to property taxation by establishing a maximum property tax dollars limitation for counties and cities, repealing the square footage tax, and creating a state tax implementation committee to study local and state sources of revenue, and including effective and applicability date provisions.

AMENDMENTS FILED

H-8238	H.F.	2357	Frevert of Palo Alto
H-8240	H.F.	22	Stevens of Dickinson
H-8241	H.F.	2470	Petersen of Polk
H-8242	H.F.	2399	Senate Amendment
H-8243	H.F.	2470	Osterhaus of Jackson
H-8244	H.F.	2484	Jenkins of Black Hawk
			Van Fossen, J.K. of Scott
			Quirk of Chickasaw
H-8245	H.F.	2150	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned at 6:33 p.m., until 8:45 a.m., Tuesday, March 16, 2004.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 16, 2004

The House met pursuant to adjournment at 9:24 a.m., Speaker Rants in the chair.

Prior to convening the House was entertained with the singing of "America the Beautiful" by the Honorable Del Hanson, state representative from Benton County and his pastor's wife, LuAnn Urlaub.

Prayer was offered by Reverend Mark Urlaub, pastor of Bethlehem Evangelical Lutheran Church, Vinton. He was guest of Representative Del Hanson from Benton County.

PLEDGE ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, March 15, 2004 was approved.

INTRODUCTION OF BILLS

House File 2540, by Gipp, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date.

Read second time and placed on the **ways and means calendar**.

House File 2541, by committee on ways and means, a bill for an act relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions.

Read first time and placed on the **ways and means calendar**

SENATE MESSAGE CONSIDERED

Senate File 2278, by committee on judiciary, a bill for an act creating medical parole for certain persons committed to the custody of the department of corrections, and providing an effective date.

Read first time and referred to committee on **public safety**.

On motion by Gipp of Winneshiek, the House was recessed at 9:28 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:35 p.m., Speaker pro tempore Carroll in the chair.

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 16, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2290, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILL

House File 2542, by committee on commerce, regulation and labor, a bill for an act relating to electric power generation and the cogeneration pilot program.

Read first time and placed on the **calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2290, by Iverson, a bill for an act relating to economic development incentives under the new jobs and income program, the

new capital investment program, and the enterprise zone program and providing an effective date.

Read first time and **passed on file.**

The House stood at ease at 3:37 p.m., until the fall of the gavel.

The House resumed session at 4:56 p.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-five members present, twenty-five absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 2271, a bill for an act regarding public utility rights-of-way and providing an effective date, was taken up for consideration.

SENATE FILE 2118 SUBSTITUTED FOR HOUSE FILE 2271

Freeman of Buena Vista asked and received unanimous consent to substitute Senate File 2118 for House File 2271.

Senate File 2118, a bill for an act regarding public utility rights-of-way and providing an effective date, was taken up for consideration.

Freeman of Buena Vista 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. 2118)

The ayes were, 99:

Alons
Berry

Arnold
Boal

Baudler
Boddicker

Bell
Bogges

Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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	Carroll,	
		Presiding	

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.

House File 2225, a bill for an act relating to the establishment of drainage and levee districts, and providing an effective date, with report of committee recommending 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. 2225)

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
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Steyens
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:

Maddox

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2315, a bill for an act relating to agricultural conservation practices, with report of committee recommending 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. 2315)

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
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Reasoner
Roberts	Sands	Schickel	Shomshor
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:

Maddox Rayhons

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Osterhaus of Jackson in the chair at 5:22 p.m.

House File 2395, a bill for an act relating to counterfeit labels and trademarks, and providing penalties, was taken up for consideration.

Schickel of Cerro Gordo offered amendment H-8227 filed by him and Heaton of Henry as follows:

H-8227

1 Amend House File 2395 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. **NEW SECTION. 714.26 INTELLECTUAL**
5 **PROPERTY COUNTERFEITING.**

6 1. **DEFINITIONS.** As used in this section unless
7 the context otherwise requires:

8 a. "Counterfeit mark" means any unauthorized
9 reproduction or copy of intellectual property, or
10 intellectual property affixed to any item knowingly
11 sold, offered for sale, manufactured, or distributed,
12 or identifying services offered or rendered, without
13 authority of the owner of the intellectual property.

14 b. "Intellectual property" means any trademark,
15 service mark, trade name, label, term, device, design,
16 or word adopted or used by a person to identify the
17 items or services of the person.

18 c. "Retail value" means the highest value of an
19 item determined by any reasonable standard at the time
20 the item bearing or identified by a counterfeit mark
21 is seized. If a seized item bearing or identified by
22 a counterfeit mark is a component of a finished
23 product, "retail value" also means the highest value,
24 determined by any reasonable standard, of the finished
25 product on which the component would have been
26 utilized. The retail value shall be the retail value
27 of the aggregate quantity of all items seized which
28 bear or are identified by a counterfeit mark. For
29 purposes of this paragraph, reasonable standard
30 includes but is not limited the to market value within
31 the community, actual value, replacement value, or the
32 counterfeiter's regular selling price for the item
33 bearing or identified by a counterfeit mark, or the
34 intellectual property owner's regular selling price
35 for an item similar to the item bearing or identified
36 by a counterfeit mark.

37 2. **CRIMINAL OFFENSE.** A person who knowingly
38 manufactures, produces, displays, advertises,
39 distributes, offers for sale, sells, possesses with
40 intent to sell or distributes any item or knowingly
41 provides service bearing or identified by a
42 counterfeit mark commits intellectual property
43 counterfeiting.

44 a. A person commits intellectual property
45 counterfeiting in the first degree if any of the
46 following apply:

47 (1) The person is manufacturing or producing an
48 item bearing or identified by a counterfeit mark.

49 (2) The offense involves more than one thousand

50 items bearing or identified by a counterfeit mark and

Page 2

1 the total retail value of such items is equal to or
2 greater than ten thousand dollars.

3 (3) The offense is a third or subsequent violation
4 of this section.

5 Intellectual property counterfeiting in the first
6 degree is a class "C" felony.

7 b. A person commits intellectual property
8 counterfeiting in the second degree if any of the
9 following apply:

10 (1) The offense involves more than one hundred
11 items but does not involve more than one thousand
12 items bearing or identified by a counterfeit mark and
13 the total retail value of such items is equal to or
14 greater than one thousand dollars but less than ten
15 thousand dollars.

16 (2) The offense is a second violation of this
17 section.

18 Intellectual property counterfeiting in the second
19 degree is a class "D" felony.

20 c. All intellectual property counterfeiting which
21 is not intellectual property counterfeiting in the
22 first degree or second degree is intellectual property
23 counterfeiting in the third degree. Intellectual
24 property counterfeiting in the third degree is an
25 aggravated misdemeanor.

26 3. EVIDENCE. Any state or federal certificate of
27 registration of any intellectual property shall be
28 prima facie evidence of ownership of the intellectual
29 property in dispute.

30 4. SEIZURE AND DISPOSITION. Any items bearing or
31 identified by a counterfeit mark, and all personal
32 property, including but not limited to any items,
33 objects, tools, machines, equipment,
34 instrumentalities, or vehicles used in connection with
35 a violation of this section, shall be seized by any
36 law enforcement agency.

37 (1) All seized personal property shall be disposed
38 of in accordance with section 809.5 or as provided in
39 subparagraph (2).

40 (2) Upon request of the intellectual property
41 owner, all seized items bearing or identified by a
42 counterfeit mark shall be released by the seizing
43 agency to the intellectual property owner for
44 destruction or disposition. If the intellectual
45 property owner does not request release of the seized
46 items, the items shall be destroyed unless the
47 intellectual property owner consents to another
48 disposition."

49 2. Title page, by striking lines 1 and 2, and
50 inserting the following: "An Act creating the

Page 3

1 criminal offense of intellectual property
2 counterfeiting, and providing a penalty."

Eichhorn of Hamilton offered the following amendment H-8253, to amendment H-8227, filed by him from the floor and moved its adoption:

H-8253

1 Amend the amendment, H-8227, to House File 2395 as
2 follows:
3 1. Page 1, line 50, by striking the word "and"
4 and inserting the following: "or".
5 2. Page 2, line 12, by striking the word "and"
6 and inserting the following: "or".

Amendment H-8253 was adopted.

On motion by Schickel of Cerro Gordo amendment H-8227, as amended, was adopted.

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. 2395)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam

Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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	Osterhaus, Presiding	

The nays were, none.

Absent or not voting, 1:

Raecker

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 2280 WITHDRAWN

Schickel of Cerro Gordo asked and received unanimous consent to withdraw House File 2280 from further consideration by the House.

House File 2434, a bill for an act to update and modify the enhanced 911 emergency telephone communications system, 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. 2434)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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	Osterhaus, Presiding	

The nays were, none.

Absent or not voting, 1:

Manternach

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:

Manternach of Jones on request of Gipp of Winneshiek.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2225, 2315, 2395, 2434** and **Senate File 2118**.

House File 2464, a bill for an act providing for the establishment and funding of an automated external defibrillator grant program, and providing an effective date, 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. 2464)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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	Osterhaus, Presiding		

The nays were, 1:

Shoultz

Absent or not voting, 1:

Manternach

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2475, a bill for an act relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs, was taken up for consideration.

S. Olson of Clinton asked and received unanimous consent to withdraw amendment H-8225 filed by him on March 11, 2004.

S. Olson of Clinton offered the following amendment H-8229 filed by him and moved its adoption:

H-8229

- 1 Amend House File 2475 as follows:
- 2 1. Page 2, line 26, by striking the word "less"
- 3 and inserting the following: "later".
- 4 2. Page 2, by inserting after line 29, the
- 5 following:
- 6 "Sec. ____ . IMPLEMENTATION. In implementing this
- 7 Act, the department may adopt rules pursuant to
- 8 section 17A.4, subsection 2, and section 17A.5,
- 9 subsection 2, paragraph "b".
- 10 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
- 11 of immediate importance, takes effect upon enactment."
- 12 3. Title page, line 3, by inserting after the
- 13 word "pigs" the following: "and providing an
- 14 effective date".

Amendment H-8229 was adopted.

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. 2475)

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
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz

Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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	Osterhaus	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Manternach

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 2031 WITHDRAWN

S. Olson of Clinton asked and received unanimous consent to withdraw House File 2031 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 2464 and 2475.**

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 16, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2325, a bill for an act relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

Also: That the Senate has on March 16, 2004, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 104, a concurrent resolution urging state employee unions and the governor to renegotiate and establish a pay freeze for the fiscal year beginning July 1, 2004.

Also: That the Senate has on March 16, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2150, a bill for an act providing for termination of parental rights of a parent convicted of felony physical or sexual abuse of a child in the parent's or child's household.

Also: That the Senate has on March 16, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2234, a bill for an act relating to child custody and visitation provisions.

Also: That the Senate has on March 16, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2280, a bill for an act relating to the awarding of bonuses to appointed state officers and state employees and providing an effective date.

Also: That the Senate has on March 16, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2284, a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

MICHAEL E. MARSHALL, Secretary

House File 2486, a bill for an act providing for animal agriculture, including by providing for offenses involving animals and crops and related property, and providing penalties, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that House File 2486 be deferred and that the bill retain its place on the calendar.

House File 2502, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse, was taken up for consideration.

SENATE FILE 2199 SUBSTITUTED FOR HOUSE FILE 2502

Boal of Polk asked and received unanimous consent to substitute Senate File 2199 for House File 2502.

Senate File 2199, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse, 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. 2199)

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
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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	Osterhaus, Presiding	

The nays were, none.

Absent or not voting 1:

Manternach

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 6:10 p.m.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2199** be immediately messaged to the Senate.

HOUSE FILE 2248 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw House File 2248 from further consideration by the House.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend House Rules 30, 31, 33, 34 and 39 for the immediate consideration of House File 2540.

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

House File 2540, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date.

Fiscal note is not required.

Recommended **Do Pass** March 16, 2004.

Ways and Means Calendar

House File 2540, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date, was taken up for consideration.

Hoffman of Crawford offered the following amendment H-8246 filed by the committee on economic growth from the floor and moved its adoption:

H-8246

1 Amend House File 2540 as follows:

2 1. By striking page 1, line 10, through page 2,
3 line 29, and inserting the following:

4 "Sec. . NEW SECTION. 15.331C CORPORATE TAX
5 CREDIT – FOR CERTAIN SALES TAXES PAID BY DEVELOPER.

6 1. An eligible business or a supporting business
7 may claim a corporate tax credit in an amount equal to
8 the taxes paid by a third-party developer under
9 chapters 422 and 423 for gas, electricity, water, or
10 sewer utility services, goods, wares, or merchandise,
11 or on services rendered, furnished, or performed to or
12 for a contractor or subcontractor and used in the
13 fulfillment of a written contract relating to the
14 construction or equipping of a facility with the
15 economic development area of the eligible business or
16 supporting business. Taxes attributable to intangible
17 property and furniture and furnishings shall not be
18 included, but taxes attributable to racks, shelving,
19 and conveyor equipment to be used in a warehouse or
20 distribution center shall be included. Any credit in
21 excess of the tax liability for the tax year may be
22 credited to the tax liability for the following seven
23 years or until depleted, whichever occurs earlier. An
24 eligible business may elect to receive a refund of all
25 or a portion of an unused tax credit.

26 2. A third-party developer shall state under oath,
27 on forms provided by the department of economic
28 development, the amount of taxes paid as described in
29 subsection 1 and shall submit such forms to the
30 department. After receiving the form from the third-
31 party developer, the department shall issue a tax
32 credit to the eligible business or supporting
33 business. The eligible business or supporting
34 business shall not claim a tax credit under this
35 section unless a tax credit certificate issued by the
36 department of economic development is attached to the
37 taxpayer's tax return for the tax year for which the
38 tax credit is claimed. A tax credit certificate shall
39 contain the eligible business's or supporting
40 business's name, address, tax identification number,
41 the amount of the tax credit, and other information
42 required by the department of revenue."

43 2. Page 4, line 7, by striking the word "ten" and
44 inserting the following: "five".

45 3. Page 6, line 2, by striking the word "ten" and
46 inserting the following: "five".

47 4. Page 6, by inserting after line 3 the
 48 following:
 49 "Sec. ____ Section 15.385, Code Supplement 2003,
 50 is amended by adding the following new subsection:

Page 2

1 NEW SUBSECTION. 1A. Corporate tax credit for
 2 certain sales taxes paid by developer, as provided in
 3 section 15.331C."

4 5. Page 6, line 25, by striking the word "ten"
 5 and inserting the following: "five".

6 6. Page 8, line 1, by striking the word "ten" and
 7 inserting the following: "five".

The committee amendment H-8246 was adopted.

SENATE FILE 2290 SUBSTITUTED FOR HOUSE FILE 2540

Hoffman of Crawford asked and received unanimous consent to substitute Senate File 2290 for House File 2540.

Senate File 2290, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date, was taken up for consideration.

Hoffman of Crawford asked and received unanimous consent to withdraw amendment H-8255 filed by him and Struyk of Pottawattamie from the floor.

Hoffman of Crawford offered the following amendment H-8257 filed by him and Struyk of Pottawattamie from the floor and moved its adoption:

H-8257

1 Amend Senate File 2290, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 9 the
 4 following:

5 "Sec. ____ Section 15.331A, unnumbered paragraph
 6 1, Code Supplement 2003, is amended to read as
 7 follows:

8 The eligible business or a supporting business
 9 shall be entitled to a refund of the taxes paid under
 10 chapters 422 and 423 for gas, electricity, water, or

11 sewer utility services, goods, wares, or merchandise,
12 or on services rendered, furnished, or performed to or
13 for a contractor or subcontractor and used in the
14 fulfillment of a written contract relating to the
15 construction or equipping of a facility within the
16 economic development area of the eligible business or
17 a supporting business. Taxes attributable to
18 intangible property and furniture and furnishings
19 shall not be refunded. However, an eligible business
20 shall be entitled to a refund for taxes attributable
21 to racks, shelving, and conveyor equipment to be used
22 in a warehouse or distribution center subject to
23 section 15.331C."

24 2. Page 1, line 33, by inserting after the word
25 "department." the following: "The taxes paid shall be
26 itemized to allow identification of the taxes
27 attributable to racks, shelving, and conveyor
28 equipment to be used in a warehouse or distribution
29 center."

30 3. Page 1, line 35, by inserting after the word
31 "credit" the following: "certificate".

32 4. Page 1, line 35, by inserting after the words
33 "supporting business" the following: "equal to the
34 taxes paid by a third-party developer under chapters
35 422 and 423 for gas, electricity, water, or sewer
36 utility services, goods, wares, or merchandise, or on
37 services rendered, furnished, or performed to or for a
38 contractor or subcontractor and used in the
39 fulfillment of a written contract relating to the
40 construction or equipping of a facility. The
41 department shall also issue a tax credit certificate
42 to the eligible business or supporting business equal
43 to the taxes paid and attributable to racks, shelving,
44 and conveyor equipment to be used in a warehouse or
45 distribution center. The aggregate combined total
46 amount of tax refunds under section 15.331A for taxes
47 attributable to racks, shelving, and conveyor
48 equipment to be used in a warehouse or distribution
49 center and of tax credit certificates issued by the
50 department for the taxes paid and attributable to

Page 2

1 racks, shelving, and conveyor equipment to be used in
2 a warehouse or distribution center shall not exceed
3 five hundred thousand dollars in a fiscal year. If an
4 applicant for a tax credit certificate does not
5 receive a certificate for the taxes paid and
6 attributable to racks, shelving, and conveyor
7 equipment to be used in a warehouse or distribution
8 center, the application shall be considered in
9 succeeding fiscal years".

- 10 5. Page 3, line 22, by striking the word "five",
 11 and inserting the following: "ten".
 12 6. Page 5, line 17, by striking the word "five",
 13 and inserting the following: "ten".
 14 7. By renumbering as necessary.

Amendment H-8257 was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8254 filed by Jochum, Winckler of Scott, Lensing of Johnson and Shoultz of Black Hawk, from the floor.

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. 2290)

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	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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, 1:

Manternach

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 2290 be immediately messaged to the Senate.

Hahn of Muscatine in the chair at 6:50 p.m.

Regular Calendar

House File 2484, a bill for an act relating to the reorganization of the division of banking of the department of commerce and its regulation of banking, was taken up for consideration.

Jenkins of Black Hawk offered amendment H-8244 filed by Jenkins, et al., as follows:

H-8244

1 Amend House File 2484 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "DIVISION I
5 DIVISION OF BANKING"

6 2. Page 14, by inserting after line 33 the
7 following:

8 "DIVISION II
9 CREDIT UNIONS

10 Sec. ____ Section 533.2, Code 2003, is amended to
11 read as follows:

12 533.2 AMENDMENTS.

13 1. ~~The articles~~ Articles of incorporation ~~or the~~
14 ~~bylaws~~ may be amended by a favorable vote of a
15 majority of the members present at a meeting, if that
16 number constitutes a quorum and if the proposed
17 amendment was contained in the notice of the meeting.

18 2. Bylaws may also be amended by a any of the
19 following methods:

20 a. The favorable vote of a majority of the members

21 ~~of the board, or by present at a meeting, if that~~
 22 ~~number constitutes a quorum and if the proposed~~
 23 ~~amendment was contained in the notice of the meeting.~~

24 b. The favorable vote of a majority of the members
 25 of the board.

26 c. By a majority vote of members voting by mailed
 27 or electronic ballot, according to procedures
 28 specified by rule of the superintendent requiring at
 29 least twenty days' notice to all members, mailed
 30 ballots ensuring the confidentiality of voters,
 31 announcement to members of the results of the vote,
 32 and preservation of the ballots for a reasonable
 33 period of time according to procedures specified by
 34 rule of the superintendent, requiring at least twenty
 35 days' notice to all members. All amendments must be
 36 approved by the superintendent before they become
 37 effective. An announcement shall be made to members
 38 of the results of the vote. Ballots shall be
 39 preserved for a reasonable period of time following
 40 the vote.

41 d. A combination of procedures as specified in
 42 paragraphs "a" and "c", whereby members are allowed to
 43 vote either in person at a meeting or by mailed or
 44 electronic ballot, according to procedures specified
 45 by rule of the superintendent. If the proposed
 46 amendment receives a favorable majority of the total
 47 votes cast in person and by mailed ballot, the bylaws
 48 shall be amended.

49 Sec. ____. Section 533.4, subsection 5, Code 2003,
 50 is amended by adding the following new paragraph:

Page 2

1 NEW PARAGRAPH. j. Any investment permitted by
 2 federal credit unions, provided that this paragraph
 3 shall not permit a credit union to invest in a credit
 4 union service organization except as provided in
 5 paragraph "f".

6 Sec. ____. Section 533.4, Code 2003, is amended by
 7 adding the following new subsection:

8 NEW SUBSECTION. 28. Set off a member's accounts
 9 against any of the member's debts or liabilities owed
 10 the state credit union pursuant to an agreement
 11 entered into between the member and the credit union.
 12 The credit union shall also have a lien on the shares
 13 and deposits of a member for any sum due the credit
 14 union from the member or for any loan endorsed by the
 15 member.

16 Sec. ____. Section 533.6, subsection 2, Code 2003,
 17 is amended to read as follows:

18 2. The superintendent may make or cause to be made
 19 an examination of each credit union whenever the

20 superintendent believes such examination is necessary
 21 or advisable, but in no event less frequently than
 22 once during each ~~eighteen-month~~ twenty-four-month
 23 period. A credit union designated as serving
 24 predominantly low-income members shall be reviewed
 25 during each examination to ensure that such credit
 26 union is continuing to meet the standards established
 27 by rule of the superintendent. Each credit union and
 28 all of its officers and agents shall give to the
 29 representatives of the superintendent free access to
 30 all books, papers, securities, records, and other
 31 sources of information under their control. A report
 32 of such examination shall be forwarded to the
 33 chairperson of each credit union within thirty days
 34 after the completion of the examination. Within
 35 thirty days of the receipt of this report, a meeting
 36 of the directors shall be called to consider matters
 37 contained in the report and the action taken shall be
 38 set forth in the minutes of the board. The
 39 superintendent may accept, in lieu of the examination
 40 of a credit union, an audit report conducted by a
 41 certified public accounting firm selected from a list
 42 of firms previously approved by the superintendent.
 43 The cost of the audit shall be paid by the credit
 44 union.

45 Sec. ____ Section 533.8, Code 2003, is amended to
 46 read as follows:

47 533.8 ELECTIONS.

48 1. At the organization meeting there shall be
 49 elected a board of directors of not less than nine
 50 members to hold office for such terms as the bylaws

Page 3

1 provide and until successors are elected and qualify.

2 2. At each annual meeting there shall be elected
 3 one member to fill each position vacated by reason of
 4 expiring terms or other causes.

5 3. Pursuant to rules adopted by the
 6 superintendent, state credit unions may allow members
 7 to vote on the election of directors via electronic
 8 means including, but not limited to, the internet or
 9 telephone.

10 4. A record of the names and addresses of the
 11 directors, officers and committee persons shall be
 12 filed with the superintendent within ten days
 13 following each election.

14 5. A state credit union wishing to maintain a
 15 board of directors of less than nine members may apply
 16 to the superintendent for permission to reduce the
 17 required number of directors to no fewer than seven
 18 members. An application to reduce the required number

19 of directors under this subsection must demonstrate
 20 both of the following:

21 a. The application is necessitated by a hardship
 22 or other special circumstance.

23 b. The lesser number of directors is in the best
 24 interest of the credit union and its members.

25 Sec. ____ Section 533.9, Code 2003, is amended to
 26 read as follows:

27 533.9 DIRECTORS AND OFFICERS.

28 1. Within five days following the organization
 29 meeting and each annual meeting, the directors shall
 30 elect from their own number a chairperson of the
 31 board, a vice chairperson, a secretary, and a chief
 32 financial officer whose title shall be designated by
 33 the board of directors.

34 2. The board shall appoint a credit committee of
 35 not less than three members, and an auditing committee
 36 of not less than three members, and may also appoint
 37 alternate members of the credit committee.

38 3. Only a member of the board of directors or a
 39 member of the credit union may be appointed to the
 40 credit committee or to the auditing committee.

41 4. The board may appoint an executive committee to
 42 act on its behalf when designated for that purpose.

43 5. The duties and responsibilities of a director
 44 and of the board of directors have general shall
 45 include, but are not limited to, all of the following:

46 a. General management of the affairs of the state
 47 credit union including, but not limited to, the power
 48 to fix,

49 b. Setting the amount of the surety bond which
 50 that shall be required of all officers and employees

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1 handling money.

2 c. Periodic review of the original records of the
 3 state credit union, or comprehensive summaries
 4 prepared by the officers of the credit union,
 5 pertaining to loans, security interests, and
 6 investments.

7 d. Review of the adequacy of the state credit
 8 union's internal controls.

9 e. Periodic review of utilization of security
 10 measures.

11 f. Establishing education and training programs to
 12 ensure that the directors possess adequate knowledge
 13 to manage the affairs of the state credit union.

14 6. a. Directors of a state credit union shall
 15 discharge the duties of their position in good faith
 16 and with that diligence, care, and skill which
 17 ordinarily prudent persons would exercise under

18 similar circumstances in like positions.
19 b. The directors have a continuing responsibility
20 to assure themselves that the state credit union is
21 being managed according to law and that the practices
22 and policies adopted by the board are being
23 implemented.

24 7. Unless the bylaws provide otherwise, the board
25 of directors may permit any and all directors to
26 participate in all except one meeting per year of the
27 board of directors through the use of any means of
28 communication by which all directors participating in
29 the meeting may simultaneously hear each other and
30 communicate during the meeting. A director
31 participating in a meeting by this means is deemed to
32 be present at the meeting.

33 8. a. A director, committee member, officer, or
34 employee of a state credit union shall not directly or
35 indirectly participate in either the deliberation upon
36 or the determination of any matter in which the
37 director, committee member, officer, or employee has a
38 direct or indirect interest.

39 b. For the purposes of this subsection, an
40 interest may include, but is not limited to, a
41 pecuniary or familial interest.

42 Sec. ____. Section 533.12, subsection 1, Code 2003,
43 is amended to read as follows:

44 1. The capital of a credit union shall consist of
45 the payments that have been made to it by the several
46 members thereof on shares. ~~The credit union shall~~
47 ~~have a lien on the shares and deposits of a member for~~
48 ~~any sum due to the credit union from the member or for~~
49 ~~any loan endorsed by the member.~~ A credit union may
50 charge an entrance fee as may be provided by the

Page 5

1 bylaws.

2 Sec. ____. Section 533.19, Code 2003, is amended to
3 read as follows:

4 533.19 EXPULSION - WITHDRAWAL.

5 1. The board of directors may expel any member who
6 has failed to do either of the following:

7 a. Carry out the member's obligations to the state
8 credit union.

9 b. Comply with the state credit union's bylaws or
10 policies.

11 2. A member may be expelled by a majority vote of
12 the board of directors at a regular or special meeting
13 of the board.

14 a. The ~~An~~ expelled member may request a hearing
15 before the membership of the credit union. A meeting
16 of the membership shall be held within sixty days of

17 the member's request.

18 b. The membership may, by majority vote at the
19 membership meeting, reinstate the expelled member upon
20 terms and conditions prescribed by it.

21 3. Any member may withdraw from the credit union
22 at any time, but notice of withdrawal may be required
23 as provided in this section.

24 4. All amounts paid on shares or as deposits of an
25 expelled or withdrawing member, with any dividends or
26 interest accredited thereto, to the date thereof,
27 shall, after deducting all amounts due from the member
28 to the credit union and an amount as necessary to
29 honor outstanding share drafts drawn against accounts
30 of the member, be paid to the member.

31 5. Upon expulsion or withdrawal of a member from a
32 credit union, or at any other time, the credit union
33 may require sixty days' notice of intention to
34 withdraw shares and thirty days' notice of intention
35 to withdraw deposits, except that a credit union shall
36 not at any time require notice of withdrawal with
37 respect to funds which are subject to withdrawal by
38 share drafts.

39 6. Withdrawing or expelled members shall have no
40 further rights in the credit union but are not, by
41 such expulsion or withdrawal, released from any
42 remaining liability to the credit union.

43 Sec. . NEW SECTION. 533.19A SUSPENSION OR
44 RESTRICTION OF SERVICES.

45 1. A state credit union may suspend or deny
46 certain services to members who have performed any of
47 the following actions:

- 48 a. Caused a loss to the state credit union.
- 49 b. Violated the membership agreement or any policy
- 50 adopted by the board.

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1 c. Been physically or verbally abusive to state
2 credit union members or staff.

3 2. Members with suspended services may maintain a
4 share account and continue to vote at annual and
5 special meetings.

6 Sec. . Section 533.38, Code 2003, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 12. Establish one or more capital
9 accounts in the same manner as if it were a federal
10 credit union.

11 **DIVISION III**

12 **BANKS ARE LIMITED LIABILITY COMPANIES**

13 Sec. . Section 422.11, Code 2003, is amended to
14 read as follows:

15 422.11 **FRANCHISE TAX CREDIT.**

16 The taxes imposed under this division, less the
17 credits allowed under section 422.12, shall be reduced
18 by a franchise tax credit. A taxpayer who is a
19 shareholder in a financial institution, as defined in
20 section 581 of the Internal Revenue Code, which has in
21 effect for the tax year an election under subchapter S
22 of the Internal Revenue Code, or is a member of a
23 financial institution organized as a limited liability
24 company under chapter 524 that is taxed as a
25 partnership for federal income tax purposes, shall
26 compute the amount of the tax credit by recomputing
27 the amount of tax under this division by reducing the
28 taxable income of the taxpayer by the taxpayer's pro
29 rata share of the items of income and expense of the
30 financial institution and subtracting the credits
31 allowed under section 422.12. This recomputed tax
32 shall be subtracted from the amount of tax computed
33 under this division after the deduction for credits
34 allowed under section 422.12. The resulting amount,
35 which shall not exceed the taxpayer's pro rata share
36 of the franchise tax paid by the financial
37 institution, is the amount of the franchise tax credit
38 allowed.

39 Sec. ____ Section 524.103, subsections 6, 8, 17,
40 20, 30, 31, and 33, Code 2003, are amended to read as
41 follows:

42 6. "Articles of incorporation" means the original
43 or restated articles of incorporation and all
44 amendments thereto and includes articles of merger.
45 "Articles of incorporation" also means the original or
46 restated articles of organization and all amendments
47 including articles of merger if a state bank is
48 organized as a limited liability company under this
49 chapter.

50 8. "Bank" means a corporation or limited liability

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1 company organized under this chapter or 12 U.S.C. §
2 21.

3 17. "Control" means when a person, directly or
4 indirectly or acting through or together with one or
5 more persons, satisfies any of the following:

6 a. Owns, controls, or has the power to vote fifty
7 percent or more of any class of voting securities or
8 membership interests of another person.

9 b. Controls, in any manner, the election of a
10 majority of the directors, managers, trustees, or
11 other persons exercising similar functions of another
12 person.

13 c. Has the power to exercise a controlling
14 influence over the management or policies of another

15 person.

16 20. "Executive officer" means a person who
 17 participates or has authority to participate, other
 18 than in the capacity of a director or manager, in
 19 major policymaking functions of a state bank, whether
 20 or not the officer has an official title, whether or
 21 not such a title designates the officer as an
 22 assistant, or whether or not the officer is serving
 23 without salary or other compensation. The chief
 24 executive officer, chairperson of the board, the
 25 president, every vice president, and the cashier of a
 26 state bank are deemed to be executive officers, unless
 27 such an officer is excluded, by resolution of the
 28 board of directors of a state bank or by the bylaws of
 29 the state bank, from participation, other than in the
 30 capacity of a director, in major policymaking
 31 functions of the state bank, and the officer does not
 32 actually participate in the major policymaking
 33 functions. All officers who serve on a board of
 34 directors are deemed to be executive officers, except
 35 as provided for in section 524.701, subsection 3.

36 30. "Shareholder" means one who is a holder of
 37 record of shares in a state bank. If a state bank is
 38 organized as a limited liability company under this
 39 chapter, "shareholder" means any member of the limited
 40 liability company.

41 31. "Shares" means the units into which the
 42 proprietary interests in a state bank are divided,
 43 including any membership interests of a state bank
 44 organized as a limited liability company under this
 45 chapter.

46 33. "State bank" means any bank incorporated
 47 pursuant to the provisions of this chapter after
 48 January 1, 1970, and any "state bank" or "savings
 49 bank" incorporated pursuant to the laws of this state
 50 and doing business as such on January 1, 1970, or

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1 organized as a limited liability company under this
 2 chapter.

3 Sec.____. Section 524.103, Code 2003, is amended
 4 by adding the following new subsections:

5 NEW SUBSECTION. 9A. "Board of directors" means
 6 the board of directors of a state bank as provided in
 7 section 524.601. For state banks organized as a
 8 limited liability company under this chapter, "board
 9 of directors" means a board of directors or board of
 10 managers as designated by the limited liability
 11 company in its articles of organization or operating
 12 agreement.

13 NEW SUBSECTION. 18A. "Director" means a member of

14 the board of directors and includes a manager of a
15 state bank organized as a limited liability company
16 under this chapter.

17 NEW SUBSECTION. 23A. "Manager" means a person
18 designated by the members to manage a state bank
19 organized as a limited liability company under this
20 chapter as provided in the articles of organization or
21 an operating agreement and may include a member of the
22 board of directors.

23 NEW SUBSECTION. 23B. "Member" means a person with
24 a membership interest in a state bank organized as a
25 limited liability company under this chapter.

26 NEW SUBSECTION. 23C. "Membership interest" means
27 a member's share of the profits and losses, the right
28 to receive distributions of assets, and any right to
29 vote or participate in management, of a state bank
30 organized as a limited liability company under this
31 chapter.

32 Sec. ____ Section 524.301, Code 2003, is amended
33 to read as follows:

34 524.301 INCORPORATORS — ORGANIZERS.

35 A state bank may be incorporated or organized as a
36 limited liability company under this chapter by one or
37 more individuals eighteen years of age or older, a
38 majority of whom shall be residents of this state and
39 citizens of the United States.

40 Sec. ____ NEW SECTION. 524.302A ARTICLES OF
41 INCORPORATION — LIMITED LIABILITY COMPANY.

42 1. The articles of incorporation of a state bank
43 organized as a limited liability company under this
44 chapter shall be in the form prescribed by the
45 superintendent, and shall set forth all of the
46 following:

47 a. The name of the state bank, that it is
48 organized for the purpose of conducting the business
49 of banking, and that it is organized under the
50 provisions of this chapter.

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1 b. The street address of the limited liability
2 company's initial registered office and the name of
3 its initial registered agent at that office.

4 c. The location of the state bank's proposed
5 principal office of the limited liability company,
6 which may be the same as the registered office, but
7 need not be within this state.

8 d. The duration of the state bank, which shall be
9 perpetual.

10 e. The aggregate number of common and preferred
11 shares which the state bank shall have authority to
12 issue and the par value of such shares. If such

13 shares are to be divided into classes or series, the
 14 number of shares of each class or series and a
 15 statement of the par value of the shares of each class
 16 or series.

17 f. The number of managers constituting the initial
 18 board of directors and the names and addresses of the
 19 individuals who are to serve as directors until
 20 successors are elected and qualify. A statement that
 21 the exclusive authority to manage the state bank is
 22 vested in a board of directors that is elected or
 23 appointed by the members, that operates in
 24 substantially the same manner as, and has
 25 substantially the same rights, powers, privileges,
 26 duties, and responsibilities as, a board of directors
 27 of a state bank chartered as a corporation under this
 28 chapter.

29 g. A provision that the articles of incorporation,
 30 operating agreement, or other organizational documents
 31 of the state bank shall not require the consent of any
 32 other owner in order for an owner to transfer
 33 membership interests in the state bank, including
 34 voting rights.

35 2. The articles of incorporation may set forth any
 36 or all of the following:

37 a. Provisions not inconsistent with law regarding
 38 management of the business and regulation of the
 39 affairs of the state bank.

40 b. Any provision required or permitted by this
 41 chapter to be set forth in the operating agreement.

42 3. The articles of incorporation need not set
 43 forth any of the organizational powers enumerated in
 44 this chapter.

45 Sec.____. Section 524.303, Code 2003, is amended
 46 to read as follows:

47 524.303 APPLICATION FOR APPROVAL.

48 The incorporators or organizers shall make an
 49 application to the superintendent for approval of a
 50 proposed state bank in the manner prescribed by the

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1 superintendent and shall deliver to the
 2 superintendent, together with such application:

3 1. The articles of incorporation.

4 2. Applicable fees, payable to the secretary of
 5 state as specified in section 490.122 or 490A.124, for
 6 the filing and recording of the articles of
 7 incorporation.

8 Sec.____. Section 524.304, subsection 1, Code
 9 2003, is amended to read as follows:

10 1. The incorporators or organizers of a state bank
 11 shall, within thirty days of the acceptance of the

12 application for processing, publish notice of the
 13 proposed incorporation or organization once each week
 14 for two successive weeks in a newspaper of general
 15 circulation published in the municipal corporation
 16 which is proposed as the principal place of business
 17 of the state bank, or if there is none, a newspaper of
 18 general circulation published in the county, or in a
 19 county adjoining the county, in which the proposed
 20 state bank is to have its principal place of business.
 21 The notice shall set forth all of the following:
 22 a. The name of the proposed state bank.
 23 b. A statement that it is to be incorporated or
 24 organized under this chapter.
 25 c. The purpose or purposes of the state bank.
 26 d. The names and addresses of the incorporators or
 27 organizers and of the members of the initial board of
 28 directors or board of directors as they appear, or
 29 will appear, in the articles of incorporation.
 30 e. The date the application was accepted for
 31 processing.
 32 f. If the incorporation or organization of the
 33 state bank has been approved by the superintendent
 34 under section 524.305, subsection 8, the name and
 35 address of the bank with which the state bank will
 36 have merged, or the assets of which the state bank
 37 will have acquired or the condition of which in some
 38 other way provided a purpose for the incorporation or
 39 organization.
 40 Sec.____. Section 524.305, subsection 1, paragraph
 41 d, Code 2003, is amended to read as follows:
 42 d. The character and fitness of the incorporators
 43 or organizers and of the members of the initial board
 44 of directors are such as to command the confidence of
 45 the community and to warrant the belief that the
 46 business of the proposed state bank will be honestly
 47 and efficiently conducted.
 48 Sec.____. Section 524.305, subsections 6, 7, and
 49 9, Code 2003, are amended to read as follows:
 50 6. If the superintendent approves the application,

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1 the superintendent shall notify the incorporators or
 2 organizers, and such other persons who requested in
 3 writing that they be notified, of the approval. If
 4 the superintendent disapproves the application, the
 5 superintendent shall notify the incorporators or
 6 organizers of the action and the reason for the
 7 decision.
 8 7. The actions of the superintendent shall be
 9 subject to judicial review in accordance with chapter
 10 17A. The court may award damages to the incorporators

11 or organizers if it finds that review is sought
12 frivolously or in bad faith.

13 9. As a condition of receiving the decision of the
14 superintendent with respect to the application the
15 incorporators or organizers shall reimburse the
16 superintendent for all expenses incurred by the
17 superintendent in connection with the application.
18 Sec.____. Section 524.306, Code 2003, is amended
19 to read as follows:

20 524.306 INCORPORATION OR ORGANIZATION OF STATE
21 BANK.

22 1. Unless a delayed effective date or time is
23 specified, the corporate or organizational existence
24 of a state bank begins when the articles of
25 incorporation, with the superintendent's approval
26 indicated on the articles of incorporation, are filed
27 with the secretary of state. The secretary of state
28 shall record the articles of incorporation and forward
29 a copy of them to the county recorder of the county in
30 which the state bank is to have its principal place of
31 business.

32 2. The secretary of state's acknowledgment of
33 filing of the articles of incorporation is conclusive
34 proof that the incorporators or organizers satisfied
35 all conditions precedent to incorporation or
36 organization, except in a proceeding instituted by the
37 superintendent to cancel or revoke the incorporation
38 or involuntarily dissolve the corporation or
39 organization.

40 Sec.____. Section 524.307, Code 2003, is amended
41 to read as follows:

42 524.307 INITIAL ORGANIZATION OF STATE BANK.

43 Upon incorporation, or organization as a limited
44 liability company, of the state bank, the initial
45 board of directors shall hold an organizational
46 meeting within this state, at the call of a majority
47 of the directors, to complete the organization of the
48 state bank by electing officers, adopting bylaws, if
49 any are to be adopted, and conducting any other
50 business properly brought before the board at the

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1 meeting.

2 Sec.____. Section 524.308, subsection 2, Code
3 2003, is amended to read as follows:

4 2. If a state bank transacts any business before
5 receipt of an authorization to do business in
6 violation of subsection 1, the directors, managers,
7 and officers who willfully authorized or participated
8 in the action are severally liable for the debts and
9 liabilities of the state bank incurred prior to the

10 receipt of the authorization to do business.

11 Sec. ___. Section 524.310, Code 2003, is amended
12 to read as follows:

13 524.310 NAME OF STATE BANK.

14 1. The name of a state bank originally
15 incorporated or organized after the effective date of
16 this chapter shall include the word "bank" and may
17 include the word "state" or "trust" in its name. A
18 state bank using the word "trust" in its name must be
19 authorized under this chapter to act in a fiduciary
20 capacity.

21 2. The provisions of this section shall not
22 require any state bank, existing and operating on
23 January 1, 1970, to add to, modify or otherwise change
24 its corporate or organizational name, either on
25 January 1, 1970, or upon renewal of its corporate
26 existence pursuant to section 524.314.

27 3. If a state bank existing and operating on
28 January 1, 1970, causes its corporate or
29 organizational name to be changed, the name as changed
30 shall comply with subsection 1 of this section.

31 4. a. A person may reserve the exclusive use of a
32 corporate or organizational name for a state bank by
33 delivering an application to the secretary of state
34 for filing. The application must set forth the name
35 and address of the applicant and the name proposed to
36 be reserved. If the secretary of state finds that the
37 corporate or organizational name applied for is
38 available, the secretary of state shall reserve the
39 name for the applicant's exclusive use for a
40 nonrenewable one hundred twenty day period.

41 b. The owner of a reserved corporate or
42 organizational name may transfer the reservation to
43 another person by delivering to the secretary of state
44 a signed notice of the transfer that states the name
45 and address of the transferee.

46 Sec. ___. Section 524.312, subsections 1 and 5,
47 Code 2003, are amended to read as follows:

48 1. A state bank originally incorporated or
49 organized pursuant to this chapter shall have its
50 principal place of business within the city limits of

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1 a municipal corporation. The existence of a state
2 bank shall not, however, be affected by the subsequent
3 discontinuance of the municipal corporation. A state
4 bank existing and operating on January 1, 1970, which
5 does not have its principal place of business within
6 the city limits of a municipal corporation, may renew
7 its corporate or organizational existence pursuant to
8 section 524.314 without regard to this section and may

9 also operate as a bank or convert to and operate as a
 10 bank office when acquired by or merged into another
 11 state bank and approved by the superintendent.
 12 5. A state bank approved under the provisions of
 13 section 524.305, subsection 8, shall not commence its
 14 business at any location other than within a municipal
 15 corporation or unincorporated area in which was
 16 located the principal place of business or an office
 17 of the bank the condition of which was the basis for
 18 the superintendent authorizing incorporation or
 19 organization of the new state bank.

20 Sec.____. Section 524.313, Code 2003, is amended
 21 to read as follows:

22 524.313 BYLAWS.

23 A state bank may adopt bylaws. The power to adopt,
 24 amend, or repeal bylaws or adopt new bylaws is vested
 25 in the board of directors unless reserved to the
 26 shareholders by the articles of incorporation. The
 27 bylaws may contain any provisions for the regulation
 28 and management of the affairs of the state bank not
 29 inconsistent with law or the articles of
 30 incorporation. For a state bank organized as a
 31 limited liability company under this chapter, "bylaws"
 32 means the operating agreement of the state bank.

33 Sec.____. NEW SECTION. 524.315 STATE BANKS AS
 34 LIMITED LIABILITY COMPANIES.

35 1. A state bank organized as a limited liability
 36 company under this chapter shall also be subject to
 37 chapter 490A, the Iowa limited liability company Act.
 38 If a provision of the Iowa limited liability company
 39 Act conflicts with a provision of this chapter or any
 40 rule of the superintendent adopted pursuant to this
 41 chapter, the provisions of this chapter or rule of the
 42 superintendent shall control.

43 2. The superintendent shall possess the exclusive
 44 authority to regulate a state bank organized as a
 45 limited liability company under this chapter.

46 3. The superintendent may adopt rules to ensure
 47 that a state bank organized as a limited liability
 48 company under this chapter is operating in a safe and
 49 sound manner and is subject to the superintendent's
 50 authority in the same manner as a state bank organized

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1 as a corporation.

2 Sec.____. Section 524.401, subsections 2, 3, and
 3 4, Code 2003, are amended to read as follows:

4 2. The minimum capital structure of a state bank
 5 incorporated after July 1, 1995, or organized after
 6 July 1, 2004, pursuant to the provisions of this
 7 chapter shall not be less than the amount required by

8 the federal deposit insurance corporation, or its
9 successor, or a greater amount which the
10 superintendent may deem necessary in view of the
11 deposit potential of the state bank and current
12 banking standards relating to total capital
13 requirements.

14 3. A state bank incorporated on or after July 1,
15 1995, or organized after July 1, 2004, pursuant to
16 this chapter, prior to receiving authorization to do
17 business from the superintendent, shall establish
18 paid-in surplus and undivided profits as required by
19 the superintendent.

20 4. A state bank originally incorporated or
21 organized pursuant to this chapter shall establish,
22 prior to receiving authorization to do business from
23 the superintendent, paid-in surplus and undivided
24 profits as required by the superintendent.

25 Sec. ____ Section 524.525, Code 2003, is amended
26 to read as follows:

27 524.525 SUBSCRIPTION FOR SHARES BEFORE
28 INCORPORATION OR ORGANIZATION.

29 1. A subscription for shares entered into before
30 incorporation or organization of the state bank is
31 irrevocable for six months unless the subscription
32 agreement provides a longer or shorter period, or all
33 subscribers agree to revocation.

34 2. The board of directors may determine the
35 payment terms of subscriptions for shares that were
36 entered into before incorporation or organization of
37 the state bank unless the subscription agreement
38 specifies the terms. A call for payment by the board
39 of directors must be uniform so far as practicable as
40 to all shares of the same class or series, unless the
41 subscription agreement specifies otherwise.

42 3. Shares issued pursuant to subscriptions entered
43 into before incorporation or organization of the state
44 bank are fully paid and nonassessable when the state
45 bank receives the consideration specified in the
46 subscription agreement.

47 4. If a subscriber defaults in payment of money or
48 property under a subscription agreement entered into
49 before incorporation or organization of the state
50 bank, the state bank may do either of the following:

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- 1 a. Collect the amount owed as any other debt.
- 2 b. Unless the subscription agreement provides
- 3 otherwise, the state bank may rescind the agreement
- 4 and may sell the shares if the debt remains unpaid
- 5 more than twenty days after the state bank sends
- 6 written demand for payment to the subscriber.

7 Sec. ____ Section 524.528, subsection 2, paragraph
8 c, Code 2003, is amended to read as follows:

9 c. There is no preemptive right with respect to
10 any of the following:

11 (1) Shares issued as compensation to directors,
12 managers, officers, agents, or employees of the state
13 bank, its subsidiaries, or its affiliates.

14 (2) Shares issued to satisfy conversion or option
15 rights created to provide compensation to directors,
16 managers, officers, agents, or employees of the state
17 bank, its subsidiaries, or its affiliates.

18 (3) Shares authorized in articles of incorporation
19 that are issued within six months from the effective
20 date of incorporation or organization.

21 Sec. ____ Section 524.801, subsection 1, Code
22 2003, is amended to read as follows:

23 1. To sue and be sued, complain and defend, in its
24 corporate or organizational name.

25 Sec. ____ Section 524.801, unnumbered paragraph 2,
26 Code 2003, is amended to read as follows:

27 The powers granted in this section shall not be
28 construed as limiting or enlarging any grant of
29 authority made elsewhere in this chapter, or as a
30 limitation on the purposes for which a state bank may
31 be incorporated or organized.

32 Sec. ____ Section 524.1301, Code 2003, is amended
33 to read as follows:

34 524.1301 DISSOLUTION BY INCORPORATORS, ORGANIZERS,
35 OR INITIAL DIRECTORS.

36 A majority of the incorporators, organizers, or
37 initial directors of a state bank that has not issued
38 shares or has not commenced business may dissolve the
39 state bank by delivering articles of dissolution to
40 the superintendent, together with the applicable
41 filing and recording fees, for filing with the
42 secretary of state that set forth all of the
43 following:

- 44 1. The name of the state bank.
- 45 2. The date of its incorporation or organization.
- 46 3. Either of the following:
 - 47 a. That the state bank has not issued any shares.
 - 48 b. That the state bank has not commenced business.
- 49 4. That no debt of the state bank remains unpaid.
- 50 5. If shares were issued, that the net assets of

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1 the state bank remaining after the payment of all
2 necessary expenses have been distributed to the
3 shareholders.

4 6. That a majority of the incorporators,
5 organizers, or initial directors authorized the

6 dissolution.

7 Sec. ____ Section 524.1302, Code 2003, is amended
8 to read as follows:

9 524.1302 INVOLUNTARY DISSOLUTION PRIOR TO
10 COMMENCEMENT OF BUSINESS.

11 Prior to the issuance of an authorization to do
12 business, the superintendent may cause the dissolution
13 of a state bank if there exists any reason why it
14 should not have been incorporated or organized under
15 this chapter or if an authorization to do business has
16 not been issued within one year after the date of its
17 incorporation or organization, or such longer time as
18 the superintendent may allow for satisfaction of
19 conditions precedent to its issuance. After giving
20 the state bank adequate notice and an opportunity for
21 hearing, the superintendent shall certify the
22 applicable facts by the filing of a statement with the
23 secretary of state, who shall thereafter issue a
24 certificate of dissolution. Upon the issuance of such
25 certificate of dissolution by the secretary of state,
26 the corporate or organizational existence of the state
27 bank shall cease.

28 Sec. ____ Section 524.1309, Code 2003, is amended
29 to read as follows:

30 524.1309 BECOMING SUBJECT TO CHAPTER 490 OR 490A.

31 In lieu of the dissolution procedure prescribed in
32 sections 524.1303 to 524.1306, a state bank may cease
33 to carry on the business of banking and, after
34 compliance with this section, continue as a
35 corporation subject to chapter 490; or if the state
36 bank is organized as a limited liability company under
37 this chapter, continue as a limited liability company
38 subject to chapter 490A.

39 1. A state bank ~~which~~ that has commenced business
40 may propose to voluntarily cease to carry on the
41 business of banking and become a corporation subject
42 to chapter 490, or a limited liability company subject
43 to chapter 490A, upon the affirmative vote of the
44 holders of at least a majority of the shares entitled
45 to vote on such proposal, adopting a plan involving
46 both a provision for acquisition of its assets and
47 assumption of its liabilities by another state bank,
48 national bank, or other financial institution insured
49 by the federal deposit insurance corporation, and a
50 provision for continuance of its business if

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1 acquisition of its assets and assumption of its
2 liabilities is not effected, or any other plan
3 providing for the cessation of banking business and
4 the payment of its liabilities.

5 2. The application to the superintendent for
6 approval of a plan described in subsection 1 of ~~this~~
7 ~~section~~ shall be treated by the superintendent in the
8 same manner as an application for approval of a plan
9 of dissolution under ~~subsection 2~~ of section 524.1303,
10 subsection 2, and shall be subject to ~~subsection 3~~ of
11 section 524.1303, subsection 3.

12 3. Immediately upon adoption and approval of a
13 plan to voluntarily cease to carry on the business of
14 banking and become a corporation subject to chapter
15 490, or a limited liability company subject to chapter
16 490A, the state bank shall deliver to the
17 superintendent a plan to cease the business of banking
18 and become a corporation subject to chapter 490, or a
19 limited liability company subject to chapter 490A,
20 which shall be signed by two of its duly authorized
21 officers and shall contain the name of the state bank,
22 the post office address of its principal place of
23 business, the name and address of its officers and
24 directors, the number of shares entitled to vote on
25 the plan and the number of shares voted for or against
26 the plan, respectively, the nature of the business to
27 be conducted by the corporation under chapter 490, or
28 by the limited liability company subject to chapter
29 490A, and the general nature of the assets to be held
30 by the corporation or company.

31 4. Upon approval of the plan by the
32 superintendent, the state bank shall immediately
33 surrender to the superintendent its authorization to
34 do business as a bank and shall cease to accept
35 deposits and carry on the banking business except
36 insofar as may be necessary for it to complete the
37 settlement of its affairs as a state bank in
38 accordance with subsection 5.

39 5. The board of directors has full power to
40 complete the settlement of the affairs of the state
41 bank. Within thirty days after approval by the
42 superintendent of the plan to cease the business of
43 banking and become a corporation subject to chapter
44 490, or a limited liability company subject to chapter
45 490A, the state bank shall give notice of its intent
46 to persons identified in section 524.1305, subsection
47 4, in the manner provided for in that subsection. In
48 completing the settlement of its affairs as a state
49 bank the state bank shall also follow the procedure
50 prescribed in section 524.1305, subsections 4, 5, and

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- 1 6.
2 6. Upon completion of all the requirements of this
3 section, the state bank shall deliver to the
4 superintendent articles of intent to be subject to
5 chapter 490 or 490A, together with the applicable
6 filing and recording fees, which shall set forth that
7 the state bank has complied with this section, that it
8 has ceased to carry on the business of banking, and
9 the information required by section 490.202 relative
10 to the contents of articles of incorporation under
11 chapter 490, or article of organization under chapter
12 490A. If the superintendent finds that the state bank
13 has complied with this section and that the articles
14 of intent to be subject to chapter 490 or 490A satisfy
15 the requirements of this section, the superintendent
16 shall deliver them to the secretary of state for
17 filing and recording in the secretary of state's
18 office, and they shall be filed and recorded in the
19 office of the county recorder.
- 20 7. Upon the filing of the articles of intent to be
21 subject to chapter 490 or 490A, the state bank shall
22 cease to be a state bank subject to this chapter, and
23 shall cease to have the powers of a state bank subject
24 to this chapter and shall become a corporation subject
25 to chapter 490 or a limited liability company subject
26 to chapter 490A. The secretary of state shall issue a
27 certificate as to the filing of the articles of intent
28 to be subject to chapter 490 or 490A, and send the
29 certificate to the corporation or limited liability
30 company or its representative. The articles of intent
31 to be subject to chapter 490 or 490A shall be the
32 articles of incorporation of the corporation or a
33 limited liability company. The provisions of chapter
34 490 or 490A becoming applicable to a corporation or
35 limited liability company formerly doing business as a
36 state bank shall not affect any right accrued or
37 established, or liability or penalty incurred under
38 this chapter prior to the filing with the secretary of
39 state of the articles of intent to be subject to
40 chapter 490 or 490A.
- 41 8. A shareholder of a state bank who objects to
42 adoption by the state bank of a plan to cease to carry
43 on the business of banking and to continue as a
44 corporation subject to chapter 490, or a limited
45 liability company subject to chapter 490A, is entitled
46 to appraisal rights provided for in chapter 490,
47 division XIII, or in chapter 490A, subchapter VII.
- 48 9. A state bank, at any time prior to the approval
49 of the articles of intent to become subject to chapter
50 490 or 490A, may revoke the proceedings in the manner

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1 prescribed by section 524.1306.

2 Sec.____. Section 524.1405, subsection 2,
3 paragraph f, Code 2003, is amended to read as follows:

4 f. The shares of each party to the merger that are
5 to be converted into shares, obligations, or other
6 securities of the surviving party or any other
7 corporation or limited liability company or into cash
8 or other property are converted, and the former
9 holders of the shares are entitled only to the rights
10 provided in the articles of merger or to their rights
11 under section 524.1406.

12 Sec.____. Section 524.1408, Code 2003, is amended
13 to read as follows:

14 524.1408 MERGER OF CORPORATION OR LIMITED
15 LIABILITY COMPANY SUBSTANTIALLY OWNED BY A STATE BANK.

16 A state bank owning at least ninety percent of the
17 outstanding shares, of each class, of another
18 corporation or limited liability company which it is
19 authorized to own under this chapter, may merge the
20 other corporation or limited liability company into
21 itself without approval by a vote of the shareholders
22 of either the state bank or the subsidiary corporation
23 or limited liability company. The board of directors
24 of the state bank shall approve a plan of merger, mail
25 to shareholders of record of the subsidiary
26 corporation or holders of membership interests in the
27 subsidiary limited company, and prepare and execute
28 articles of merger in the manner provided for in
29 section 490.1105. The articles of merger, together
30 with the applicable filing and recording fees, shall
31 be delivered to the superintendent who shall, if the
32 superintendent approves of the proposed merger and if
33 the superintendent finds the articles of merger
34 satisfy the requirements of this section, deliver them
35 to the secretary of state for filing and recording in
36 the secretary of state's office, and they shall be
37 filed in the office of the county recorder. The
38 secretary of state upon filing the articles of merger
39 shall issue a certificate of merger and send the
40 certificate to the state bank and a copy of it to the
41 superintendent.

42 Sec.____. Section 524.1802, subsection 1, Code
43 2003, is amended by adding the following new
44 paragraph:

45 NEW PARAGRAPH. gg. "Incorporated in any state"
46 means a limited liability company organized as a state
47 bank under this chapter and a limited liability
48 company organized as a state bank under the laws of
49 any state as defined in 12 U.S.C. } 1813(a)(3).

50 Sec.____. Section 524.2001, Code 2003, is amended

Page 20

1 to read as follows:
 2 524.2001 APPLICABILITY OF OTHER CHAPTERS.
 3 Chapters 490, 490A, 491, 492, and 493 do not apply
 4 to banks except as provided by this chapter.

5 DIVISION IV

6 REAL PROPERTY LOANS

7 Sec. ____ Section 535.8, subsection 2, paragraph
 8 b, unnumbered paragraph 2, Code 2003, is amended to
 9 read as follows:

10 The lender shall not charge the borrower for the
 11 cost of revenue stamps or real estate commissions
 12 which are paid by the seller.

13 PARAGRAPH DIVIDED. ~~Collection~~ The collection of
 14 any cost costs other than as expressly permitted by
 15 this lettered paragraph "b" is prohibited. However,
 16 additional costs incurred in connection with a loan
 17 under this paragraph "b", if bona fide and reasonable,
 18 may be collected by a state-chartered financial
 19 institution licensed under chapter 524, 533, or 534,
 20 to the extent permitted under applicable federal law
 21 as determined by the office of the comptroller of the
 22 currency of the United States department of treasury,
 23 the national credit union association, or the office
 24 of thrift supervision of the United States department
 25 of treasury. Such costs shall apply only to the same
 26 type of state chartered entity as the federally
 27 chartered entity affected."

28 3. Title page, by striking lines 1 and 2 and
 29 inserting the following: "An Act relating to the
 30 regulation of financial institutions including banks,
 31 credit unions, and real property loan lenders."

32 4. By renumbering as necessary.

Jenkins of Black Hawk offered the following amendment H-8250,
 to amendment H-8244, filed by him from the floor and moved its
 adoption:

H-8250

1 Amend the amendment, H-8244, to House File 2484 as
 2 follows:

3 1. Page 2, line 1, by striking the words
 4 "investment permitted by" and inserting the following:
 5 "permissible investment for".

Amendment H-8250 was adopted.

Jenkins of Black Hawk offered the following amendment H-8249,
 to amendment H-8244, filed by him from the floor and moved its
 adoption:

H-8249

- 1 Amend the amendment, H-8244, to House File 2484 as
- 2 follows:
- 3 1. Page 6, line 12, by striking the word "ARE"
- 4 and inserting the following: "AS".
- 5 2. Page 20, line 27, by inserting after the word
- 6 "affected" the following: "and to an insurer
- 7 organized under chapter 508 or 515, or otherwise
- 8 authorized to conduct the business of insurance in
- 9 this state".

Amendment H-8249 was adopted.

Eichhorn of Hamilton offered the following amendment H-8256, to amendment H-8244, filed by him from the floor and moved its adoption:

H-8256

- 1 Amend the amendment, H-8244, to House File 2484 as
- 2 follows:
- 3 1. Page 20, by striking lines 5 through 27.
- 4 2. Page 20, by striking lines 30 and 31 and
- 5 inserting the following: "regulation of banks and
- 6 credit unions."

A non-record roll call was requested.

The ayes were 36, nays 54.

Amendment H-8256 lost.

On motion by Jenkins of Black Hawk amendment H-8244, as amended, 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. 2484)

The ayes were, 85:

Alons	Arnold	Baudler	Bell
Boal	Boggess	Bukta	Carroll
Chambers	Cphoon	Connors	Dandekar

Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Elgin	Foege
Freeman	Gaskill	Gipp	Granzow
Greiner	Hanson	Heaton	Heddens
Hoffman	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Smith	Stevens
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Wise
Hahn, Presiding			

The nays were, 14:

Berry	Boddicker	Eichhorn	Fallon
Ford	Frevert	Greimann	Hogg
Hunter	Jochum	Osterhaus	Shoultz
Taylor, D.	Winckler		

Absent or not voting, 1:

Manternach

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, 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 16, 2004, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments.

Also: That the Senate has on March 16, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2340, a bill for an act relating to the temporary absence of an elected city official on active military duty and the appointment of a temporary replacement and providing an effective date.

Also: That the Senate has on March 16, 2004, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2009, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

Also: That the Senate has on March 16, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2154, a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

Also: That the Senate has on March 16, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2243, a bill for an act relating to the transfer and apportionment of district associate judges and to the qualifications of magistrates, and providing for a study.

Also: That the Senate has on March 16, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2290, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date.

MICHAEL E. MARSHALL, Secretary

Speaker Rants in the chair at 7:44 p.m.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2484** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 15, 2004. Had I been present, I would have voted "aye" on House Files 2352, 2462, 2493 and Senate Files 2059, 2070, 2112, 2166, 2167, 2188, 2230, 2240, 2253 and 2261 and "nay" on House File 2505 and Senate File 2189.

DE BOEF of Keokuk

I was necessarily absent from the House chamber on March 16, 2004. Had I been present, I would have voted "aye" on House File 2395.

RAECKER of Polk

I was necessarily absent from the House chamber on March 15, 2004. Had I been present, I would have voted "aye" on House Files 2352, 2462, 2493 and Senate Files 2059, 2070, 2112, 2166, 2167, 2188, 2189, 2230, 2240, 2253 and 2261 and "nay" on House File 2505.

ROBERTS of Carroll

I was necessarily absent from the House chamber on March 15, 2004. Had I been present, I would have voted "aye" on House Files 2352, 2462, 2493, 2505 and Senate Files 2059, 2070, 2112, 2166, 2167, 2188, 2189, 2230, 2240, 2253 and 2261.

WHITEAD of Woodbury

I was necessarily absent from the House chamber on March 15, 2004. Had I been present, I would have voted "aye" on House Files 2352, 2462, 2493, 2505 and Senate Files, 2059, 2070, 2112, 2166, 2167, 2188, 2189, 2230, 2240, 2253 and 2261.

WISE of Lee

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2004\731 Lyle Dockwell, Latimer – For celebrating his 80th birthday.
- 2004\732 Fred Trager, Hampton – For celebrating his 90th birthday.
- 2004\733 Shirley and George Dunham, LeGrand – For celebrating their 60th wedding anniversary.
- 2004\734 Harold Casper, Melbourne – For celebrating his 83rd birthday.

- 2004\735 Veda and Paul Miller, Lacona – For celebrating their 70th wedding anniversary.
- 2004\736 Dolores Kloberdanz, Webster City – For celebrating her 80th birthday.
- 2004\737 Andy Wenzel, Clarion/Goldfield Elementary – For winning 1st place in the Iowa Mother's Association Essay Contest.
- 2004\738 Ellen Odle, Clarion/Goldfield Elementary – For receiving 2nd place in the Iowa Mother's Association Essay Contest.
- 2004\739 Darin Eisenger, Clarion – For earning All-American status as an amateur in Triathlon USA's 2003 National Rankings.
- 2004\740 Brittany Helgeson, Clarion/Goldfield High School – For winning the Girls State Wrestling Championship.
- 2004\741 Roxanne Soesbe, Clarion/Goldfield High School – For winning the Girls State Wrestling Championship.
- 2004\742 Lavonne Reinke, Larchwood – For being named Iowa Clerk of the Year.
- 2004\743 Joshua Van Roekel, Sioux Center – For attaining the Rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\744 Heikalena and Sylvester Harms, George – For celebrating their 60th wedding anniversary.
- 2004\745 Jacob Krapfl, New Vienna – For his outstanding performance of duty in Iraq as part of Operation Iraqi Freedom.
- 2004\746 Iola Jensen, West Union – For celebrating her 90th birthday.
- 2004\747 Maria Kalm, Maynard – For celebrating her 80th birthday.
- 2004\748 Ruth Nicholson, Oelwein – For celebrating her 96th birthday.
- 2004\749 Lenora Fagenbaum, Sumner – For celebrating her 90th birthday.
- 2004\750 Elsie Warnke, Sumner – For celebrating her 88th birthday.
- 2004\751 Andrew Huhman, Denver – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\752 Anna Kuhnberg, Oelwein – For celebrating her 100th birthday.
- 2004\753 Olinda Aschbrenner, Sumner – For celebrating her 95th birthday.
- 2004\754 Margaret Reinertson, Ocheyedan – For celebrating her 90th birthday.

- 2004\755 Paul Keitel, De Witt – For being inducted into the 2004 Iowa High School Athletic Association's Officials Hall of Fame.
- 2004\756 Raymond Culbertson, Bagley – For celebrating his 80th birthday.
- 2004\757 Jack and Shirley Drake, Lewis – For celebrating their 50th wedding anniversary.
- 2004\758 Chad Larson, Milford – For attaining the rank of Eagle Scout, the highest rank in Boy Scouts of America.
- 2004\759 Jonathan Vaage, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 2372

Ways and Means: Olson, S., Chair; Drake and Frevert.

House File 2417

Ways and Means: Carroll, Chair; Frevert and Tymeson.

House File 2474

Ways and Means: Lalk, Chair; Davitt and Drake.

House File 2477

Ways and Means: Boal, Chair; Huser and Lukan.

Senate File 449

Ways and Means: Paulsen, Chair; Sands and Shoultz.

Senate File 2249

Public Safety: Baudler, Chair; Hunter and Klemme.

Senate File 2278

Public Safety: Sands, Chair; De Boef and Heddens.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 719 Oversight

Relating to farm mediation, by providing for participation by foreign business entities.

H.S.B. 720 Ways and Means

A joint resolution proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

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

House File 2540, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8246** March 16, 2004.

Pursuant to Rule 31.7, House File 2540 was referred to the committee on ways and means.

COMMITTEE ON TRANSPORTATION

Senate File 2066, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 635), relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 2004.

RESOLUTION FILED

HCR 120, by Gipp, a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8247	H.F.	2471	Hanson of Benton
H—8248	S.F.	297	Lukan of Dubuque Miller of Webster
H—8251	H.F.	2524	Eichhorn of Hamilton
H—8252	H.F.	2521	Oldson of Polk Miller of Webster
			Quirk of Chickasaw
			Swaim of Davis
			Hogg of Linn
			Petersen of Polk
			Struyk of Pottawattamie
			Wise of Lee
H—8258	H.F.	2473	Carroll of Poweshiek Smith of Marshall
H—8259	H.F.	2441	Eichhorn of Hamilton
H—8260	H.F.	2340	Senate Amendment
H—8261	H.F.	2532	Bell of Jasper
H—8262	H.F.	2532	Elgin of Linn
H—8263	H.F.	2524	Eichhorn of Hamilton

On motion by Gipp of Winneshiek the House adjourned at 7:45 p.m., until 8:45 a.m., Wednesday, March 17, 2004.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 17, 2004

The House met pursuant to adjournment at 8:51 a.m., Speaker Rants in the chair.

Prior to convening the House was entertained by an Irish band, including the Honorable Ed Fallon, state representative from Polk County.

Prayer was offered by Reverend Steve Ellerbusch, pastor of Bethany Lutheran Church, Emmetsburg. He was the guest of Representative Marcella Frevert from Palo Alto County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 16, 2004 was approved.

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 17, 2004, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 114, a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2150, by committee on human resources, a bill for an act providing for termination of parental rights of a parent convicted of felony physical or sexual abuse of a child in the parent's or child's household.

Read first time and referred to committee on **judiciary**.

Senate File 2234, by committee on judiciary, a bill for an act relating to child custody and visitation provisions.

Read first time and referred to committee on **judiciary**.

Senate File 2284, by committee on ways and means, a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

Read first time and referred to committee on **ways and means**.

SPECIAL PRESENTATION

Frevert of Palo Alto and Jenkins of Black Hawk introduced to the House Pat Breen, T.D., a member of the Irish Parliament representing County Clare. He will represent the Republic of Ireland at the Emmetsburg St. Patrick's Day Association 2004 Celebration. He was accompanied by his wife Anne. He briefly addressed the House, thanking all for the opportunity to visit Iowa and spoke of the relationship between the United States and Ireland.

The House rose and expressed its welcome.

Frevert of Palo Alto introduced to the House the Shamrock Queen, Hillary Hanson, with friend, Rachel Rouse. Mick Conlon and Andy and Kim Joyce were the dignitaries hosting Mr. Breen in Iowa. The House was entertained with the dancing of the "Little Irish Dancers" from Emmetsburg.

The House rose and expressed its welcome.

Boddicker of Cedar, Connors of Polk, Fallon of Polk and Mertz of Kossuth came forward; Connors with the Irish flag, Mertz and Boddicker joined in an Irish jig accompanied by Fallon. Boddicker of Cedar sang "Danny Boy" and "When Irish Eyes Are Smiling" accompanied by Fallon of Polk.

The House rose and expressed its appreciation.

ADOPTION OF SENATE CONCURRENT RESOLUTION 114

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of **Senate Concurrent Resolution 114**, a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year, 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 114** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 9:25 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:05 p.m., Roberts of Carroll in the chair.

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2009, by Iverson, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

Read first time and referred to committee on **administration and rules**.

Senate File 2154, by committee on judiciary, a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

Read first time and referred to committee on **public safety**.

Senate File 2243, by committee on judiciary, a bill for an act relating to the transfer and apportionment of district associate judges

and to the qualifications of magistrates, providing for a study, and providing for an effective date.

Read first time and referred to committee on **judiciary**.

Senate File 2280, by committee on state government, a bill for an act relating to the awarding of bonuses to appointed state officers and state employees and providing an effective date.

Read first time and referred to committee on **state 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 17, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2403, an act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

Also: That the Senate has on March 17, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2210, an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

Also: That the Senate has on March 17, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2237, an act relating to the minimum amount of instructional time accredited schools are required to provide.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 3:07 p.m., until the fall of the gavel.

The House resumed session at 3:55 p.m., Roberts of Carroll in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Manternach of Jones, until his return, on request of Gipp of Winneshiek; Foegel of Linn and D. Taylor of Linn on request of T. Taylor of Linn.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three 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 17, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2347, an act relating to the uniform limited partnership Act and providing a penalty and effective dates.

Also: That the Senate has on March 17, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2373, an act providing for the inapplicability of provisions regulating licensed real estate brokers and salespersons to auctioneers under specified circumstances, and providing penalties.

Also: That the Senate has on March 17, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2070, an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and issuance of commercial driver's licenses, and providing effective dates.

Also: That the Senate has on March 17, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2270, an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 2486, a bill for an act providing for animal agriculture, including by providing for offenses involving animals and crops and related property, and providing penalties, previously deferred, 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. 2486)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boguess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	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
Wildurdyke	Winckler	Wise	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Foege	Kramer	Manternach	Taylor, D.
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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 2506, a bill for an act relating to electronic and facsimile prescriptions and making penalties applicable, 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. 2506)

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
Eichhorn	Elgin	Fallon	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Smith
Stevens	Struyk	Swaim	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, none.

Absent or not voting, 5:

Foege	Kramer	Manternach	Shoultz
Taylor, D.			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2365 WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw House File 2365 from further consideration by the House.

House File 2515, a bill for an act relating to the keeping of farm deer, 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. 2515)

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	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shultz
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	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Foegel	Kramer	Manternach	Taylor D.
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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 2406 WITHDRAWN

Mertz of Kossuth asked and received unanimous consent to withdraw House File 2406 from further consideration by the House.

House File 2518, a bill for an act relating to the duties of the soil and water conservation division of the department of agriculture and land stewardship, 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. 2518)

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	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	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
Wildurdyke	Winckler	Wise	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Foegel Kramer Manternach Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2522, a bill for an act relating to evidence in a sexual abuse case, 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. 2522)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Wilderdye
Winckler	Wise	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Dolecheck
Taylor, D.

Foege

Kramer

Manternach

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 2486, 2506, 2515, 2518 and 2522.**

House File 2533, a bill for an act relating to protective orders and court-approved consent agreements under the domestic abuse Act, 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. 2533)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Prevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shultz	Smith
Stevens	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	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Dolecheck	Foegen	Kramer	Manternach
Taylor, D.			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House Joint Resolution 2004, 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.

SENATE JOINT RESOLUTION 2007 SUBSTITUTED FOR HOUSE JOINT RESOLUTION 2004

Jacobs of Polk asked and received unanimous consent to substitute Senate Joint Resolution 2007 for House Joint Resolution 2004.

Senate Joint Resolution 2007, 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, 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. 2007)

The ayes were, 76:

Baudler	Bell	Berry	Boddicker
Bogges	Bukta	Carroll	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Elgin	Freeman	Frevort

Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Hoffman	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jochum	Jones	Kuhn	Kurtenbach
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shoultz	Stevens
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyeke	Winckler	Wise

The nays were, 17:

Alons	Arnold	Boal	Chambers
De Boef	Drake	Eichhorn	Fallon
Ford	Heddens	Hogg	Klemme
Lalk	Shomshor	Smith	Van Engelenhoven
Roberts, Presiding			

Absent or not voting, 7:

Dolecheck	Foege	Jenkins	Kramer
Manternach	Paulsen	Taylor, D.	

The joint resolution having received a constitutional majority was declared to be adopted, and agreed to by the House.

House File 22, a bill for an act relating to the awarding of joint physical care of a child, was taken up for consideration.

Boddicker of Cedar offered amendment H-8154 filed by the committee on human resources as follows:

H-8154

- 1 Amend House File 22 as follows:
- 2 1. Page 1, by striking lines 3 through 14, and
- 3 inserting the following:
- 4 "5. a. Joint physical care may be in the best
- 5 interest of the child, but if joint legal custody does
- 6 not require is awarded to both parents, the court may
- 7 award joint physical care. When the court determines
- 8 such action would be in the best interest of the child
- 9 and would preserve the relationship between each

10 ~~parent and the child, joint physical care may be~~
11 ~~awarded to both joint custodial parents or physical~~
12 ~~care may be awarded to one joint custodial parent upon~~
13 ~~the request of either parent. If the court denies the~~
14 ~~request for joint physical care, the determination~~
15 ~~shall be accompanied by specific findings of fact and~~
16 ~~conclusions of law that the awarding of joint physical~~
17 ~~care is not in the best interest of the child."~~

Jochum of Dubuque offered the following amendment H-8264, to the committee amendment H-8154, filed by her from the floor and moved its adoption:

H-8264

1 Amend the amendment, H-8154, to House File 22 as
2 follows:
3 1. Page 1, by inserting after line 17, the
4 following:
5 "____. Page 1, by inserting after line 25 the
6 following:
7 "c. If joint physical care is awarded under
8 paragraph "a", the court shall establish one primary
9 residence for the child and order the parents to
10 alternate supervision and occupation of the primary
11 residence, accordingly."
12 2. By renumbering as necessary.

Amendment H-8264 lost.

On motion by Boddicker of Cedar, the committee amendment H-8154 was adopted, placing out of order amendments H-1098 and H-1099 filed by Jochum of Dubuque on March 19, 2003.

Stevens of Dickinson offered amendment H-8240 filed by him as follows:

H-8240

1 Amend House File 22 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 232.102, Code Supplement 2003,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 13. Unless prohibited by the
7 court order transferring custody of the child for
8 placement or other court order or the department or
9 unless the agency that received the custody transfer
10 finds that allowing the visitation would not be in the
11 child's best interest, the department or agency may

12 authorize reasonable visitation with the child by the
 13 child's grandparent, great-grandparent, or other adult
 14 relative who has established a substantial
 15 relationship with the child. The visitation shall not
 16 be authorized for a grandparent or great-grandparent
 17 whose petition for visitation under section 598.35 has
 18 been denied. If visitation with the grandparent,
 19 great-grandparent, or other relative was authorized by
 20 court order prior to removal of the child, a
 21 visitation authorization under this subsection shall
 22 comply with the court order."

23 2. Title page, line 1, by inserting after the
 24 word "to" the following: "custody and visitation
 25 including relative visitation and".

26 3. By renumbering as necessary.

Boddicker of Cedar rose on a point of order that amendment H-8240 was not germane.

The Speaker ruled the point well taken and amendment H-8240 not germane.

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. 22)

The ayes were, 59:

Alons	Arnold	Boal	Boddicker
Bogges	Carroll	Chambers	Connors
Dandekar	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Freeman	Gipp	Greiner
Hahn	Hanson	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Maddox
McCarthy	Olson, S.	Paulsen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Stevens
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Whitaker	Wildurdyke	Roberts,	
		Presiding	

The nays were, 37:

Baudler	Bell	Berry	Bukta
Cohoon	Davitt	Ford	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kuhn	Lensing	Lykam	Mascher
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Shomshor
Shoultz	Smith	Struyk	Swaim
Taylor, T.	Wendt	Whitead	Winckler
Wise			

Absent or not voting, 4:

Foege	Granzow	Manternach	Taylor, D.
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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 March 17, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2153, an act relating to the funding of efforts to alleviate a public health emergency or disaster.

Also: That the Senate has on March 17, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2257, an act relating to the use of credit information for underwriting or rating risks for personal lines of property and casualty insurance and providing an applicability date.

Also: That the Senate has on March 17, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2274, an act relating to the revised Iowa non profit corporation Act and providing penalties and effective and applicability dates.

Also: That the Senate has on March 17, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2275, an act relating to criminal sentencing practice and procedure.

MICHAEL E. MARSHALL, Secretary

House File 2357, a bill for an act relating to the prevention and control of certain aquatic invasive plant and animal species and providing penalties, was taken up for consideration.

Frevert of Palo Alto offered the following amendment H-8238 filed by her and moved its adoption:

H-8238

- 1 Amend House File 2357 as follows:
- 2 1. Page 1, line 30, by striking the figure "2004"
- 3 and inserting the following: "2005".

Amendment H-8238 was adopted.

Frevert of Palo Alto 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. 2357)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carrroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Ford
Freeman	Frevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shultz
Smith	Stevens	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	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Foege

Granzow

Manternach

Taylor, D.

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 2543, by committee on ways and means, a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

Read first time and placed on **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2210, by committee on agriculture, a bill for an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

Read first time and referred to committee on **agriculture**.

Senate File 2237, by committee on education, a bill for an act relating to the minimum amount of instructional time accredited schools are required to provide.

Read first time and referred to committee on **education**.

Senate File 2270, by committee on local government, a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder.

Read first time and referred to committee on **local government**.

HOUSE FILE 618 WITHDRAWN

Frevert of Palo Alto asked and received unanimous consent to withdraw House File 618 from further consideration by the House.

House File 2381, a bill for an act changing the budget certification deadline for county hospital budgets, 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. 2381)

The ayes were, 93:

Alons	Arnold	Baudler	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Roberts, Presiding			

The nays were, none.

Absent or not voting, 7:

Bell	Foege	Granzow	Manternach
Murphy	Struyk	Taylor, D.	

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 22, 2357, 2381, 2533** and **Senate Joint Resolution 2007**.

House File 2433, a bill for an act relating to fees retained by county treasurers for the issuance of driver's licenses and nonoperator identification cards, was taken up for consideration.

Rayhons of Hancock offered the following amendment H-8210 filed by him and Whitaker of Van Buren and moved its adoption:

H-8210

- 1 Amend House File 2433 as follows:
- 2 1. Page 1, line 17, by striking the word
- 3 "biennially".
- 4 2. Page 1, line 18, by inserting after the word
- 5 "program" the following: "and report its findings and
- 6 recommendations to the general assembly prior to
- 7 January 1, 2006, and repeat the study and reporting
- 8 every four years thereafter. The auditor of state's
- 9 costs for conducting the study shall be paid by the
- 10 department".
- 11 3. Page 1, by striking lines 27 through 30 and
- 12 inserting the following: "time and cost during the
- 13 study. The findings and recommendations submitted by
- 14 the auditor of state shall be considered by the
- 15 general assembly in adjusting the amount of the fees
- 16 retained by the county treasurers for issuance of
- 17 driver's licenses and nonoperator's identification
- 18 cards."

Amendment H-8210 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?" (H.F. 2433)

The ayes were, 95:

Alons	Arnold	Baudler	Berry
Boal	Boddicker	Bogges	Bukta
Carroll	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Wilderdyke
Winckler	Wise	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Bell	Foegen	Granzow	Manternach
Taylor, D.			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2086 WITHDRAWN

Rayhons of Hancock asked and received unanimous consent to withdraw House File 2086 from further consideration by the House.

House File 2471, a bill for an act relating to a prisoner from another state being detained or committed to a county jail in this state, was taken up for consideration.

Hanson of Benton offered the following amendment H-8247 filed by him and moved its adoption:

H-8247

- 1 Amend House File 2471 as follows:
- 2 1. Page 1, line 23, by striking the words "other
- 3 state" and inserting the following: "governmental
- 4 entity from the other state sending the prisoners".
- 5 2. Page 1, by inserting after line 23, the
- 6 following:
- 7 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
- 8 of immediate importance, takes effect upon enactment."
- 9 3. Title page, line 2, by inserting after the
- 10 word "state" the following: ", and providing an
- 11 effective date".
- 12 4. By renumbering as necessary.

Amendment H-8247 was adopted.

Hanson of Benton 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. 2471)

The ayes were, 95:

Alons	Arnold	Baudler	Berry
Boal	Boddicker	Bogges	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Wilderdyke
Winckler	Wise	Roberts, Presiding	

The nays were, none.

Absent or not voting, 5:

Bell	Foegel	Granzow	Manternach
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 MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2433 and 2471.**

HOUSE FILE 421 REREFERRED

The Speaker announced that House File 421, previously placed on **calendar** was rereferred to committee on **ways and means**.

HOUSE FILE 2489 REREFERRED

The Speaker announced that House File 2489, previously referred to committee on **ways and means** was placed on **calendar**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 17, 2004. Had I been present, I would have voted "aye" on House Files 2522 and 2533 and on Senate Joint Resolution 2007.

DOLECHECK of Ringgold

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 17th day of March, 2004: House Files 2133, 2176, 2306 and 2343.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 17, 2004, he approved and transmitted to the Secretary of State the following bill:

Senate File 2290, an Act relating to economic development incentives under the New Jobs and Income Program, the new Capital Investment Program, and the Enterprise Zone Program and providing an effective 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

- | | |
|----------|---|
| 2004\760 | Bob Posegate, Nevada – For celebrating his 80 th birthday. |
| 2004\761 | Tena Johnson, Jewell – For celebrating her 102 th birthday. |
| 2004\762 | Dalton and Marjorie Kowalsky, La Porte City – For celebrating their 50 th wedding anniversary. |
| 2004\763 | Glen and Louise Seberg, Olds – For celebrating their 60 th wedding anniversary. |
| 2004\764 | Coach David Birks, Staff and the Rockwell City-Lytton Girls Basketball Team, Rockwell City – For winning the class 1-A division of the Girls State Basketball Tournament. |

- 2004\765 Coach Brian O'Neill and the English Valley Girls Basketball Team, North English – For receiving 2nd place in the class 1-A division of the Girls State Basketball Tournament.
- 2004\766 Mr. and Mrs. Peter Hermanson, Story City – For receiving the Lifetime Achievement Award from the National Turkey Federation.
- 2004\767 Hills Bank and Trust Company, Hills – For celebrating their 100th anniversary.
- 2004\768 Underwood Community School District, Underwood – For winning the Class 2-A division of the Girls State Basketball Tournament.
- 2004\769 MFL MarMac Girls Basketball Team, Monona – For winning the Upper Iowa Conference Championship.
- 2004\770 Kathryn M. Skilton, Nashua – For receiving 1st place in the 8-9th grade category for Best Essay in the "Write Women Back Into History" Essay Contest.
- 2004\771 Ernest Schiller, Donnellson – For being named the 2004 Iowa Teacher of the Year.
- 2004\772 Dorothy Miller, Dysart – For celebrating her 99th birthday.
- 2004\773 Robert McWilliams, Marshalltown – For celebrating his 80th birthday.
- 2004\774 Elmer Mussig, Gladbrook – For celebrating his 90th birthday.
- 2004\775 Ludmilla Dvorak, Traer – For celebrating her 88th birthday.
- 2004\776 Nicky Wieben, Ankeny – For being named Captain of the 4A All-Tournament 2004 Team for the second consecutive year.
- 2004\777 Kristina Voss, Ankeny – For being selected to the 2004 All-Tournament 4A Basketball Team for the second consecutive year.
- 2004\778 Coach Scott De Jong and the Ankeny Hawkettes, Ankeny – For winning a third consecutive 4A State Basketball Championship.
- 2004\779 Megan Srinivas, Fort Dodge – For winning 1st place in the 42nd Annu Regional Iowa Junior Science and Humanities Symposium.

SUBCOMMITTEE ASSIGNMENTS

House File 2345

Ways and Means: Carroll, Chair; Hogg and Tymeson.

House File 2456

Ways and Means: Sands, Chair; Jones and Shoultz.

House File 2487

Ways and Means: Sands, Chair; Kurtenbach and Oldson.

House File 2491

Ways and Means: Lukan, Chair; Hogg and Olson, S.

Senate File 443

Ways and Means: Lukan, Chair; Paulsen and Winckler.

Senate File 2173

Commerce, Regulation and Labor: Hoffman, Chair; Ford and Freeman.

Senate File 2175

Commerce, Regulation and Labor: Horbach, Chair; Jacobs and Wise.

Senate File 2183

Commerce, Regulation and Labor: Sands, Chair; Manternach, Oldson, Osterhaus and Van Fossen, J.K.

Senate File 2244

Commerce, Regulation and Labor: Kurtenbach, Chair; Quirk and Sands.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 718

Ways and Means: Kurtenbach, Chair; Carroll and Shoultz.

House Study Bill 719

Government Oversight: Alons, Chair; Baudler and Wendt.

House Study Bill 720

Ways and Means: Paulsen, Chair; Carroll, Kramer, Shomshor and Shoultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 721 Ways and Means

Relating to the use of a certain transaction fee collected by the county recorder and providing for a future reduction in the amount of the fee.

H.S.B. 722 Ways and Means

Providing for an income tax checkoff for anatomical gift public awareness and transplantation, relating to the limitation on income tax checkoffs, and providing an effective date and a retroactive applicability 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 698), relating to state budget requirements involving the state general fund expenditure limitation and the Iowa economic emergency fund, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2329), requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2004.

Committee Bill (Formerly House File 2448), relating to municipal utilities that provide local exchange services the confidentiality and audits of certain accounting records, and exemption from sales and use taxes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 2004.

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** March 17, 2004.

RESOLUTION FILED

SCR 114, by Putney, a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year.

Passed on File.

AMENDMENTS FILED

H—8265	H.F.	2537	Heaton of Henry
H—8266	H.F.	2470	Wise of Lee
			Dandekar of Linn
			Petersen of Polk
H—8267	H.F.	2532	Elgin of Linn
H—8268	H.F.	2450	J.R. Van Fossen of Scott

On motion by Gipp of Winneshiek the House adjourned at 6:13 p.m., until 8:45 a.m., Thursday, March 18, 2004.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 18, 2004

The House met pursuant to adjournment at 8:47 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Doug Shull, state Senator from Warren County. He was guest of Representative Mark Davitt from Warren County and Representative Jodi Tymeson from Madison County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, March 17, 2004 was approved.

INTRODUCTION OF BILL

House File 2544, by committee on ways and means, a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

Read first time and placed on the **ways and means calendar**.

On motion by Gipp of Winneshiek, the House was recessed at 8:52 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:58 p.m., Roberts of Carroll in the chair.

The House stood at ease at 3:59 p.m., until the fall of the gavel.

The House resumed session at 4:58 p.m., Roberts of Carroll in the chair.

INTRODUCTION OF BILL

House File 2545, by committee on appropriations, a bill for an act relating to state budget requirements involving the state general fund expenditure limitation and the Iowa economic emergency fund, and providing effective dates.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2153, by committee on appropriations, a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster.

Read first time and referred to committee on **appropriations**.

Senate File 2257, by committee on commerce, a bill for an act relating to the use of credit information for underwriting or rating risks for personal insurance and providing an applicability date.

Read first time and referred to committee on **commerce, regulation and labor**.

Senate File 2274, by committee on judiciary, a bill for an act relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates.

Read first time and **passed on file**.

Senate File 2275, by committee on judiciary, a bill for an act relating to criminal sentencing practice and procedure.

Read first time and referred to committee on **judiciary**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

D. Taylor of Linn on request of T. Taylor of Linn..

CONSIDERATION OF BILLS

Regular Calendar

House File 2441, a bill for an act relating to the statutory duties of the commission of Latino affairs regarding Spanish language interpreter qualifications, was taken up for consideration.

Eichhorn of Hamilton offered the following amendment H-8259 filed by him and moved its adoption:

H-8259

- 1 Amend House File 2441 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "rules" the following: ", with stakeholder input.".

Amendment H-8259 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. 2441)

The ayes were, 95:

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, T.	Tjepkes	Tymeson
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts

Wendt
Winckler

Whitaker
Wise

Whitead
Roberts,
Presiding

Wilderdyke

The nays were, 1:

Thomas

Absent or not voting, 4:

Manternach

Struyk

Taylor, D.

Upmeyer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2118 WITHDRAWN

Eichhorn of Hamilton asked and received unanimous consent to withdraw House File 2118 from further consideration by the House.

House File 2450, a bill for an act relating to real property, including acknowledgments of real property conveyances and limitations on causes of action concerning real property, was taken up for consideration.

J.R. Van Fossen of Scott offered the following amendment H-8268 filed by him and moved its adoption:

H-8268

- 1 Amend House File 2450 as follows:
- 2 1. Page 1, line 3, by striking the words "WITHIN
- 3 STATE" and inserting the following: "~~WITHIN STATE~~".

Amendment H-8268 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. 2450)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tymeson	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdye	Winckler	Wise	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Maddox	Manternach	Taylor, D.	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.

House File 2516, a bill for an act relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing an effective date, 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. 2516)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tymeson	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:

Manternach	Taylor, D.	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.

House File 2517, a bill for an act relating to environmental regulations administered by the department of natural resources regarding the use of recycled oil and the calculation of waste volume reduction measures, 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?" (H.F. 2517)

The ayes were, 96:

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tymeson	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, 4:

Lykam	Manternach	Taylor, D.	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 MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2441, 2450, 2516 and 2517.**

House File 2527, a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent, 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. 2527)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tymeson	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:

Manternach	Taylor, D.	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.

HOUSE FILE 2209 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 2209 from further consideration by the House.

House File 2532, a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system, and providing an effective date, was taken up for consideration.

Frevert of Palo Alto offered amendment H-8226 filed by her as follows:

H-8226

1 Amend House File 2532 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "DIVISION I

5 PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
6 ACCIDENT, AND DISABILITY SYSTEM

7 Section 1. Section 97A.4, Code 2003, is amended by
8 adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Upon application by the
10 member, the board of trustees shall credit as service
11 for a member of the system a previous period of
12 service as a member of a city fire retirement system
13 and police retirement system operating under chapter
14 411 prior to January 1, 1992, for which service was
15 not eligible to be transferred to this system pursuant
16 to section 97A.17."

17 2. Title page, line 1, by inserting after the
18 words "relating to" the following: "the public safety
19 peace officers' retirement, accident, and disability
20 system,".

21 3. By renumbering as necessary.

Elgin of Linn rose on a point of order that amendment H-8226 was not germane.

The Speaker ruled the point well taken and amendment H-8226 not germane.

Elgin of Linn offered the following amendment H-8262 filed by him and moved its adoption:

H-8262

1 Amend House File 2532 as follows:

2 1. Page 1, line 22, by striking the figure
3 "2004", and inserting the following: "2005".

4 2. Page 1, by striking lines 23 through 29 and
5 inserting the following:

6 "b. Beginning on or after July 1, 2005, four and

7 one-tenths percent."

8 3. Page 1, line 32, by striking the figure
9 "2006", and inserting the following: "2005".

10 4. By striking page 1, line 34, through page 3,
11 line 3, and inserting the following:

12 "b. Beginning on or after July 1, 2005, six and
13 thirty-five hundredths percent."

14 5. Page 4, line 22, by striking the words "at
15 least fifty years of age" and inserting the following:

16 "either at least fifty-five years of age or is at
17 least fifty years of age with at least twenty-two
18 years of eligible service".

19 6. Page 6, line 6, by inserting after the words
20 "For purposes of" the following: "determining a bona
21 fade retirement under".

22 7. Page 7, by inserting after line 3 the
23 following:

24 "Sec.____. FAVORABLE EXPERIENCE DIVIDEND RESERVE
25 ACCOUNT – DEPOSIT OF INVESTMENT RETURN.

26 Notwithstanding any provision of chapter 97B to the
27 contrary, the Iowa public employees' retirement system
28 shall have the authority to credit the lesser of the
29 system's actuarial interest rate assumption or the
30 system's actual investment return to the favorable
31 experience dividend reserve account created in section
32 97B.49F. This authority applies to the fiscal year
33 beginning July 1, 2003, and ending June 30, 2004."

34 8. Page 9, by inserting after line 3 the
35 following:

36 "Sec.____. EFFECTIVE DATE. The section of this
37 Act providing for the deposit of investment return to
38 the favorable experience dividend reserve account,
39 being deemed of immediate importance, takes effect
40 upon enactment."

41 9. By renumbering as necessary.

Amendment H-8262 was adopted.

Bell of Jasper offered amendment H-8261 filed by him as follows:

H-8261

1 Amend House File 2532 as follows:

2 1. Page 3, line 15, by striking the word
3 "subparagraph" and inserting the following:
4 "subparagraphs".

5 2. Page 3, by inserting after line 17 the
6 following:

7 "NEW SUBPARAGRAPH. (9) A registered nurse or
8 licensed practical nurse employed at a correctional
9 facility by the Iowa department of corrections."

10 3. By renumbering as necessary.

Bell of Jasper offered the following amendment H-8274, to amendment H-8261, filed by him from the floor and moved its adoption:

H-8274

- 1 Amend the amendment, H-8261, to House File 2532 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 10 and
- 4 inserting the following:
- 5 "____. Page 8, line 10, by inserting after the
- 6 word "duties," the following: "a registered nurse or
- 7 licensed practical nurse employed at a correctional
- 8 facility by the department of corrections,".

Amendment H-8274 was adopted.

On motion by Bell of Jasper, amendment H-8261, as amended, was adopted.

Elgin of Linn offered amendment H-8267 filed by him as follows:

H-8267

- 1 Amend House File 2532 as follows:
- 2 1. Page 4, line 33, by striking the word
- 3 "additional" and inserting the following:
- 4 "additional".
- 5 2. Page 5, line 4, by striking the words
- 6 "addition to" and inserting the following: "addition
- 7 to lieu of".
- 8 3. Page 5, line 15, by striking the word
- 9 "additional" and inserting the following:
- 10 "additional".

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8272, to amendment H-8267, filed by her from the floor.

On motion by Elgin of Linn, amendment H-8267 was adopted.

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. 2532)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tymeson	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:

Manternach Taylor, D. Upmeyer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to, placing out of order amendment H-8273 filed by Frevert of Palo Alto from the floor.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2527 and 2532.**

House File 2530, a bill for an act relating to the assessment of surcharges in criminal proceedings, 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. 2530)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boguess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foegge
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tymeson	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:

Manternach	Taylor, D.	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.

House File 2432, a bill for an act relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons, 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. 2432)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Roberts,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Manternach	Taylor, D.	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.

House File 2479, a bill for an act relating to the management of manure, excreta, or other commonly associated wastes of dogs kept by commercial breeders, and providing penalties, was taken up for consideration.

Paulsen of Linn offered the following amendment H-8233 filed by him and moved its adoption:

H-8233

- 1 Amend House File 2479 as follows:
- 2 1. Page 1, by striking lines 1 through 14, and
- 3 inserting the following:
- 4 "Sec. . NEW SECTION. 335.2A COMMERCIAL CANINE
- 5 OPERATIONS EXEMPT.
- 6 Except to the extent required to implement section
- 7 335.27, an ordinance adopted under this chapter does
- 8 not apply to land, residences, or other buildings or
- 9 structures which are primarily adopted, by reason of
- 10 nature and area, for use as a commercial canine
- 11 operation if the person who owns the operation is
- 12 licensed or certified by the department of agriculture
- 13 and land stewardship pursuant to section 162.8."
- 14 2. Title page, by striking lines 1 through 3, and
- 15 inserting the following: "An Act relating to the
- 16 regulation and zoning of commercial canine
- 17 operations."

Amendment H-8233 was adopted.

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. 2479)

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	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter

Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tymeson	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdye	Winckler	Wise	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Manternach	Osterhaus	Taylor, D.	Upmeyer
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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 2408 WITHDRAWN

S. Olson of Clinton asked and received unanimous consent to withdraw House File 2408 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 2432, 2479 and 2530.**

Winckler of Scott rose on a point of order relating to a vote in the education appropriations subcommittee and requesting the committee reconvene.

RULE 57 SUSPENDED

Dolecheck of Ringgold asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting with the education appropriations subcommittee upon adjournment.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 18, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 2133, an Act requiring the lottery authority to submit budget information to the legislature.

House File 2176, an Act relating to abandonment of a child as grounds for termination of parental rights.

House File 2306, an Act relating to fees charged for delayed redemption of electronic gift cards.

House File 2343, an Act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

Senate File 2059, an Act relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date.

Senate File 2166, an Act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

Senate File 2189, an Act conferring additional enforcement authority on the real estate commission, and providing penalties.

Senate File 2240, an Act relating to temporary rate authority and rules of the Iowa Utilities Board regarding rate regulation proceedings.

Senate File 2253, an Act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties.

Senate File 2261, an Act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2004\780 Jim and Maxine Jones, Des Moines – For celebrating their 60th wedding anniversary.

2004\781 Vera Sevcik, Tama – For celebrating her 80th birthday.

- 2004\782 Stephanie Collins, Elkader – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2004\783 Molly Zapf, Littleport – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2004\784 Ashley Fangman, Elkader – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2004\785 Shannon Rodenberg, Elkader – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2004\786 Myrna Waugh, Spirit Lake – For celebrating her 100th birthday.
- 2004\787 Benita (Slo-Freight) Sankey, Jesup – For celebrating her 93rd birthday.
- 2004\788 Ann Weikert, Iowa Falls – For celebrating her 80th birthday.
- 2004\789 Clarence Wright, Ackley – For celebrating his 90th birthday.
- 2004\790 Mildred Lalk, Ottumwa – For celebrating her 80th birthday.
- 2004\791 John Brown, Ottumwa – For celebrating his 80th birthday.
- 2004\792 Barbara Snodgrass, Ottumwa – For celebrating her 80th birthday.
- 2004\793 Mary Axtell, Ottumwa – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

Senate File 399

Ways and Means: Boal, Chair; Hogg and Paulsen.

Senate File 2150

Judiciary: Maddox, Chair; Dennis and Reasoner.

Senate File 2154

Public Safety: Eichhorn, Chair; Ford and Tjepkes.

Senate File 2210

Agriculture: Rayhons, Chair; Drake and Mertz.

Senate File 2234

Judiciary: Van Fossen, J.R., Chair; Hutter and Lensing.

Senate File 2246

Education: Raecker, Chair; Chambers and Wendt.

Senate File 2280

State Government: Jacobs, Chair; Mascher and Roberts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 721**

Ways and Means: Kramer, Chair; Kurtenbach and Wendt.

House Study Bill 722

Ways and Means: Tymeson, Chair; Boal and Davitt.

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 2208, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8275** March 18, 2004.

Senate File 2224, a bill for an act relating to grain regulation.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 2004.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Senate File 2173, a bill for an act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8276** March 18, 2004.

COMMITTEE ON EDUCATION

Senate File 2177, a bill for an act relating to the possession and self-administration of asthma or other airway constricting disease medication by public and accredited nonpublic school students.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2004.

Senate File 2202, a bill for an act relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has and on-campus dormitory or residence hall, and providing for related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2004.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly House File 469), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 2004.

Committee Bill (Formerly House Study Bill 623), relating to competitive bidding requirements for state agencies and establishing purchasing goals from certain businesses located in this state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 2004.

COMMITTEE ON JUDICIARY

Senate File 2193, a bill for an act relating to the civil commitment of sexually violent predators.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 2004.

RESOLUTIONS FILED

HCR 121, by Raecker, a concurrent resolution recognizing the 35th anniversary of Iowa Public Television.

Laid over under **Rule 25**.

HR 131, by S. Olson and J.R. Van Fossen, a resolution recognizing the achievements of the North Scott Little League team from Eldridge, Iowa, in winning the Midwest Championship of the 2003 Little League Baseball World Series.

Laid over under **Rule 25**.

HR 132, by Paulsen, a resolution honoring the town of Palo and its surrounding community on the town's sesquicentennial year.

Laid over under **Rule 25**.

HR 133, by Winckler, Lykam, J.R. Van Fossen, Hutter, J.K. Van Fossen and S. Olson, a resolution honoring Dr. John T. Blong, Chancellor of Eastern Iowa Community College District.

Laid over under **Rule 25**.

HR 134, by Gipp, a resolution designating April 7, 2004, as World Health Day and encouraging persons to use precautions when driving in order to protect the health and life of Iowans and visitors traveling on Iowa roads.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8269	H.F.	2523	Kuhn of Floyd Greimann of Story
H—8270	H.F.	2453	Maddox of Polk
H—8271	H.F.	2455	Carroll of Poweshiek Smith of Marshall
H—8275	S.F.	2208	Committee on Agriculture
H—8276	S.F.	2173	Committee on Commerce, Regulation and Labor

On motion by Gipp of Winneshiek the House adjourned at 6:46 p.m., until 9:00 a.m., Friday, March 19, 2004.

JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 19, 2004

The House met pursuant to adjournment at 9:00 a.m., Speaker Rants in the chair.

The Journal of Thursday, March 18, 2004 was approved.

INTRODUCTION OF BILL

House File 2546, by Jenkins, Dennis, Upmeyer, Elgin, Hoffman, and Bogges, a bill for an act providing for the imposition of a local option sales and services tax for community college general fund purposes.

Read first time and referred 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

- | | |
|----------|---|
| 2004\794 | John and Ruth Glessner, State Center – For celebrating their 68 th wedding anniversary. |
| 2004\795 | Stacy Schlapkohl, Durant – For being a First-Team selection by the Iowa Girls Coaches Association and the Des Moines Register |
| 2004\796 | Scott DeJong, Ankeny – For receiving the 2004 Character Counts! Coach of the Year Award. |
| 2004\797 | Large Group Speech of Ankeny High School, Ankeny – For winning the All-State Nomination for “Night Mother”. |
| 2004\798 | Large Group Speech of Ankeny High School, Ankeny – For winning the All-State Nomination for “West Side Story”. |

SUBCOMMITTEE ASSIGNMENTS

Senate File 2237

Education: Dolecheck, Chair; Cohoon and Schickel.

Senate File 2257

Commerce, Regulation and Labor: Hoffman, Chair; Horbach and Oldson.

Senate File 2270

Local Government: Tjepkes, Chair; Connors and Jones.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 723 Ways and Means

Relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

RESOLUTION FILED

HCR 122, by T. Taylor and Huser, a concurrent resolution urging the Federal Railroad Administration to conduct regulatory proceedings regarding remote control locomotive operations by railroad companies.

Laid over under **Rule 25**.

On motion by Dandekar of Linn the House adjourned at 9:01 a.m., until 1:00 p.m., Monday, March 22, 2004.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 22, 2004

The House met pursuant to adjournment at 1:09 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Steve Vander Molen, pastor of the First Reformed Church, Orange City. He was the guest of Representative Ralph Klemme from Plymouth County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Friday, March 19, 2004 was approved.

INTRODUCTION OF BILL

House File 2547, by committee on government oversight, a bill for an act providing for the disposition and sale of certain state-owned motor vehicles and making an appropriation.

Read first time and referred to committee on **appropriations**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Berry of Black Hawk, until March 24, 2004, on request of Mascher of Johnson.

ADOPTION OF HOUSE RESOLUTION 136

Sands of Louisa asked and received unanimous consent for the immediate consideration of **House Resolution 136**, a resolution recognizing March 2004 as National Nutrition Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Sands of Louisa introduced to the House, Gretchen Davison, Miss Louisa County 2003, a dietetic intern at Genesis Medical Center.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 131

S. Olson of Clinton and J.R. Van Fossen of Scott called up for consideration **House Resolution 131**, a resolution recognizing the achievements of the North Scott Little League team from Eldridge, Iowa, in winning the Midwest Championship of the 2003 Little League Baseball World Series, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

S. Olson of Clinton and J.R. Van Fossen of Scott introduced to the House the North Scott Little League team and their coach Scott Daniels whom introduced the individuals on the team.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 1:24 p.m., until the conclusion of the committee on ways and means meeting.

AFTERNOON SESSION

The House reconvened at 4:42 p.m., Speaker Rants in the chair.

The House stood at ease at 4:42 p.m., until the fall of the gavel.

The House resumed session at 5:36 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILL

House File 2548, by committee on government oversight, a bill for an act relating to competitive bidding requirements for state agencies

and establishing purchasing goals from certain businesses located in this state.

Read first time and placed on the **calendar**.

SPECIAL PRESENTATION

Mascher of Johnson introduced to the House the Honorable Cecelia Burnett, former state representative from Story County.

The House rose and expressed its welcome.

HOUSE COMMITTEE REVISIONS

The Speaker announced the following Democrat members to replace Struyk of Pottawattamie on the following committees:

Dave Jacoby
Economic Growth

Robert Osterhaus
Agriculture

Paul Shomshor
Judiciary

Dick Taylor
Transportation, Infrastructure and Capitals

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, March 16, Wednesday, March 17, and Thursday March 18, 2004. Had I been present, I would have voted "aye" on House Files 22, 2225, 2315, 2357, 2381, 2395, 2432, 2433, 2434, 2441, 2450, 2464, 2471, 2475, 2479, 2484, 2486, 2506, 2515, 2516, 2517, 2518, 2522, 2527, 2530, 2532, and 2533 and "aye" on Senate Joint Resolution 2007, and "aye" on Senate Files 2118, 2199, 2290 and "aye" on Senate Concurrent Resolution 114.

MANTERNACH of Jones

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2004\800 David McElroy, Winthrop – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\801 Dale Kress, Independence – For celebrating his 87th birthday.
- 2004\802 Catherin Calhoon, Clarinda – For celebrating her 90th birthday.
- 2004\803 Ioma “Toots” Burch, Braddyville – For celebrating her 90th birthday.
- 2004\804 Rachel Galloway, Sioux City West High School – For being named a State of Iowa Scholar.
- 2004\805 Jennifer McArdle, Sioux City West High School – For being named a State of Iowa Scholar.
- 2004\806 Susanne McArdle, Sioux City West High School – For being named a State of Iowa Scholar.
- 2004\807 Caitlin Rumberger, Sioux City West High School – For being named a State of Iowa Scholar.
- 2004\808 Callie Christensen, Sioux City West High School – For being named a State of Iowa Scholar.
- 2004\809 Allison Wisco, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\810 Sonja Rundquist, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\811 Brian Rorris, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\812 Clark Richardson, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\813 Nhi Pham, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\814 Joseph Moser, Sioux City North High School – For being named a State of Iowa Scholar.

- 2004\815 Allison McCuddin, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\816 Talha Masood, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\817 Adam Liudahl, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\818 Lee Johnson, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\819 Leah Hildebrand, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\820 Aliya Gordon, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\821 Megan Corey, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\822 Michelle Bonner, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\823 Ralph Steines, Calamus – For celebrating his 80th birthday.
- 2004\824 Mr. and Mrs. Lester Clemons, LeClaire – For celebrating their 60th wedding anniversary.
- 2004\825 Mr. and Mrs. Thomas Berens, Davenport – For celebrating their 50th wedding anniversary.
- 2004\826 Robert Rasing, Davenport For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\827 Karissa Davelaar, Sioux Center – For being selected to the 2A All-Tournament Basketball Team for the 2004 Girls State Basketball Tournament.
- 2004\828 Anna Harms, George – For celebrating her 90th birthday.
- 2004\829 Esther Varley, Stuart – For celebrating her 101st birthday.
- 2004\830 Rena Faga, Adair – For celebrating her 90th birthday.
- 2004\831 Bonita and Rolland Betts, Guthrie Center – For celebrating their 60th wedding anniversary.
- 2004\832 Mrs. Lola Leggett, Ames – For celebrating her 95th birthday.
- 2004\833 Walter Gaedke, Eldora – For celebrating his 93rd birthday.

- 2004\834 Mrs. Mildred Stevenson, Colo – For celebrating her 95th birthday.
- 2004\835 Chris Jacob, Nevada – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\836 Arleen Thurn, Littleport – For celebrating her 85th birthday.
- 2004\837 Margaret Mueller, Monona – For celebrating her 95th birthday.
- 2004\838 Gerald and Lois Walters, Colesburg – For celebrating their 60th wedding anniversary.
- 2004\839 LuVerne and Jeanette Krambeer, Monona – For celebrating their 50th wedding anniversary.
- 2004\840 Carrie Niehaus, Guttenberg – For receiving an excellent rating for her performance in the piano solo event at the Iowa Federation of Music Club's festival.
- 2004\841 Christopher Barnes, Sioux City North High School – For being named a State of Iowa Scholar.
- 2004\842 Rose Sass, Shellsburg – For celebrating her 80th birthday.
- 2004\843 Ted Cottrell, Vinton – For celebrating his 80th birthday.
- 2004\844 Marval Lundquist, Webster City – For celebrating her 95th birthday.
- 2004\845 Matthew Becker, Fort Dodge High School – For being named a State of Iowa Scholar.
- 2004\846 David Everett, Fort Dodge High School – For being named a State of Iowa Scholar.
- 2004\847 Benjamin Fletcher, Fort Dodge High School – For being named a State of Iowa Scholar.
- 2004\848 Haley Griffith, Fort Dodge High School – For being named a State of Iowa Scholar.
- 2004\849 Ryan Kent, Fort Dodge High School – For being named a State of Iowa Scholar.
- 2004\850 Brandon Harrison, Fort Dodge High School – For being named a State of Iowa Scholar.
- 2004\851 Sean Warlick, Fort Dodge High School – For being named a State of Iowa Scholar.
- 2004\852 Kara Thompson, St. Edmond High School – For being named a State of Iowa Scholar.

- 2004\853 Rebecca Albrecht, St. Edmond High School – For being named a State of Iowa Scholar.
- 2004\854 Alana Otto, Fort Dodge High School – For being named a State of Iowa Scholar.
- 2004\855 Brett McIntyre, Fort Dodge High School – For being named a State of Iowa Scholar.
- 2004\856 Violet Moorman, Cedar Falls – For celebrating her 80th birthday.
- 2004\857 Paul Morgan, Cedar Falls – For celebrating his 90th birthday.
- 2004\858 Elmer Tufte, Cedar Falls – For celebrating his 100th birthday.
- 2004\859 Louis and Ida Breitbach, Cedar Falls – For celebrating their 64th wedding anniversary.
- 2004\860 Joey Lueck, Dyersville – For outstanding performance of duty while called to serve our nation.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 724 Ways and Means

Relating to state budgetary matters and revenue enhancements by making and revising certain appropriations, phasing out the sales tax on residential utilities, requiring combined corporate returns of unitary business, adjusting cigarette and tobacco products tax rates, expanding the services subject to sales and use taxes and adjusting the sales and use tax rates, increasing the appropriation for family farm tax credits and repealing the agricultural land tax credits, revising the tax rates for gambling game establishments, altering the source of moneys to the grow Iowa values fund, providing for military pay differential, establishing state percent of growth for school aid, providing an early employment separation incentive program, providing a standing appropriation for printing cigarette tax stamps, and including effective and retroactive 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 APPROPRIATIONS

Committee Bill (Formerly House File 2349), relating to expenditures from the waste tire management fund.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2004.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Senate File 2244, a bill for an act relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records.

Fiscal Note not required.

Recommended **Do Pass** March 18, 2004.

RESOLUTIONS FILED

HR 135, by Tymeson, a resolution requesting the Legislative Council to create a new century learning technology commission to examine options for integrating technology into the classroom to prepare students for an economy that is increasingly dependent on technology and innovation.

Laid over under **Rule 25**.

HR 137, by Heddens, Mascher, Miller, Petersen, Greimann, Rayhons, Gaskill, Bell, Swaim, D. Olson, Schickel, Whitaker, Tymeson, J.R. Van Fossen, Lukan, Hogg, Winckler, Smith, Reasoner, Boggess, Granzow, Huseman, Lensing, Jacoby, Boal, Hoffman, Connors, Foegen, Jenkins and Jones, a resolution recognizing and honoring the families of United States military service members for their unselfish contributions and sacrifices.

Laid over under **Rule 25**.

HR 138, by Rants, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8277	H.F.	2528	Boddicker of Cedar
H—8278	H.F.	2465	Smith of Marshall
H—8279	S.F.	2177	Upmeyer of Hancock
H—8280	H.F.	2342	Huser of Polk Raecker of Polk
H—8281	H.F.	2465	Wilderdyke of Harrison
H—8282	H.F.	2523	Greiner of Washington
H—8283	H.F.	2523	Greiner of Washington Ford of Polk
H—8284	H.F.	2523	Kuhn of Floyd
H—8285	S.F.	2148	Huser of Polk Raecker of Polk
H—8286	H.F.	2523	Greiner of Washington
H—8287	H.F.	2523	Mertz of Kossuth Greiner of Washington
H—8288	H.F.	2523	Hogg of Linn
H—8289	H.F.	2536	Kurtenbach of Story Sands of Louisa
			Horbach of Tama Quirk of Chickasaw
H—8290	H.F.	2536	Kurtenbach of Story Sands of Louisa
			Horbach of Tama Quirk of Chickasaw
H—8291	H.F.	2536	Kurtenbach of Story Sands of Louisa
			Horbach of Tama Quirk of Chickasaw
H—8292	H.F.	2536	Kurtenbach of Story Horbach of Tama Sands of Louisa
H—8293	H.F.	2536	Horbach of Tama Sands of Louisa Petersen of Polk Quirk of Chickasaw

On motion by Gipp of Winneshiek the House adjourned at 5:38 p.m., until 8:45 a.m., Tuesday, March 23, 2004.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 23, 2004

The House met pursuant to adjournment at 8:47 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Roger White, pastor of Gladbrook United Methodist Church, Gladbrook. He was the guest of Representative Lance Horbach from Tama County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, March 22, 2004 was approved.

On motion by Gipp of Winneshiek, the House was recessed at 8:56 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened at 2:15 p.m., Speaker pro tempore Carroll in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk on request of Murphy of Dubuque.

The House stood at ease at 2:16 p.m., until the fall of the gavel.

The House resumed session at 3:49 p.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 sixty-one members present, thirty-nine absent.

INTRODUCTION OF BILLS

House File 2549, by committee on appropriations, a bill for an act relating to expenditures from the waste tire management fund.

Read first time and placed on the **appropriations calendar**.

House File 2550, by committee on ways and means, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

House File 2551, by committee on ways and means, a bill for an act relating to programs under the authority of the department of public health.

Read first time and placed on the **ways and means calendar**.

House File 2552, by committee on ways and means, a bill for an act relating to the issuance of special motor vehicle registration plates and providing effective and retroactive applicability dates.

Read first time and placed on the **ways and means calendar**.

CONSIDERATION OF BILLS

Regular Calendar

House File 2489, a bill for an act relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive health insurance association; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; and providing and applying penalties, 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. 2489)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	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, 1:

Hutter

Absent or not voting, 3:

Berry

Fallon

Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2362, a bill for an act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute, 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. 2362)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Chambers	Cphoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	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
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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:

Berry Fallon

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2074 WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw House File 2074 from further consideration by the House.

House File 2521, a bill for an act providing for a health insurance study by the commissioner of insurance and by providing an effective date, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment H-8234 filed by him and moved its adoption:

H-8234

- 1 Amend House File 2521 as follows:
- 2 1. Page 2, lines 16 and 17, by striking the words
- 3 and figures "by April 1, 2004" and inserting the
- 4 following: ", or if the general assembly is no longer
- 5 in session to the legislative oversight committee, by
- 6 April 30, 2004".

Amendment H-8234 was adopted.

Oldson of Polk offered the following amendment H-8252 filed by Oldson, et al., and moved its adoption:

H-8252

- 1 Amend House File 2521 as follows:
- 2 1. Page 2, by inserting after line 22 the
- 3 following:
- 4 "Sec. ____ . MEDICAL MALPRACTICE INSURANCE SOLUTION
- 5 TASK FORCE – STUDY. The insurance division of the
- 6 department of commerce shall establish a medical
- 7 malpractice insurance solution task force. The
- 8 medical malpractice insurance solution task force
- 9 shall conduct a study regarding the availability and
- 10 affordability of medical malpractice insurance in
- 11 Iowa. The purpose of the study shall be to provide
- 12 regulatory agencies and the general assembly with
- 13 possible solutions to alleviate problems regarding the
- 14 availability and affordability of medical malpractice
- 15 insurance in Iowa. The study shall include a broad
- 16 review of factors affecting the availability and
- 17 affordability of medical malpractice insurance in
- 18 Iowa, including all of the following:
- 19 1. Premium amounts charged by medical malpractice
- 20 insurers compared to expenses of medical malpractice
- 21 insurers related to actual medical malpractice costs
- 22 incurred including but not limited to administrative
- 23 and overhead costs and costs of litigation including
- 24 settlements and judgments during at least the previous
- 25 ten-year period.
- 26 2. The type of damages awarded in settlements and

27 judgments in medical malpractice actions including but
 28 not limited to general economic and noneconomic
 29 damages, actual medical expenses, future medical
 30 expenses, lost wages, punitive damages, pain and
 31 suffering, and loss of companionship.
 32 3. Any other factors contributing to the increase,
 33 decrease, and volatility of medical malpractice
 34 insurance premiums.
 35 4. Existing insurance regulatory requirements and
 36 procedures.
 37 5. Existing tort law in Iowa and the United
 38 States, whether statutory or case law.
 39 6. Any other relevant matters as agreed upon by
 40 the task force.
 41 The commissioner of insurance shall select the
 42 members of the task force which shall include
 43 representatives of medical malpractice insurers,
 44 health care professionals and health care facilities
 45 that purchase medical malpractice insurance, attorneys
 46 that represent plaintiffs in medical malpractice
 47 actions, attorneys that represent defendants in
 48 medical malpractice actions, and any other parties or
 49 experts as deemed appropriate by the commissioner.
 50 The commissioner shall submit a report from the

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1 task force to the general assembly on or before
 2 January 15, 2005, regarding the task force's findings
 3 and recommended possible solutions, including proposed
 4 legislation, to make medical malpractice insurance
 5 more available and more affordable in Iowa."
 6 2. Title page, line 2, by inserting after the
 7 word "insurance" the following: "and a medical
 8 malpractice insurance solution task force and study".

Amendment H-8252 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. 2521)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix

Dolecheck	Drake	Elgin	Fallon
Foege	Ford	Freeman	Frevort
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	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
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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	Carroll, Presiding		

The nays were, 1:

Eichhorn

Absent or not voting, 1:

Berry

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 2362, 2489 and 2521.**

House File 2528, a bill for an act relating to consideration of a juvenile court order by the district court in a custody proceeding, was taken up for consideration.

Boddicker of Cedar offered the following amendment H-8277 filed by him and moved its adoption:

H-8277

- 1 Amend House File 2528 as follows:
- 2 1. Page 1, by striking lines 1 through 16.

Amendment H-8277 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. 2528)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
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	Jacoby	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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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:

Berry

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2537, a bill for an act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury, was taken up for consideration.

Heaton of Henry offered the following amendment H-8265 filed by him and moved its adoption:

H-8265

1 Amend House File 2537 as follows:

2 1. Page 16, line 21, by inserting after the word
3 "codification," the following: "in this Act,".

4 2. By striking page 19, line 16 through page 22,
5 line 7 and inserting the following:

6 "LEGAL SETTLEMENT DISPUTE RESOLUTION
7 Sec. ____ NEW SECTION. 225C.8 LEGAL SETTLEMENT
8 DISPUTE RESOLUTION.

9 1. a. The dispute resolution process implemented
10 in accordance with this section applies to legal
11 settlement disputes and is not applicable to disputes
12 involving persons committed to a state facility
13 pursuant to chapter 812 or rule of criminal procedure
14 2.22, Iowa court rules, or to disputes of service
15 authorization decisions made through the county single
16 entry point process.

17 b. If a county receives a billing for services
18 provided to a person under chapter 222, 230, or 249A,
19 or objects to a legal settlement determination
20 certified by the department or another county and
21 asserts either that the person has legal settlement in
22 another county or that the person has no legal
23 settlement or the legal settlement is unknown so that
24 the person is deemed to be a state case, the person's
25 legal settlement status shall be determined as
26 provided in this section. The county shall notify the
27 department of the county's assertion within one
28 hundred twenty days of receiving the billing. If the
29 county asserts that the person has legal settlement in
30 another county, that county shall be notified at the
31 same time as the department. If the department
32 disputes a legal settlement determination
33 certification made by a county, the department shall
34 notify the affected counties of the department's
35 assertion.

36 2. The department or the county that received the

37 notification, as applicable, shall respond to the
38 party that provided the notification within forty-five
39 days of receiving the notification. If the parties
40 cannot agree to a settlement as to the person's legal
41 settlement status within ninety days of the date of
42 notification, on motion of any of the parties, the
43 matter shall be referred to the department of
44 inspections and appeals for a contested case hearing
45 under chapter 17A before an administrative law judge
46 assigned in accordance with section 10A.801 to
47 determine the person's legal settlement status.
48 3. a. The administrative law judge's
49 determination of the person's legal settlement status
50 is a final agency action, notwithstanding contrary

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1 provisions of section 17A.15. The party that does not
2 prevail in the determination or subsequent judicial
3 review is liable for costs associated with the
4 proceeding, including reimbursement of the department
5 of inspections and appeals' actual costs associated
6 with the administrative proceeding. Judicial review
7 of the determination may be sought in accordance with
8 section 17A.19.

9 b. If following the determination of a person's
10 legal settlement status in accordance with this
11 section, additional evidence becomes available that
12 merits a change in that determination, the parties
13 affected may change the determination by mutual
14 agreement. Otherwise, a party may move that the
15 matter be reconsidered.

16 4. Unless a petition is filed for judicial review,
17 the administrative law judge's determination of the
18 person's legal settlement status shall result in one
19 of the following:

20 a. If a county is determined to be the person's
21 county of legal settlement, the county shall pay the
22 amounts due and shall reimburse any other amounts paid
23 for services provided under chapter 222, 230, or 249A
24 by the county or the department on the person's behalf
25 prior to issuance of the decision. The payment or
26 reimbursement shall be remitted within forty-five days
27 of the date the decision was issued. After the forty-
28 five-day period, a penalty may be applied as
29 authorized under section 222.68, 222.75, or 230.22.

30 b. If it is determined that the person has no
31 legal settlement or the legal settlement is unknown so
32 that the person is deemed to be a state case, the
33 department shall credit the county for any payment
34 made on behalf of the person by the county prior to
35 issuance of the decision. The credit shall be applied

36 by the department on a county billing no later than
 37 the end of the quarter immediately following the date
 38 of the decision's issuance.

39 Sec. ____ Section 222.61, unnumbered paragraph 1,
 40 Code 2003, is amended to read as follows:

41 When a county receives an application on behalf of
 42 any person for admission to a resource center or a
 43 special unit or when ~~any a~~ court issues an order
 44 committing any person to a resource center or a
 45 special unit, the board of supervisors shall utilize
 46 the single entry point process to determine ~~or the~~
 47 ~~court shall determine and enter as a matter of record~~
 48 ~~whether certify that~~ the legal settlement of the
 49 person is in one of the following:

50 Sec. ____ Section 222.62, Code 2003, is amended to

Page 3

1 read as follows:

2 222.62 SETTLEMENT IN ANOTHER COUNTY.

3 ~~Whenever~~ When the board of supervisors ~~utilizes a~~
 4 ~~determines through the~~ single entry point process to
 5 ~~determine or the court determines~~ that the legal
 6 settlement of the person is other than in the county
 7 in which the application is received ~~or the court is~~
 8 ~~located, the board or court shall, as soon as~~
 9 ~~determination is made, certify such finding the~~
 10 ~~determination shall be certified~~ to the superintendent
 11 of the resource center or the special unit where the
 12 person is a patient. The certification shall be
 13 accompanied by a copy of the evidence supporting the
 14 determination. The superintendent shall charge the
 15 expenses already incurred and unadjusted, and all
 16 future expenses of the patient, to the county ~~so~~
 17 ~~certified until the patient's to be the county of~~
 18 ~~legal settlement shall be otherwise determined as~~
 19 ~~provided by this chapter.~~

20 Sec. ____ Section 222.63, Code 2003, is amended to
 21 read as follows:

22 222.63 FINDING OF SETTLEMENT – OBJECTION.

23 ~~Said finding of A~~ board of supervisors'
 24 certification utilizing the single entry point process
 25 that a person's legal settlement is in another county
 26 shall also be certified sent by the board of
 27 supervisors ~~or the court~~ to the county auditor of the
 28 county of legal settlement. The certification shall
 29 be accompanied by a copy of the evidence supporting
 30 the determination. ~~Such~~ The auditor of the county of
 31 legal settlement shall lay such notification before
 32 submit the certification to the board of supervisors
 33 of the auditor's county ~~whereupon and~~ it shall be
 34 conclusively presumed that the patient has a legal

35 settlement in said ~~that~~ county unless the ~~that~~ county
 36 shall, ~~within six months, in writing filed with the~~
 37 board of supervisors or the court giving such notice,
 38 dispute said legal settlement ~~disputes the~~
 39 determination of legal settlement as provided in
 40 section 225C.8.

41 Sec. _____. Section 222.64, Code 2003, is amended to
 42 read as follows:

43 222.64 FOREIGN STATE OR COUNTRY OR UNKNOWN LEGAL
 44 SETTLEMENT.

45 If the legal settlement of the person is ~~found~~
 46 determined by the board of supervisors through a the
 47 single entry point process ~~or the court~~ to be in a
 48 foreign state or country or is ~~found~~ determined to be
 49 unknown, the board of supervisors ~~or the court~~ shall
 50 immediately notify certify the determination to the

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1 administrator of the ~~finding and shall furnish the~~
 2 administrator with a copy of the evidence taken on the
 3 question of legal settlement. The certification shall
 4 be accompanied by a copy of the evidence supporting
 5 the determination. The care of the person shall be as
 6 arranged by the board of supervisors or by an order as
 7 the court may enter. Application for admission or
 8 order of commitment may be made pending investigation
 9 by the administrator.

10 Sec. _____. Section 222.65, Code 2003, is amended to
 11 read as follows:

12 222.65 INVESTIGATION.

13 The If an application is made for placement of a
 14 person in a state resource center or special unit, the
 15 administrator shall immediately investigate the legal
 16 settlement of the person and proceed as follows:

17 1. If the administrator ~~finds that the decision of~~
 18 ~~the board of supervisors or the court~~ concurs with a
 19 certified determination as to legal settlement of the
 20 ~~person is correct so that the person is deemed a state~~
 21 case, the administrator shall cause the person either
 22 to be transferred to a resource center or a special
 23 unit ~~and there maintained at the expense of the state~~
 24 or to be transferred to the place of foreign
 25 settlement.

26 2. If the administrator ~~finds that the decision of~~
 27 ~~the board of supervisors or the court is not correct~~
 28 disputes a certified determination of legal
 29 settlement, the administrator shall order the person
 30 transferred to a state resource center or a special
 31 unit ~~and there maintained at the expense of the county~~
 32 of legal settlement in this state until the dispute is
 33 resolved.

34 3. If the administrator disputes a certified
 35 determination of legal settlement, the administrator
 36 shall utilize the procedure provided in section 225C.8
 37 to resolve the dispute. A determination of the
 38 person's legal settlement status made pursuant to
 39 section 225C.8 is conclusive.

40 Sec. _____. Section 222.67, Code 2003, is amended to
 41 read as follows:

42 222.67 CHARGE ON FINDING OF SETTLEMENT.

43 Where If a person has been received into a resource
 44 center or a special unit as a patient whose legal
 45 settlement is supposedly outside the state or is
 46 unknown and the administrator finds determines that
 47 the legal settlement of the patient was at the time of
 48 admission or commitment in a county of this state, the
 49 administrator shall certify the determination and
 50 charge all legal costs and expenses pertaining to the

Page 5

1 admission or commitment and support of the patient to
 2 the county of ~~such~~ legal settlement. The
 3 certification shall be sent to the county of legal
 4 settlement. The certification shall be accompanied by
 5 a copy of the evidence supporting the determination.
 6 If the person's legal settlement status has been
 7 determined in accordance with section 225C.8, the
 8 legal costs and expenses shall be charged to the
 9 county or as a state case in accordance with that
 10 determination. The costs and expenses shall be
 11 collected as provided by law in other cases.

12 Sec. _____. Section 222.70, Code 2003, is amended by
 13 striking the section and inserting in lieu thereof the
 14 following:

15 222.70 LEGAL SETTLEMENT DISPUTES.

16 If a dispute arises between counties or between the
 17 department and a county as to the legal settlement of
 18 a person admitted or committed to a resource center, a
 19 special unit, or a community-based service, the
 20 dispute shall be resolved as provided in section
 21 225C.8.

22 Sec. _____. Section 230.2, unnumbered paragraph 1,
 23 Code 2003, is amended to read as follows:

24 The If a person's legal settlement status is
 25 disputed, legal settlement shall be determined in
 26 accordance with section 225C.8. Otherwise, the
 27 district court shall may, when a the person is ordered
 28 placed in a hospital for psychiatric examination and
 29 appropriate treatment, or as soon thereafter as it the
 30 court obtains the proper information, determine and
 31 enter of record whether the legal settlement of said
 32 the person is one of the following:

33 Sec. ____ Section 230.3, Code 2003, is amended to
34 read as follows:

35 230.3 CERTIFICATION OF SETTLEMENT.

36 If such a person's legal settlement is found
37 determined through the county's single entry point
38 process to be in another county of this state, the
39 court shall, as soon as said determination is made,
40 the county making the determination shall certify such
41 finding the determination to the superintendent of the
42 hospital to which said patient the person is admitted
43 or committed, ~~and thereupon said. The certification~~
44 Ushall be accompanied by a copy of the evidence
45 supporting the determination. Upon receiving the
46 certification, the superintendent shall charge the
47 expenses already incurred and unadjusted, and all
48 future expenses of ~~such patient, the person~~ to be the
49 county ~~so certified until said determined to be the~~
50 county of legal settlement shall be otherwise

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1 ~~determined as hereinafter provided.~~

2 Sec. ____ Section 230.4, Code 2003, is amended to
3 read as follows:

4 230.4 CERTIFICATION TO DEBTOR COUNTY.

5 ~~Said finding A determination of a person's legal~~
6 ~~settlement made in accordance with section 230.2 or~~
7 ~~230.3 shall also be certified sent by the court or the~~
8 ~~county to the county auditor of the county of such~~
9 ~~legal settlement. The certification shall be~~
10 ~~accompanied by a copy of the evidence supporting the~~
11 ~~determination. Such The auditor shall lay such~~
12 ~~notification before provide the certification to the~~
13 board of supervisors of the auditor's county, and it
14 shall be conclusively presumed that ~~such the~~ person
15 has a legal settlement in ~~said the~~ notified county
16 unless ~~said that~~ county shall ~~within sixty days give~~
17 ~~notice in writing to the court that the county~~
18 ~~disputes the finding of legal settlement as provided~~
19 ~~in section 225C.8.~~

20 Sec. ____ Section 230.5, Code 2003, is amended to
21 read as follows:

22 230.5 NONRESIDENTS.

23 If such a person's legal settlement is found by
24 court determined in accordance with section 230.2 or
25 230.3 to be in ~~some~~ a foreign state or country, or ~~is~~
26 unknown, the court or the county shall immediately
27 ~~notify the certify the determination to the~~
28 administrator of the ~~finding and furnish the~~
29 administrator with a copy of the evidence taken on the
30 question of legal settlement, and shall in it. ~~The~~
31 certification shall be accompanied by a copy of the

32 evidence supporting the determination. A court order
 33 issued pursuant to section 229.13 shall direct that
 34 the patient be hospitalized at the appropriate state
 35 hospital for persons with mental illness.

36 Sec. ____. Section 230.6, Code 2003, is amended to
 37 read as follows:

38 230.6 DETERMINATION INVESTIGATION BY
 39 ADMINISTRATOR.

40 The administrator shall immediately investigate the
 41 legal settlement of said a patient and proceed as
 42 follows:

43 1. If the administrator ~~finds that the decision of~~
 44 ~~the court as to~~ concurs with a certified determination
 45 of legal settlement is correct concerning the patient,
 46 the administrator shall cause ~~said the~~ patient either
 47 to be transferred to a state hospital for persons with
 48 mental illness at the expense of the state, or to be
 49 transferred, with approval of the court as required by
 50 chapter 229 to the place of foreign settlement.

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1 2. If the administrator ~~finds that the decision of~~
 2 ~~the court is not correct~~ disputes a certified legal
 3 settlement determination, the administrator shall
 4 order ~~said the~~ patient to be maintained at a state
 5 hospital for persons with mental illness at the
 6 expense of the state, ~~and shall at once inform the~~
 7 ~~court of such finding and request that the court's~~
 8 ~~order be modified accordingly~~ until the dispute is
 9 resolved.

10 3. If the administrator disputes a legal
 11 settlement determination, the administrator shall
 12 utilize the procedure provided in section 225C.8 to
 13 resolve the dispute. A determination of the person's
 14 legal settlement status made pursuant to section
 15 225C.8 is conclusive.

16 Sec. ____. Section 230.9, Code 2003, is amended to
 17 read as follows:

18 230.9 SUBSEQUENT DISCOVERY OF RESIDENCE.

19 If, after a ~~patient~~ person has been received ~~into~~
 20 ~~by~~ a state hospital for persons with mental illness as
 21 a ~~state case~~ patient whose legal settlement is
 22 supposed to be outside this state or unknown, the
 23 administrator ~~finds~~ determines that the legal
 24 settlement of ~~said patient~~ the person was, at the time
 25 of admission or commitment, in a county of this state,
 26 ~~said the~~ administrator shall certify the determination
 27 and charge all legal costs and expenses pertaining to
 28 the admission or commitment and support of said
 29 patient the person to the county of such legal
 30 settlement, and the same. The certification shall be

31 sent to the county of legal settlement. The
32 certification shall be accompanied by a copy of the
33 evidence supporting the determination. The costs and
34 expenses shall be collected as provided by law in
35 other cases. If the person's legal settlement status
36 has been determined in accordance with section 225C.8,
37 the legal costs and expenses shall be charged to the
38 county or as a state case in accordance with that
39 determination.

40 Sec. _____. Section 230.12, Code 2003, is amended by
41 striking the section and inserting in lieu thereof the
42 following:

43 230.12 LEGAL SETTLEMENT DISPUTES.

44 If a dispute arises between different counties or
45 between the administrator and a county as to the legal
46 settlement of a person admitted or committed to a
47 state hospital for persons with mental illness, the
48 dispute shall be resolved as provided in section
49 225C.8.

50 Sec. _____. Section 232.141, subsection 8, Code

Page 8

1 2003, is amended to read as follows:

2 8. This subsection applies only to placements in a
3 juvenile shelter care home which is publicly owned,
4 operated as a county or multicounty shelter care home,
5 organized under a chapter 28E agreement, or operated
6 by a private juvenile shelter care home. If the
7 actual and allowable costs of a child's shelter care
8 placement exceed the amount the department is
9 authorized to pay in accordance with law and
10 administrative rule, the unpaid costs may be recovered
11 from the child's county of legal settlement. However,
12 the maximum amount of the unpaid costs which may be
13 recovered under this subsection is limited to the
14 difference between the amount the department is
15 authorized to pay and the statewide average of the
16 actual and allowable rates in effect in May of the
17 preceding fiscal year for reimbursement of juvenile
18 shelter care homes. In no case shall the home be
19 reimbursed for more than the home's actual and
20 allowable costs. The unpaid costs are payable
21 pursuant to filing of verified claims against the
22 county of legal settlement. A detailed statement of
23 the facts upon which a claim is based shall accompany
24 the claim. Any dispute between counties arising from
25 filings of claims pursuant to this subsection shall be
26 settled in the manner provided to determine legal
27 settlement in section ~~230.12~~ 225C.8.

28 Sec. _____. Section 249A.26, Code 2003, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 5. If a dispute arises between
31 different counties or between the department and a
32 county as to the legal settlement of a person who
33 receives medical assistance for which the nonfederal
34 share is payable in whole or in part by a county of
35 legal settlement, and cannot be resolved by the
36 parties, the dispute shall be resolved as provided in
37 section 225C.8.

38 Sec. _____. Section 252.23, Code 2003, is amended to
39 read as follows:

40 252.23 TRIAL.

41 If the alleged settlement is disputed, then, within
42 thirty days after notice as provided in section
43 252.22, a copy of the notices sent and received shall
44 be filed in the office of the clerk of the district
45 court of the county against which claim is made, and a
46 cause docketed without other pleadings, and tried as
47 an ordinary action, in which the county granting the
48 assistance shall be plaintiff, and the other
49 defendant, and the burden of proof shall be upon the
50 county granting the assistance. However, a legal

Page 9

1 settlement dispute initiated under chapter 222, 230,
2 or 249A shall be resolved as provided in section
3 225C.8.

4 Sec. _____. APPLICABILITY.

5 1. The timeframes specified in section 225C.8, as
6 enacted by this division of this Act, are applicable
7 to legal settlement disputes involving billings for
8 services provided on or after July 1, 2004.

9 2. For legal settlement disputes involving
10 billings for services provided prior to July 1, 2004,
11 unless the county disputed the billing prior to July
12 1, 2004, the person's legal settlement shall be deemed
13 to be in the county that was billed for services
14 provided to the person. However, if a county disputed
15 the billing for a service provided prior to July 1,
16 2004, and the matter cannot be resolved with the
17 department of human services or with the other county,
18 in lieu of the forty-five-day period specified in
19 section 225C.8, subsection 2, a party may move for the
20 matter to be resolved in the manner provided in
21 section 225C.8, at any time prior to January 1, 2005.
22 If a party has not made such a motion, effective
23 January 1, 2005, the matter shall be closed and the
24 person's legal settlement shall be in the county that
25 was billed for services provided to the person.

26 Sec. _____. Sections 222.71, 222.72, 230.13, and
27 230.14, Code 2003, are repealed."

28 3. By renumbering as necessary.

Amendment H-8265 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. 2537)

The ayes were, 80:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
De Boef	Dennis	Dix	Dolecheck
Eichhorn	Elgin	Foege	Freeman
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lukan	Lykam	Maddox
Manternach	Mascher	Mertz	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	Wilderdyeke	Wise	Carroll, Presiding

The nays were, 18:

Davitt	Fallon	Ford	Frevert
Hunter	Lensing	McCarthy	Miller
Murphy	Osterhaus	Shomshor	Shoultz
Smith	Taylor, D.	Taylor, T.	Wendt
Whitead	Winckler		

Absent or not voting, 2:

Berry	Drake
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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 2528 and 2537.**

HOUSE FILE 2295 WITHDRAWN

Boddicker of Cedar asked and received unanimous consent to withdraw House File 2295 from further consideration by the House.

House File 2523, a bill for an act providing for the regulation of air quality, and making penalties applicable, was taken up for consideration.

Kuhn of Floyd offered the following amendment H-8269 filed by him and Greimann of Story and moved its adoption:

H-8269

- 1 Amend House File 2523 as follows:
- 2 1. Page 1, by striking lines 1 through 31.
- 3 2. By renumbering as necessary.

Roll call was requested by Mascher of Johnson and Hunter of Polk.

On the question "Shall amendment H-8269 be adopted?" (H.F. 2523)

The ayes were, 38:

Bukta	Cohoon	Connors	Davitt
Eichhorn	Fallon	Foege	Ford
Frevert	Gaskill	Greimann	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Schickel
Shoultz	Smith	Stevens	Swaim
Taylor, T.	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 59:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Chambers

Dandekar	De Boef	Dennis	Dix
Dolecheck	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Mertz
Miller	Olson, S.	Paulsen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Shomshor
Struyk	Taylor, D.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.R.
Watts	Wilderdylke	Carroll,	
		Presiding	

Absent or not voting, 3:

Berry Drake Van Fossen, J.K.

Amendment H-8269 lost.

Mertz of Kossuth offered amendment H-8287 filed by her and Greiner of Washington as follows:

H-8287

- 1 Amend House File 2523 as follows:
- 2 1. Page 2, by striking line 5, and inserting the
- 3 following: "academies, which may appoint up to three
- 4 members who reside in this state or in states
- 5 contiguous to this state".
- 6 2. Page 2, by striking lines 6 through 9, and
- 7 inserting the following:
- 8 " () The university of Iowa, which may appoint
- 9 one member."
- 10 3. Page 3, by inserting after line 23, the
- 11 following:
- 12 " _____. The panel shall consult with the agency for
- 13 toxic substances and disease registry as to the health
- 14 effect levels as defined in section 459.207, if any,
- 15 for odor."
- 16 4. Page 3, by striking line 26, and inserting the
- 17 following:
- 18 " _____. a. The panel shall".
- 19 5. By renumbering as necessary.

Shoultz of Black Hawk offered the following amendment H-8297, to amendment H-8287, filed by him from the floor and moved its adoption:

H-8297

- 1 Amend the amendment, H-8287, to House File 2523, as
- 2 follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:
- 5 "() The Iowa medical society which may appoint
- 6 one member. The member shall be a physician who is
- 7 board certified as a pulmonary specialist."

Amendment H-8297 lost.

On motion by Mertz of Kossuth, amendment H-8287 was adopted.

Greiner of Washington offered amendment H-8283 filed by her and Ford of Polk as follows:

H-8283

- 1 Amend House File 2523 as follows:
- 2 1. Page 4, by striking line 2 and inserting the
- 3 following: "final report shall be submitted no later
- 4 than December 31, 2006. The final report shall
- 5 contain findings and, if appropriate,
- 6 recommendations."

Hogg of Linn offered the following amendment H-8298, to amendment H-8283, filed by him from the floor and moved its adoption:

H-8298

- 1 Amend the amendment, H-8283, to House File 2523 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "____. Page 1, by striking lines 1 through 31."
- 6 2. Page 1, by inserting after line 6 the
- 7 following:
- 8 "____. By striking page 4, line 3, through page
- 9 10, line 14, and inserting the following:
- 10 "____. The commission shall adopt rules determined
- 11 necessary to implement recommendations contained in
- 12 the panel's final report."

Greiner of Washington rose on a point of order that amendment H-8298 was not germane, to amendment H-8283.

The Speaker ruled the point well taken and amendment H-8298 not germane.

On motion by Greiner of Washington, amendment H-8283 was adopted.

Kuhn of Floyd asked and received unanimous consent that amendment H-8284 be deferred.

Hogg of Linn offered amendment H-8288 filed by him as follows:

H-8288

- 1 Amend House File 2523 as follows:
- 2 1. Page 4, line 16, by striking the words
- 3 "physical disease" and inserting the following:
- 4 "adverse physical effect".

Hogg of Linn offered the following amendment H-8301, to amendment H-8288, filed by him from the floor and moved its adoption:

H-8301

- 1 Amend the amendment, H-8288, to House File 2523, as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word
- 4 "physical" and inserting the following: "health".

Amendment H-8301 was adopted.

Roberts of Carroll in the chair at 5:46 p.m.

On motion by Hogg of Linn, amendment H-8288, as amended, lost.

Greiner of Washington offered the following amendment H-8282 filed by her and moved its adoption:

H-8282

- 1 Amend House File 2523 as follows:
- 2 1. Page 4, by striking lines 32 and 33 and
- 3 inserting the following: "The monitoring period for
- 4 an airborne pollutant shall begin with the start of
- 5 collection of valid data for such airborne pollutant,

6 including but not limited to the collection of valid
7 data prior to the effective date of this Act. The
8 field".

Amendment H-8282 was adopted.

Greiner of Washington offered amendment H-8286 filed by her as follows:

H-8286

1 Amend House File 2523 as follows:
2 1. By striking page 4, line 34, through page 5,
3 line 1, and inserting the following: "study shall
4 include monitoring data from at least five confinement
5 feeding operations that to every extent practicable
6 are located in different geographic locations in the
7 state. In performing the study, the department shall
8 monitor each type of production and management system
9 that is associated with each type of confinement
10 feeding operation structure commonly used in this
11 state."

Greiner of Washington offered the following amendment H-8296, to amendment H-8286, filed by her from the floor and moved its adoption:

H-8296

1 Amend the amendment, H-8286, to House File 2523, as
2 follows:
3 1. By striking page 1, lines 3 through 11, and
4 inserting the following: "line 1, and inserting the
5 following: "study shall include monitoring data from
6 at least five confinement feeding operations for each
7 type or phase of animal production system commonly
8 used in this state and for each type of manure storage
9 or treatment system commonly used at such animal
10 production systems. The confinement feeding
11 operations monitored shall, to every extent
12 practicable, be located in different geographic
13 locations in the state.""

A non-record roll call was requested.

The ayes were 52, nays 27.

Amendment H-8296 was adopted.

On motion by Greiner of Washington, amendment H-8286, as amended, was adopted.

Kuhn of Floyd asked and received unanimous consent to withdraw amendment H-8284, previously deferred, filed by him on March 22, 2004.

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. 2523)

The ayes were, 63:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Bogges	Carroll
Chambers	Dandekar	De Boef	Dennis
Dix	Dolecheck	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Hahn	Hanson	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Manternach	Mertz
Miller	Olson, S.	Paulsen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Shomshor	Struyk
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdike	Wise	Roberts, Presiding	

The nays were, 34:

Bukta	Cohoon	Connors	Davitt
Fallon	Foege	Ford	Frevrt
Gaskill	Greimann	Heddens	Hogg
Hunter	Jacoby	Jochum	Kuhn
Lensing	Mascher	McCarthy	Murphy
Oldson	Olson, D.	Petersen	Schickel
Shoultz	Smith	Stevens	Swaim
Taylor, D.	Taylor, T.	Wendt	Whitaker
Whitead	Winckler		

Absent or not voting, 3:

Berry	Drake	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, placing out of order amendment H-8299 filed by Hogg of Linn from the floor.

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 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2044, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

Also: That the Senate has on March 23, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2138, a bill for an act providing for an Iowa animal identification development council, and providing an effective date.

Also: That the Senate has on March 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2179, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board.

Also: That the Senate has on March 23, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2213, a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee.

Also: That the Senate has on March 23, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2225, a bill for an act providing for negotiated rulemaking.

Also: That the Senate has on March 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2255, a bill for an act relating to the development of an Iowa studies professional development plan and the appointment of an Iowa studies committee by the university of northern Iowa, and directing the department of education to evaluate and report on the plan.

Also: That the Senate has on March 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2264, a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees.

Also: That the Senate has on March 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2279, a bill for an act relating to petition requirements for establishing a satellite absentee voting station.

Also: That the Senate has on March 23, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2282, a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date.

MICHAEL E. MARSHALL, Secretary

House File 2473, a bill for an act relating to involuntary hospitalization procedures involving the county single entry point process and patient advocates, was taken up for consideration.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8183 filed by him on March 8, 2004.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8205 filed by him on March 9, 2004.

Carroll of Poweshiek offered amendment H-8258 filed by him and Smith of Marshall as follows:

H-8258

- 1 Amend House File 2473 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 229.1B, Code 2003, is amended
- 5 to read as follows:
- 6 229.1B SINGLE ENTRY POINT PROCESS.
- 7 Notwithstanding any provision of this chapter to
- 8 the contrary, any person whose hospitalization
- 9 expenses are payable in whole or in part by a county
- 10 shall be subject to all requirements of the single
- 11 entry point process. The single entry point process
- 12 administrator or the administrator's designee shall
- 13 assist the court by determining the person's county of
- 14 legal settlement and notifying the court of the
- 15 determination. In addition, the administrator or

16 designee shall identify one or more appropriate
17 hospitals or facilities with an opening available for
18 placement of the person and provide this information
19 to the court along with a placement recommendation.

20 Sec. _____. Section 229.8, subsection 2, Code 2003,
21 is amended to read as follows:

22 2. Cause copies of the application and supporting
23 documentation to be sent to the county attorney or the
24 county attorney's attorney-designate for review, and
25 to the county's single entry point process
26 administrator."

27 2. Page 1, line 32, by striking the word "The"
28 and inserting the following: "Prior to the hearing,
29 the".

30 3. Page 2, line 1, by inserting after the word
31 "respondent." the following: "If determined to be in
32 the best interest of the respondent, the judge may
33 order placement of the respondent in an alternative
34 facility in which an opening is available."

35 4. Page 2, line 17, by inserting after the word
36 "respondent." the following: "If determined to be in
37 the best interest of the respondent, the judge may
38 order placement of the respondent in an alternative
39 facility in which an opening is available."

40 5. Page 2, line 29, by inserting after the word
41 "respondent." the following: "If determined to be in
42 the best interest of the respondent, the judge may
43 order placement of the respondent in an alternative
44 facility in which an opening is available."

45 6. Page 3, by inserting after line 21 the
46 following:

47 "Sec. _____. Section 229.22, subsection 2,
48 unnumbered paragraph 2, Code Supplement 2003, is
49 amended to read as follows:

50 If the magistrate orders that the person be

Page 2

1 detained, the magistrate shall, by the close of
2 business on the next working day, file a written order
3 with the clerk in the county where it is anticipated
4 that an application may be filed under section 229.6.
5 The order may be filed by facsimile if necessary. The
6 order shall state the circumstances under which the
7 person was taken into custody or otherwise brought to
8 a facility, and the grounds supporting the finding of
9 probable cause to believe that the person is seriously
10 mentally impaired and likely to injure the person's
11 self or others if not immediately detained. The order
12 shall confirm the oral order authorizing the person's
13 detention including any order given to transport the
14 person to an appropriate facility. The clerk shall

15 provide a copy of that order to the single entry point
 16 process administrator of the county where it is
 17 anticipated that an application may be filed under
 18 section 229.6, to the chief medical officer of the
 19 facility to which the person was originally taken, to
 20 any subsequent facility to which the person was
 21 transported, and to any law enforcement department or
 22 ambulance service that transported the person pursuant
 23 to the magistrate's order.

24 Sec. _____. Section 229.24, subsection 1, Code 2003,
 25 is amended to read as follows:

26 1. All papers and records pertaining to any
 27 involuntary hospitalization or application for
 28 involuntary hospitalization of any person under this
 29 chapter, whether part of the permanent record of the
 30 court or a county or of a file in the department of
 31 human services, are subject to inspection only upon an
 32 order of the court for good cause shown. Nothing in
 33 this section shall prohibit a hospital from complying
 34 with the requirements of this chapter and of chapter
 35 230 relative to financial responsibility for the cost
 36 of care and treatment provided a patient in that
 37 hospital, nor from properly billing any responsible
 38 relative or third-party payer for such care and
 39 treatment."

40 7. Page 3, by striking lines 27 through 33 and
 41 inserting the following: "with mental illness. If
 42 established,".

43 8. By renumbering as necessary.

Carroll of Poweshiek offered the following amendment H-8304, to
 amendment H-8258, filed by Carroll, Smith of Marshall and Cohoon
 of Des Moines from the floor and moved its adoption:

H-8304

1 Amend the amendment, H-8258, to House File 2473, as
 2 follows:

3 1. Page 1, line 7, by inserting before the word
 4 "Notwithstanding" the following: "1."

5 2. Page 1, by inserting after line 19 the
 6 following:

7 "2. The county single entry point process
 8 administrator shall develop a plan for addressing
 9 emergency examinations and placements made under this
 10 chapter. The plan shall be developed in consultation
 11 with representatives of the community mental health
 12 centers and hospitals providing emergency services in
 13 that county. The plan shall include but is not
 14 limited to a process for the administrator or the
 15 administrator's designee to provide the court with a

16 placement recommendation as required by this chapter.
 17 3. A person who receives confidential information
 18 under this chapter due to the person's
 19 responsibilities relating to the single entry point
 20 process is subject to the requirements of chapter 228,
 21 the federal Health Insurance Portability and
 22 Accountability Act of 1996, Pub. L. No. 104-191, and
 23 other applicable requirements intended to protect the
 24 confidentiality of information pertaining to a
 25 respondent or person subject to a commitment order
 26 under this chapter."

27 3. Page 1, by inserting after line 26 the
 28 following:

29 " _____. Page 1, by striking line 5 and inserting
 30 the following: "advocate of".

31 _____. Page 1, line 8, by inserting after the
 32 figure "3." the following: "If an order is issued,
 33 the clerk shall also provide a copy of the order to
 34 the single entry point process administrator of the
 35 respondent's county of legal settlement."

36 4. Page 2, by inserting after line 39 the
 37 following:

38 " _____. Page 3, by inserting before line 22 the
 39 following:

40 "Sec. _____. Section 331.424A, Code Supplement 2003,
 41 is amended by adding the following new subsection:
 42 NEW SUBSECTION. 6. a. Notwithstanding contrary
 43 provisions of this section, a county may request
 44 approval of a waiver by the department of management
 45 to create a special program fund to receive moneys and
 46 to pay the direct and indirect costs of special
 47 program services provided to persons eligible for
 48 services payable from the services fund. In
 49 requesting the waiver, the county shall provide
 50 information detailing how the special fund will be

Page 2

1 used, the basis upon which moneys will be credited and
 2 expended from the special fund, and other information
 3 specified by the department of management in order for
 4 the department to determine whether the special fund
 5 will be used in a manner that is appropriate to
 6 distinguish those uses from the uses of the services
 7 fund. The department of management may authorize a
 8 waiver for a specific term or an indefinite term and a
 9 waiver is subject to other conditions that the
 10 department may apply to ensure that the special fund
 11 is operated solely for the purposes for which the
 12 special fund is authorized. The department's approval
 13 of a waiver shall be based upon the department's
 14 determination that the special fund will be only be

15 used for managing money for special program services
 16 provided to persons eligible for services paid from
 17 the services fund and are appropriate to distinguish
 18 those uses from the uses of the services fund.
 19 b. The special program services may be provided to
 20 persons whose service costs are attributable to the
 21 county that created the special program fund or to
 22 other counties. In addition to receipts from the
 23 services fund of the county that created the special
 24 program fund, receipts from federal, state, and other
 25 county and governments, and any other revenues
 26 associated with the provision of special program
 27 services shall be credited to the special program
 28 fund. The levy limitation established pursuant to
 29 subsection 4 is not subject to increase as a result of
 30 the creation or administration of the special program
 31 fund. The management plans approved pursuant to
 32 section 331.439 for the counties purchasing services
 33 from the special program fund shall address the
 34 services payable from the special program fund and the
 35 administration of the special program fund."
 36 5. Page 2, by inserting after line 42 the
 37 following:
 38 "____. Title page, by striking lines 1 through 3
 39 and inserting the following: "An Act relating to
 40 mental health, mental retardation, and developmental
 41 disabilities services by revising involuntary
 42 hospitalization procedures involving the county single
 43 entry point process and patient advocates and
 44 authorizing counties to create a special program fund
 45 for these services."
 46 6. By renumbering as necessary.

Amendment H-8304 was adopted.

On motion by Carroll of Poweshiek, amendment H-8258, as amended, 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?" (H.F. 2473)

The ayes were, 62:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
Cohoon	Davitt	De Boef	Dennis

Dix	Dolecheck	Eichhorn	Elgin
Foege	Freeman	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jones	Klemme
Kramer	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Smith
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wildurdyke
Wise	Roberts, Presiding		

The nays were, 35:

Bell	Bukta	Connors	Dandekar
Fallon	Ford	Frevert	Gaskill
Hogg.	Huser	Jochum	Kuhn
Lensing	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Petersen	Quirk	Reasoner	Shomshor
Shoultz	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	

Absent or not voting, 3:

Berry	Drake	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, placing out of order amendment H-8295, filed by Carroll of Poweshiek from the floor.

HOUSE FILE 2354 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 2354 from further consideration by the House.

INTRODUCTION OF BILL

House File 2553, by committee on ways and means, a bill for an act relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date, and providing an effective date.

Read first time and place on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2044, by Brunkhorst, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

Read first time and referred to committee on **state government**.

Senate File 2138, by Miller, a bill for an act providing for an Iowa animal identification development council, and providing an effective date.

Read first time and referred to committee on **agriculture**.

Senate File 2179, by committee on state government, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board.

Read first time and referred to committee on **state government**.

Senate File 2213, by committee on natural resources and environment, a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee.

Read first time and referred to committee on **natural resources**.

Senate File 2264, by committee on judiciary, a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees.

Read first time and referred to committee on **judiciary**.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that **House Files 2473** and **2523** be immediately messaged to the Senate.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eight Girl Scouts and two Boy Scouts from Girl and Boy Scout Troup 2442, Davenport, Iowa, accompanied by Kim Chant and Paula Egolf. By Lykam 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

- | | |
|----------|---|
| 2004\861 | Kelly Peacock, North High School – For being named a State of Iowa Scholar. |
| 2004\862 | Elizabeth Douglass, North High School – For being named a State of Iowa Scholar. |
| 2004\863 | Bryan Berry, North High School – For being named a State of Iowa Scholar. |
| 2004\864 | William Campbell, Glenwood – For his 35 years of dedicated service to the community and to the residents of the Glenwood Resource Center. |
| 2004\865 | Grant Rothweiler, Davenport West High School – For being named a State of Iowa Scholar. |
| 2004\866 | Audrey Pohlmann, Davenport West High School – For being named a State of Iowa Scholar. |
| 2004\867 | Melissa Kopf, Davenport West High School – For being named a State of Iowa Scholar. |
| 2004\868 | Jason Feilpel, Davenport West High School – For being named a State of Iowa Scholar. |
| 2004\869 | Sarah Freitag, Davenport West High School – For being named a State of Iowa Scholar. |
| 2004\870 | Emily Goebel, Davenport West High School – For being named a State of Iowa Scholar. |
| 2004\871 | Lucas Cook, Davenport West High School – For being named a State of Iowa Scholar. |
| 2004\872 | Mark Stringham, Central High School – For being named a State of Iowa Scholar. |

- 2004\873 Bethany Wiese, Central High School – For being named a State of Iowa Scholar.
- 2004\874 Daniel Levetzow, Central High School – For being named a State of Iowa Scholar.
- 2004\875 Laura Fierce, Central High School – For being named a State of Iowa Scholar.
- 2004\876 Laura Henze, State Center – For celebrating her 99th birthday.
- 2004\877 Nelle Silvey, Iowa Falls – For celebrating her 90th birthday.
- 2004\878 Andrea Faris, Central High School – For being named a State of Iowa Scholar.
- 2004\879 Kenneth Severson, Radcliffe – For celebrating his 90th birthday.
- 2004\880 John Dinnes, Eldora – For celebrating his 80th birthday.
- 2004\881 Golda Fredericks, Iowa Falls – For celebrating her 100th birthday.
- 2004\882 Lindsey Arnold, Assumption High School – For being named a State of Iowa Scholar.
- 2004\883 Katelin Gannon, Assumption High School – For being named a State of Iowa Scholar.
- 2004\884 David Green, Assumption High School – For being named a State of Iowa Scholar.
- 2004\885 Molly Temming, Assumption High School – For being named a State of Iowa Scholar.
- 2004\886 Melinda Brocka, Central High School – For being named a State of Iowa Scholar.
- 2004\887 J.R. Byrne – For receiving the Heroism Award from the Boy Scouts of America.
- 2004\888 Jesse Stokke – For receiving the Heroism Award from the Boy Scouts of America.
- 2004\889 Bernice Jones, Waterloo – For celebrating her 90th birthday.
- 2004\890 Blanche Wolf, Waterloo – For celebrating her 90th birthday.
- 2004\891 Royden and Janet White, Altoona – For celebrating their 50th wedding anniversary.
- 2004\892 Merrill and Ruth Hall, Bondurant – For celebrating their 60th wedding anniversary.

- 2004\893 Phil and Norma Hildebrand, Pleasant Hill – For celebrating their 50th wedding anniversary.
- 2004\894 Walt and Vonda Lee Williams, Colfax – For celebrating their 50th wedding anniversary.
- 2004\895 Frances Hoffman, Ottumwa – For celebrating her 80th birthday.
- 2004\896 Alvin and Cleo Rieck, Ocheyedan – For celebrating their 60th wedding anniversary.
- 2004\897 Lester Woltersdorf, Sibley – For celebrating his 90th birthday.
- 2004\898 Robert and Gladys Holze, Macedonia – For celebrating their 50th wedding anniversary.
- 2004\899 Mary Wahl, Central High School – For being named a State of Iowa Scholar.
- 2004\900 John and Beverly McCardle, Brandon – For celebrating their 50th wedding anniversary.
- 2004\901 Willard and Marilyn Fritz, Oakland – For celebrating their 50th wedding anniversary.
- 2004\902 Travis Beaver, Sioux Center – For being selected to the 2A Farm Bureau All-Tournament Basketball Team for the 2004 Boys State Basketball Tournament.
- 2004\903 Elizabeth Richtsmeier, AGWSR High School – For being named a State of Iowa Scholar.
- 2004\904 Heather Richtsmeier, AGWSR High School – For being named a State of Iowa Scholar.
- 2004\905 Jeff Stickrod, Eldora-New Providence Senior High School – For being named a State of Iowa Scholar.
- 2004\906 Lexsea Welp, Eldora-New Providence Senior High School – For being named a State of Iowa Scholar.
- 2004\907 Laurel Evans, Iowa Falls High School – For being named a State of Iowa Scholar.
- 2004\908 Emily Rau, Iowa Falls High School – For being named a State of Iowa Scholar.
- 2004\909 Luke Barnum, East Marshall Senior High School – For being named a State of Iowa Scholar.
- 2004\910 Russell DeVolder, East Marshall Senior High School – For being named a State of Iowa Scholar.

- 2004\911 Thomas Kemmerer, West Marshall High School – For being named a State of Iowa Scholar.
- 2004\912 Kilty Maher, West Marshall High School – For being named a State of Iowa Scholar.
- 2004\913 Raymond Michels, West Marshall High School – For being named a State of Iowa Scholar.
- 2004\914 St. Edmonds High School Boys Basketball Team and their Supporters, Fort Dodge – For receiving the Class 2A State Boys Basketball Sportsmanship Award.

SUBCOMMITTEE ASSIGNMENTS

House File 61 Reassigned

Ways and Means: Tymeson, Chair; Paulsen and Taylor, D.

House File 421

Ways and Means: Lukan, Chair; Lalk and Taylor, D.

House File 2389

Ways and Means: Drake, Chair; Davitt and Lalk.

House File 2425

Ways and Means: Olson, S., Chair; Lalk and Shomshor.

House File 2438

Appropriations: Dix, Chair; Jenkins and Kuhn.

House File 2478

Appropriations: De Boef, Chair; Chambers and Mertz.

House File 2482

Appropriations: Eichhorn, Chair; Jacobs and Reasoner.

House File 2492

Appropriations: Upmeyer, Chair; Heaton and Thomas.

House File 2507

Appropriations: Upmeyer, Chair; Heaton and Quirk.

House File 2526

Ways and Means: Drake, Chair; Jochum and Kurtenbach.

Senate File 2275

Judiciary: Maddox, Chair; Paulsen and Swaim.

Senate File 2284

Ways and Means: Kramer, Chair; Huser and Tymeson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 723**

Ways and Means: Kramer, Chair; Carroll and Shomshor.

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 2210, a bill for an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2004.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Senate File 2175, a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2004.

Senate File 2257, a bill for an act relating to the use of credit information for underwriting or rating risks for personal insurance and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2004.

COMMITTEE ON HUMAN RESOURCES

Senate File 2190, a bill for an act relating to the development of the long-term care system in Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2004.

COMMITTEE ON STATE GOVERNMENT

Senate File 2149, a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8300** March 23, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2345), relating to programs under the authority of the department of public health.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2004.

Committee Bill (Formerly House File 2372), relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2004.

Committee Bill (Formerly House File 2429), relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 2004.

Committee Bill (Formerly House File 2509), relating to the issuance of special motor vehicle registration plates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 2004.

RESOLUTIONS FILED

HR 139, by Rasmussen and Lalk, a resolution honoring the Dunkerton High School Boys' Basketball Team on their 2004 state championship.

Laid over under **Rule 25**.

HR 140, by Schickel, Upmeyer, Rayhons and Kuhn, a resolution to recognize and honor the soldiers of the 1133rd Transportation Company of the Iowa National Guard and their families.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8294	S.F.	297	Alons of Sioux Van Engelenhoven of Marion
H—8300	S.F.	2149	Committee on State Government
H—8302	H.F.	2548	Alons of Sioux
H—8303	S.F.	2066	McCarthy of Polk J.R. Van Fossen of Scott
			Watts of Dallas Schickel of Cerro Gordo Mertz of Kossuth Shomshor of Pottawattamie Greiner of Washington Struyk of Pottawattamie J.K. Van Fossen of Scott
H—8305	H.F.	2465	Dolecheck of Ringgold Reasoner of Union Klemme of Plymouth Rayhons of Hancock Murphy of Dubuque Lukan of Dubuque Wildurdyke of Harrison T. Taylor of Linn
H—8306	H.F.	2514	Upmeyer of Hancock
H—8307	H.F.	2472	Fallon of Polk
H—8308	S.F.	2208	Huser of Polk
H—8309	H.F.	2470	Petersen of Polk Berry of Black Hawk Cohon of Des Moines
			Bell of Jasper Bukta of Clinton

Connors of Polk
 Davitt of Warren
 Ford of Polk
 Gaskill of Wapello
 Heddens of Story
 Jacoby of Johnson
 Kuhn of Floyd
 Lykam of Scott
 Mertz of Kossuth
 Murphy of Dubuque
 D. Olson of Boone
 Quirk of Chickasaw
 Shomshor of Pottawattamie
 Smith of Marshall
 D. Taylor of Linn
 Thomas of Clayton
 Whitaker of Van Buren
 Winckler of Scott
 H—8310 H.F. 2231
 H—8311 H.F. 2470
 Berry of Black Hawk
 Cohoon of Des Moines
 Bell of Jasper
 Fallon of Polk
 Ford of Polk
 Gaskill of Wapello
 Heddens of Story
 Huser of Polk
 Jochum of Dubuque
 Lensing of Johnson
 Mascher of Johnson
 Mertz of Kossuth
 Murphy of Dubuque
 Quirk of Chickasaw
 Shomshor of Pottawattamie
 Smith of Marshall
 Swaim of Davis
 T. Taylor of Linn
 Wendt of Woodbury
 Whitead of Woodbury

Dandekar of Linn
 Foege of Linn
 Frevert of Palo Alto
 Greimann of Story
 Hunter of Polk
 Jochum of Dubuque
 Lensing of Johnson
 Mascher of Johnson
 Miller of Webster
 Oldson of Polk
 Osterhaus of Jackson
 Reasoner of Union
 Shoultz of Black Hawk
 Stevens of Dickinson
 T. Taylor of Linn
 Wendt of Woodbury
 Whitead of Woodbury
 Wise of Lee
 Baudler of Adair
 Osterhaus of Jackson
 Bukta of Clinton
 Connors of Polk
 Davitt of Warren
 Foege of Linn
 Frevert of Palo Alto
 Greimann of Story
 Hunter of Polk
 Jacoby of Johnson
 Kuhn of Floyd
 Lykam of Scott
 McCarthy of Polk
 Miller of Webster
 D. Olson of Boone
 Reasoner of Union
 Shoultz of Black Hawk
 Stevens of Dickinson
 D. Taylor of Linn
 Thomas of Clayton
 Whitaker of Van Buren
 Winckler of Scott

On motion by Gipp of Winneshiek the House adjourned at 7:38 p.m., until 8:45 a.m., Wednesday, March 24, 2004.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 24, 2004

The House met pursuant to adjournment at 8:47 a.m., Klemme of Plymouth in the chair.

Prayer was offered by Rabbi David Kaufman of Temple B'nai Jeshurnn, Des Moines. He was the guest of Representative Jo Oldson from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Ralph Klemme, state representative from Plymouth County.

The Journal of Tuesday, March 24, 2004 was approved.

SENATE MESSAGES CONSIDERED

Senate File 2225, by committee, on economic growth, a bill for an act providing for negotiated rulemaking.

Read first time and referred to committee on **state government**.

Senate File 2255, by committee on education, a bill for an act relating to the development of an Iowa studies professional development plan and the appointment of an Iowa studies committee by the university of northern Iowa, and directing the department of education to evaluate and report on the plan.

Read first time and referred to committee on **education**.

Senate File 2279, by committee on state government, a bill for an act relating to petition requirements for establishing a satellite absentee voting station.

Read first time and referred to committee on **state government**.

Senate File 2282, by committee on natural resources and environment, a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date.

Read first time and referred to committee on **natural 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 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2209, a bill for an act relating to the content of immunizations, and making a penalty applicable.

Also: That the Senate has on March 23, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2233, a bill for an act eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service.

Also: That the Senate has on March 23, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2256, a bill for an act concerning the refund of unearned accident and health insurance premiums upon the death of the insured.

Also: That the Senate has on March 23, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2269, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes relating to absentee voting, providing penalties, and providing an effective date.

Also: That the Senate has on March 23, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2285, a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 8:56 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened at 2:40 p.m., Speaker Rants in the chair.

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 24, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2268, a bill for an act relating to the request for a regulatory analysis.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2209, by committee on human resources, a bill for an act relating to the content of immunizations, and making a penalty applicable.

Read first time and referred to committee on **human resources**.

Senate File 2233, by committee on judiciary, a bill for an act eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service.

Read first time and referred to committee on **public safety**.

Senate File 2256, by committee on commerce, a bill for an act concerning the refund of unearned accident and health insurance premiums upon the death of the insured.

Read first time and referred to committee on **commerce, regulation and labor**.

Senate File 2268, by committee on economic growth, a bill for an act relating to the request for a regulatory analysis.

Read first time and referred to committee on **state government**.

Senate File 2269, by committee on state government, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date.

Read first time and referred to committee on **state government**.

Senate File 2285, by committee on ways and means, a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date.

Read first time and referred to committee on **local government**.

The House stood at ease at 2:41 p.m., until the fall of the gavel.

The House resumed session at 3:45 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 2231, a bill for an act relating to the release of sex offender registry records, and providing an effective date, was taken up for consideration.

Baudler of Adair asked and received unanimous consent to withdraw amendment H-8310 filed by him on March 23, 2004.

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. 2231)

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	Foege	Ford	Freeman

Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	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	Shomshor	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	Wilderdycy	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 3:

De Boef	Fallon	Horbach
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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.

Greimann of Story in the chair at 4:09 p.m.

House File 2344, a bill for an act relating to child development home provider qualifications 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. 2344)

The ayes were, 71:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Bogges	Carroll
Chambers	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin

Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Lykam	Maddox	Manternach
Mertz	Miller	Olson, S.	Paulsen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Whitaker	Wildurdyke	Greimann, Presiding	

The nays were, 29:

Berry	Bukta	Cphoon	Connors
Dandekar	Davitt	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Mascher	McCarthy	Murphy
Oldson	Olson, D.	Osterhaus	Petersen
Reasoner	Shomshor	Shoultz	Smith
Taylor, T.	Wendt	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.

HOUSE FILE 2048 WITHDRAWN

Granzow of Hardin asked and received unanimous consent to withdraw House File 2048 from further consideration by the House.

House File 2465, a bill for an act establishing requirements for persons contracting with the department of human services, was taken up for consideration.

Wildurdyke of Harrison offered the following amendment H-8305 filed by him and T. Taylor of Linn and moved its adoption:

H-8305

- 1 Amend House File 2465 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 Section 1. NEW SECTION. 73.3A CONTRACT EMPLOYEE
- 5 SERVICES.

6 A person who contracts with a commission, board,
7 committee, officer, or other governing body of the
8 state to provide administrative, labor, or other
9 services that would otherwise be provided by state
10 employees shall, as a condition of receiving the
11 contract, report all payments received under the
12 contract to the department of management. The
13 department of management shall annually prepare an
14 analysis of the reports and provide the analysis to
15 the general assembly."

16 2. Title page, by striking line 2 and inserting
17 the following: "state."

Amendment H-8305 was adopted.

Wilderdyke of Harrison offered the following amendment H-8281
filed by him and moved its adoption:

H-8281

1 Amend House File 2465 as follows:
2 1 Page 1, by striking lines 8 through 10 and
3 inserting the following: "not contract with the
4 department to provide services. However, the
5 prohibition under".

Amendment H-8281 was adopted.

Smith of Marshall offered the following amendment H-8278 filed
by him and moved its adoption:

H-8278

1 Amend House File 2465 as follows:
2 1. Page 1, by inserting after line 25 the
3 following:
4 "e. The person terminated employment with the
5 department within twelve months of obtaining an
6 advanced degree from an accredited college or
7 university and the degree qualified the person to
8 provide services that the person was not previously
9 qualified to provide."

Amendment H-8278 was adopted.

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. 2465)

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	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	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	Greimann, 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 and was agreed to.

HOUSE FILE 487 WITHDRAWN

Wilderdyke of Harrison asked and received unanimous consent to withdraw House File 487 from further consideration by the House.

Boddicker of Cedar in the chair at 4:35 p.m.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2231, 2344 and 2465.**

House File 2514, a bill for an act relating to a pilot project for dementia-specific care alternatives, was taken up for consideration.

Upmeyer of Hancock offered the following amendment H-8306 filed by her and moved its adoption:

H-8306

1 Amend House File 2514 as follows:

2 1 By striking everything after the enacting
3 clause, and inserting the following:

4 "Section 1. DEMENTIA—SPECIFIC CARE ALTERNATIVES —
5 PILOT PROJECT.

6 1. The department of inspections and appeals, in
7 cooperation with department of elder affairs in
8 consultation with representatives of the affected
9 industry, shall implement a pilot project for
10 dementia-specific alternative living.

11 2. The department of inspections and appeals, in
12 cooperation with department of elder affairs in
13 consultation with representatives of the affected
14 industry, shall adopt rules for the pilot project
15 which allow for an environment that is similar to
16 group home living, but which, at a minimum, require
17 compliance with life safety code requirements
18 commensurate with the level of care required for, and
19 frailty of, the population being served.

20 3. The department of inspections and appeals shall
21 limit the number of projects in the pilot project to
22 two. The projects shall be based on measurable
23 outcomes as defined by the department of inspections
24 and appeals, in cooperation with the department of
25 elder affairs in consultation with representatives of
26 the affected industry. The projects shall be subject
27 to an objective third-party evaluation and an
28 institutional review board using the human services
29 protocol.

30 4. The projects shall each be limited to three
31 years in duration. Upon completion of the three-year
32 period, the human services protocol review, and the
33 third-party evaluation, the department of inspections
34 and appeals, in cooperation with the department of
35 elder affairs in consultation with representatives of
36 the affected industry, shall submit a report to the
37 general assembly, which shall include but is not
38 limited to all of the following:

39 a. The results of the human services protocol
40 review.

41 b. The conclusion of the third-party evaluation of
42 the effectiveness of the dementia-specific care
43 alternative.

44 c. Based upon the third-party evaluation, a

45 comparison of the effectiveness of the dementia-
 46 specific care alternative to current dementia-specific
 47 assisted living and dementia-specific nursing
 48 facilities.
 49 d. Recommendations for immediate and long-range
 50 steps to be taken.

Page 2

1 e. Any recommendations for legislation necessary
 2 to implement the work of the pilot project."

Amendment H-8306 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. 2514)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boggess	Bukta.
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foegé	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	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	Boddicker, 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.

HOUSE FILE 2421 WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw House File 2421 from further consideration by the House.

House File 2520, a bill for an act relating to purchasing preferences for Iowa-based products and services, 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. 2520)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boguess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foegen	Ford
Freeman	Frevort	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	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	Boddicker, 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 2543, a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes, was taken up for consideration.

SENATE FILE 2187 SUBSTITUTED FOR HOUSE FILE 2543

Kurtenbach of Story asked and received unanimous consent to substitute Senate File 2187 for House File 2543.

Senate File 2187, a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes, was taken up for consideration.

Kurtenbach of Story 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. 2187)

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	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
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	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	Boddicker, 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.

HOUSE FILES 2448 and 2543 WITHDRAWN

Kurtenbach of Story asked and received unanimous consent to withdraw House Files 2448 and 2543 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 2514, 2520 and Senate File 2187.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, evening, March 23, 2004. Had I been present I would have voted "aye" on House Files 2473, 2523 and 2537.

DRAKE of Pottawattamie

SUBCOMMITTEE ASSIGNMENTS

House File 2513

Ways and Means: Carroll, Chair; Lukan and Wendt.

Senate File 2044

State Government: Greiner, Chair; Hutter, Manternach, Mascher and Whitead.

Senate File 2138

Agriculture: Olson S., Chair; Rayhons and Swaim.

Senate File 2179

State Government: Raecker, Chair; Jochum and Manternach.

Senate File 2213

Natural Resources: Lukan, Chair; Arnold and Lykam.

Senate File 2225

State Government: Roberts, Chair; Dennis and Oldson.

Senate File 2234

Judiciary: Boddicker, Chair; Hutter and Lensing.

Senate File 2264

Judiciary: Boal, Chair; Hutter and Winckler

Senate File 2279

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

Senate File 2282

Natural Resources: Boggess, Chair; Van Engelenhoven and Whitead

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 724**

Ways and Means: Van Fossen, J.K., Chair; Kramer and Shoultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 725 Oversight**

Relating to agriculture by providing for reporting requirements, 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 Joint Resolution 2009, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Libraries.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2004.

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 2492), providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 24, 2004.

Committee Bill (Formerly House File 2507), relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2004.

COMMITTEE ON JUDICIARY

Senate File 2266, a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2004.

COMMITTEE ON NATURAL RESOURCES

Senate File 2213, a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2004.

Senate File 2282, a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2004.

RESOLUTIONS FILED

HR 141, by Freeman, a resolution urging the United States Congress to appropriate funds to the National Park Service to assist state and local governments and private landowners in developing a comprehensive plan to preserve and restore the Loess Hills in Iowa.

Laid over under **Rule 25**.

HR 142, by Miller, Maddox, 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, Jacoby, Jenkins, Jochum, Jones, Klemme, Kramer, Kuhn, Kurtenbach, Lalk, Lensing, Lukan, Lykam, Manternach, Mascher, McCarthy, Mertz, Murphy, Oldson, D. Olson, S. Olson, Osterhaus, Paulsen, Petersen, Quirk, Raecker, Rants, Rasmussen, Rayhons, Reasoner, Roberts, Sands, Schickel, Shomshor, 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 honoring the National Bar Association for its important contributions to the legal profession and the judicial process.

Laid over under **Rule 25**.

HR 143, by Whitaker, Stevens, Bell, Cohoon, Swaim, D. Taylor, Thomas, Miller, Mertz, Smith, Kuhn, Foege, Whitead, Lykam, Wendt, Greimann, Jacoby, Lensing, Hogg, Shomshor and Osterhaus, a resolution urging all Iowans to kick the habit of smoking.

Laid over under **Rule 25**.

HR 144, by Jacoby, Lensing, Mascher and Foege, a resolution honoring University of Iowa football player Nate Kaeding from Coralville, Iowa.

Laid over under **Rule 25**.

HR 145, by Heaton, Foege, Smith and Upmeyer, a resolution to recognize May 2004 as Hepatitis C Awareness and Education Month and to urge greater public awareness and education regarding hepatitis C.

Laid over under **Rule 25**.

HR 146, by Granzow, a resolution honoring the city of Alden on its sesquicentennial anniversary year.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8312	S.F.	371	Sands of Louisa
H—8313	S.F.	2208	Huseman of Cherokee
H—8314	S.F.	371	Kurtenbach of Story
H—8315	H.F.	2391	Ford of Polk
H—8316	S.F.	297	Stevens of Dickinson

On motion by Gipp of Winneshiek the House adjourned at 5:08 p.m., until 8:45 a.m., Thursday, March 25, 2004.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day – Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 25, 2004

The House met pursuant to adjournment at 8:45 a.m., Klemme of Plymouth in the chair.

Prayer was offered by Reverend Aaron Bernabe, pastor of Correctionville Assembly of God Church, Correctionville. He was the guest of Representative Dan Huseman from Cherokee County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Ralph Klemme, state representative from Plymouth County.

The Journal of Wednesday, March 24, 2004 was approved.

INTRODUCTION OF BILLS

House File 2554, by committee on appropriations, a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Read for first time and placed on the **appropriations calendar**.

House File 2555, by committee on appropriations, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

Read for 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 24, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2106, a bill for an act relating to the jurisdictional limit in small claims court, related fees, and providing effective dates.

Also: That the Senate has on March 24, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2254, a bill for an act relating to crimes against members of the species homo sapiens at any stage of development.

Also: That the Senate has on March 24, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2259, a bill for an act relating to the establishment of a faith-based and community-based organizations network.

Also: That the Senate has on March 24, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2273, a bill for an act relating to the disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Regular Calendar

Senate File 2244, a bill for an act relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records, with report of committee recommending passage, was taken up or consideration.

Kurtenbach of Story 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. 2244)

The ayes were, 97:

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
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Klemme, Presiding			

The nays were, none.

Absent or not voting, 3:

Boguess

Struyk

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 MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2244** 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 and Joint Resolution be placed on the unfinished business calendar:

House Joint Resolution 2002

House File 2342

House File 2348

House File 2453

House File 2455

House File 2458

House File 2531

House File 2541

House File 2544
House File 2548
House File 2549
House File 2550

House File 2551
House File 2552
House File 2553

HOUSE FILE 2536 REFERRED

The Speaker announced that House File 2536, previously placed on the **calendar** was referred to the committee on **government oversight**.

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 25th day of March 2004: House Joint Resolution 2005, House Files 2325, 2373 and 2403.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

SUBCOMMITTEE ASSIGNMENTS

House File 2536 Reassigned

Government Oversight: Jenkins, Chair; Lensing and Raecker.

Senate File 2268

State Government: Roberts, Chair; Dennis and Oldson.

Senate File 2269

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

Senate File 2285

Local Government: Hanson, Chair; Hahn and Huser.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 725

Government Oversight: Kramer, Chair; Alons and Thomas.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 726 Ways and Means

Relating to the excise tax imposed upon gasoline.

H.S.B. 727 Ways and Means

Relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and providing a retroactive applicability date provision.

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 2234, a bill for an act relating to child custody and visitation provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8320** March 24, 2004.

Senate File 2264, a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8322** March 24, 2004.

COMMITTEE ON WAYS AND MEANS

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.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2004.

Pursuant to Rule 31.7, **Senate File 399** was referred to the committee on appropriations.

Senate File 443, a bill for an act relating to criteria for community-based seed capital funds and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8321** March 24, 2004.

AMENDMENTS FILED

H-8317	S.F.	297	Alons of Sioux Lukan of Dubuque
H-8318	H.F.	2555	Eichhorn of Hamilton
H-8319	S.F.	2266	Baudler of Adair
H-8320	S.F.	2234	Committee on Judiciary
H-8321	S.F.	443	Committee on Ways and Means
H-8322	S.F.	2264	Committee on Judiciary

On motion by Gipp of Winneshiek the House adjourned at 9:06 a.m., until 9:00 a.m., Friday, March 26, 2004.

JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day - Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 26, 2004

The House met pursuant to adjournment at 9:38 a.m., Gipp of Winneshiek in the chair.

The Journal of Thursday, March 25, 2004 was approved.

INTRODUCTION OF BILLS

House File 2556, by Fallon, a bill for an act relating to education funding by providing for the establishment of the state percent of growth for purposes of the state school foundation program; making appropriations to the department of education for community college funding and at-risk children's programs; making appropriations to the state board of regents; making an appropriation to the college student aid commission for tuition grants; increasing individual income tax rates, altering the methods for taxation of capital gains and income for shareholders of S corporations, requiring combined corporate returns of unitary business, and eliminating certain job creation tax incentives; eliminating certain sales and use tax exemptions; increasing the tax on insurance premiums; transferring certain use tax revenues to the general fund of the state; providing for the elimination of specified funding reductions for area education agencies; and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **education**.

House File 2557, by committee on ways and means, a bill for an act providing for the regulation of securities, providing for fees and penalties, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2106, by committee on judiciary, a bill for an act relating to the jurisdictional limit in small claims court, related fees, and providing effective dates.

Read first time and referred to committee on **judiciary**.

Senate File 2254, by committee on human resources, a bill for an act relating to crimes against members of the species homo sapiens at any stage of development.

Read first time and referred to committee on **human resources**.

Senate File 2259, by committee on human resources, a bill for an act relating to the establishment of a faith-based and community-based organizations network.

Read first time and referred to committee on **human resources**.

Senate File 2273, by committee on judiciary, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court.

Read first time and referred to committee on **judiciary**.

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 STATE GOVERNMENT

Senate File 2044, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2004.

Senate File 2179, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2004.

Senate File 2225, a bill for an act providing for negotiated rulemaking.

Fiscal Note is required.

Recommended **Do Pass** March 25, 2004.

Senate File 2268, a bill for an act relating to the request for a regulatory analysis.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2004.

Senate File 2269, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2004.

Senate File 2279, a bill for an act relating to petition requirements for establishing a satellite absentee voting station.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8323** March 25, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2409), providing for the regulation of securities, providing for fees and penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 24, 2004.

Committee Bill (Formerly House File 2417), relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 24, 2004.

RESOLUTION FILED

HR 147, by Heaton, a resolution encouraging the adoption of the Iowa tartan and the Iowa dress tartan as official state tartans.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8323	S.F.	2279	Committee on State Government
H—8324	H.F.	2552	Hunter of Polk

On motion by Stevens of Dickinson, the House adjourned at 9:40 a.m., until 1:00 p.m., Monday, March 29, 2004.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 29, 2004

The House met pursuant to adjournment at 12:59 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Alan Mullikin, pastor of the LeGrand Friends Church, LeGrand. He was the guest of Representative Polly Granzow from Hardin County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Friday, March 26, 2004 was approved.

PETITION FILED

The following petition was received and placed on file:

By Murphy of Dubuque from fifty-five thousand signatures favoring adequate funding for schools.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Gipp of Winneshiek; Jones of Mills, until his arrival, on request of Gipp of Winneshiek; Shomshor of Pottawattamie on request of Murphy of Dubuque.

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 25, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2538, an act providing a transfer from the cash reserve fund to the rebuild Iowa infrastructure fund for purposes of the standing appropriation to the environment first fund and providing an effective date.

MICHAEL E. MARSHALL, Secretary

HOUSE FILES REREFERRED TO COMMITTEE

Gipp of Winneshiek asked and received unanimous consent that the following bills be rereferred to the committee as listed:

House File 8	State Government
House File 627	Human Resources
House File 2123	State Government
House File 2135	Human Resources
House File 2151	Public Safety
House File 2294	Natural Resources
House File 2303	Commerce, Regulation and Labor
House File 2305	Commerce, Regulation and Labor
House File 2309	Local Government
House File 2379	Commerce, Regulation and Labor
House File 2380	Commerce, Regulation and Labor
House File 2391	Human Resources
House File 2426	Economic Growth
House File 2449	Commerce, Regulation and Labor
House File 2454	Judiciary
House File 2461	Education
House File 2466	Education
House File 2469	Transportation
House File 2470	Economic Growth
House File 2472	Local Government
House File 2485	Commerce, Regulation and Labor
House File 2498	Natural Resources
House File 2499	State Government
House File 2500	State Government
House File 2503	Judiciary
House File 2504	Judiciary
House File 2508	Judiciary
House File 2512	Public Safety
House File 2524	Public Safety
House File 2525	Economic Growth
House File 2529	Local Government

House File 2534
House File 2539
House File 2542

Judiciary
Commerce, Regulation and Labor
Commerce, Regulation and Labor

The House stood at ease at 1:08 p.m., until the fall of the gavel.

The House resumed session at 3:04 p.m., Roberts of Carroll in the chair.

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 Unfinished Business Calendar

House File 2342, a bill for an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer, was taken up for consideration.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8280 filed by her and Raecker of Polk on March 22, 2004.

SENATE FILE 2148 SUBSTITUTED FOR HOUSE FILE 2342

Sands of Louisa asked and received unanimous consent to substitute Senate File 2148 for House File 2342.

Senate File 2148, a bill for an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer, was taken up for consideration.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8285 filed by her and Raecker of Polk on March 22, 2004.

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. 2148)

The ayes were, 76:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	Cohoon	Dandekar	Davitt
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Freeman
Frevert	Gaskill	Gipp	Greiner
Hahn	Hanson	Heaton	Hoffman
Hogg	Horbach	Huseman	Hutter
Jacobs	Jacoby	Jenkins	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lukan	Lykam	Maddox	Manternach
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Reasoner	Sands	Schickel	Smith
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Wilderdike	Wise	Roberts, Presiding

The nays were, 19:

Berry	Bukta	Connors	Fallon
Ford	Granzow	Greimann	Heddens
Hunter	Huser	Jochum	Lensing
Mascher	Olson, D.	Shoultz	Taylor, D.
Taylor, T.	Whitead	Winckler	

Absent or not voting and 5:

De Boef	Jones	Osterhaus	Rayhons
Shomshor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2342 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House File 2342 from further consideration by the House.

House File 2453, a bill for an act relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates, was taken up for consideration.

Maddox of Polk offered the following amendment H-8270 filed by him and moved its adoption:

H-8270

- 1 Amend House File 2453 as follows:
- 2 1. Page 2, line 23, by striking the figure
- 3 "504A.503" and inserting the following: "504.503".
- 4 2. Page 5, line 35, by striking the figures and
- 5 word "504.503 and 504.1510" and inserting the
- 6 following: "504.504, 504.1510, and 504.1613".
- 7 3. Page 7, by striking lines 18 through 21 and
- 8 inserting the following:
- 9 "c. That all fees have been paid."
- 10 4. Page 11, line 11, by striking the figures and
- 11 word "6 or 7" and inserting the following: "VI or
- 12 VII".
- 13 5. Page 17, line 5, by striking the word "Each"
- 14 and inserting the following: "An".
- 15 6. Page 30, line 17, by striking the word
- 16 "therefore" and inserting the following: "therefor".
- 17 7. Page 46, line 9, by inserting after the word
- 18 "appointment" the following: "form".
- 19 8. Page 74, line 23, by striking the word
- 20 "director," and inserting the following: "director
- 21 or".
- 22 9. Page 128, by striking lines 12 and 13.
- 23 10. Page 128, line 14, by striking the letter
- 24 "f." and inserting the following: "e."
- 25 11. Page 129, line 6, by striking the figure
- 26 "504.508" and inserting the following: "504.503".
- 27 12. Page 129, line 9, by striking the figure
- 28 "504.508" and inserting the following: "504.503".
- 29 13. Page 131, line 30, by striking the word
- 30 "Each" and inserting the following: "For the purposes
- 31 of this chapter, each".
- 32 14. Page 131, line 30, by striking the word
- 33 "designated" and inserting the following: "deemed".
- 34 15. Page 135, line 25, by striking the words "or
- 35 agents".
- 36 16. Page 137, by striking lines 30 and 31, and
- 37 inserting the following:
- 38 "Sec.____. Chapter 504A, Code 2005, is repealed
- 39 effective July 1, 2005."

Amendment H-8270 was adopted.

SENATE FILE 2274 SUBSTITUTED FOR HOUSE FILE 2453

Maddox of Polk asked and received unanimous consent to substitute Senate File 2274 for House File 2453.

Senate File 2274, a bill for an act relating to the revised Iowa nonprofit corporation Act and providing penalties and 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?" (S.F. 2274)

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
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	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	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	Wildurdyke	Winckler	Wise
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

De Boef Jones Shomshor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2453 WITHDRAWN

Maddox of Polk asked and received unanimous consent to withdraw House File 2453 from further consideration by the House.

House File 2544, a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable, was taken up for consideration.

Kurtenbach of Story 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. 2544)

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
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tyimeson	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:

De Boef	Jones	Shomshor
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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 2183 and 2329 WITHDRAWN

Kurtenbach of Story asked and received unanimous consent to withdraw House Files 2183 and 2329 from further consideration by the House.

House File 2552, a bill for an act relating to the issuance of special motor vehicle registration plates and providing effective and retroactive applicability dates, was taken up for consideration.

Hunter of Polk offered the following amendment H-8324 filed by him and moved its adoption:

H-8324

- 1 Amend House File 2552 as follows:
- 2 1. Page 3, by striking line 6 and inserting the
- 3 following: "registration plates. The rules shall
- 4 specify that the plate and emblem shall not have a
- 5 design or message containing any sexual connotation
- 6 and shall not be vulgar, prejudiced, hostile,
- 7 insulting, controversial, politically inflammatory or
- 8 divisive, or racially or ethnically degrading.
- 9 The rules shall include provisions for".

A non-record roll call was requested.

The ayes were 37, nays 51.

Amendment H-8324 lost.

Lykam of Scott asked and received unanimous consent for the immediate consideration of amendment H-8327, filed by him from the floor, to House File 2552.

Lykam of Scott asked and received unanimous consent to withdraw amendment H-8327 filed by him from the floor.

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. 2552)

The ayes were, 94:

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
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Klemme	Kramer	Kuhn
Kurtenbach	Lak	Lensing	Lukan
Lykam	Maddox	Manternach	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shoultz	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, 3:

Hunter	Mascher	Smith
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Absent or not voting, 3:

De Boef	Jones	Shomshor
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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 2544, 2552 and Senate Files 2148 and 2274.**

House File 2553, a bill for an act relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date, and providing an effective date, was taken up for consideration.

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. 2553)

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
Freéman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	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	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
Roberts,
Presiding

Wildurdyke

Winckler

Wise

The nays were, none.

Absent or not voting, 3:

De Boef

Jones

Shomshor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2429 WITHDRAWN

Kramer of Polk asked and received unanimous consent to withdraw House File 2429 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 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2042, a bill for an act relating to the donation of blood by persons sixteen years of age.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2170, a bill for an act relating to product-liability actions.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2241, a bill for an act authorizing school districts and nonpublic schools to apply credit under the state education program for successful completion of military basic training.

Also: That the Senate has on March 29, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2281, a bill for an act relating to licensing of nonresident bait dealers.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2282, a bill for an act relating to the selling of bait by an aquaculture unit licensee.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2318, a bill for an act relating to the filing of statements of organization or dissolution by a political or candidate's committee, and regulating campaign and other contributions.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2358, a bill for an act providing for technical and substantive changes relating to the practice of cosmetology, establishing penalties, and making penalties applicable.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2381, a bill for an act changing the budget certification deadline for county hospital budgets.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2383, a bill for an act relating to rural improvement zones.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2431, a bill for an act relating to educational institutions under the university-based research utilization program.

Also: That the Senate has on March 29, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2288, 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.

MICHAEL E. MARSHALL, Secretary

Ways and Means Calendar

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, with report of committee recommending passage, was taken up for consideration.

Kurtenbach of Story offered the following amendment H-8314 filed by him and moved its adoption:

H-8314

- 1 Amend Senate File 371, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 31, by inserting after the word
- 4 "Code" the following: "Supplement".

Amendment H-8314 was adopted.

Sands of Louisa offered the following amendment H-8312 filed by him and moved its adoption:

H-8312

- 1 Amend Senate File 371, as passed by the Senate, as
- 2 follows:
- 3 1. Page 5, line 5, by striking the word "January"
- 4 and inserting the following: "July".
- 5 2. Page 5, line 10, by striking the word
- 6 "January" and inserting the following: "July".

Amendment H-8312 was adopted.

Kurtenbach of Story 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. 371)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	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	Jacoby
Jenkins	Jochum	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	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:

De Boef Jones Shomshor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 2202, a bill for an act relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall, and providing for related matters, with report of committee recommending amendment and passage, 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?" (S.F. 2202)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	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	Jacoby
Jenkins	Jochum	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	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:

De Boef Jones Shomshor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2257, a bill for an act relating to the use of credit information for underwriting or rating risks for personal insurance and providing an applicability date, with report of committee recommending passage, 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?" (S.F. 2257)

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
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	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	Wildurdyke	Winckler	Wise
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

De Boef Jones Shomshor

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 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2362, a bill for an act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2450, a bill for an act relating to real property, including acknowledgments of real property conveyances and limitations on causes of action concerning real property.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2464, a bill for an act providing for the establishment and funding of an automated external defibrillator grant program, and providing an effective date.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2479, a bill for an act relating to the regulation and zoning of commercial canine operations.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2490, a bill for an act relating to the uniform electronic transactions Act.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2506, a bill for an act relating to electronic and facsimile prescriptions and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILL

House File 2558, by Gipp, a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable.

Read first time and referred to committee on **judiciary**.

SENATE MESSAGE CONSIDERED

Senate File 2288, 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 referred to committee on **appropriations**.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2553** and **Senate Files 371, 2202 and 2257.**

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 29, 2004, he approved and transmitted to the Secretary of State the following bills:

House Joint Resolution 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments.

House File 2325, an Act relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

House File 2373, an Act providing for the inapplicability of provisions regulating licensed real estate brokers and salespersons to auctioneers under specified circumstances, and providing penalties.

House File 2403, an Act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

Senate Joint Resolution 2007, 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 2070, an Act relating to duties and activities of the State Department of Transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and issuance of commercial driver's licenses, and providing effective dates.

Senate File 2118, an Act regarding public utility rights-of-way and providing an effective date.

Senate File 2167, an Act relating to the Iowa Probate Code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

Senate File 2199, an Act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Several students from Girl Scout Troup 171, Ankeny, Iowa. By Boal of Polk.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF COMMERCE

The Iowa Alcoholic Beverage Division Fiscal Year 2003 Annual Report, pursuant to Chapter 123.4, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Fiscal year 2003 annual Community Economic Betterment Account report, 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

- | | |
|----------|---|
| 2004\915 | Lois A. Boeyink, Pella – For being selected as the Central District Elementary School Physical Educator of the Year by the National Association for Sports and Physical Education (NASPE) in acknowledgment for her outstanding teaching performance at the elementary level. |
| 2004\916 | Frank and Mabel Garcia, Oelwein – For celebrating their 50 th wedding anniversary. |
| 2004\917 | Aaron Clark, Johnston High School – For being named a State of Iowa Scholar. |
| 2004\918 | David Blume, Johnston High School – For being named a State of Iowa Scholar. |

- 2004\919 Laura Copeland, Johnston High School – For being named a State of Iowa Scholar.
- 2004\920 Jeremy Cordes, Johnston High School – For being named a State of Iowa Scholar.
- 2004\921 Sarah Eckhart, Johnston High School – For being named a State of Iowa Scholar.
- 2004\922 Katie Hlavka, Johnston High School – For being named a State of Iowa Scholar.
- 2004\923 Adam Hsü, Johnston High School – For being named a State of Iowa Scholar.
- 2004\924 Bryan Junge, Johnston High School – For being named a State of Iowa Scholar.
- 2004\925 Melissa King, Johnston High School – For being named a State of Iowa Scholar.
- 2004\926 Kurt Larson, Johnston High School – For being named a State of Iowa Scholar.
- 2004\927 Ning Lu, Johnston High School – For being named a State of Iowa Scholar.
- 2004\928 Kyle Mandsager, Johnston High School – For being named a State of Iowa Scholar.
- 2004\929 Keegan McAllister, Johnston High School – For being named a State of Iowa Scholar.
- 2004\930 Charlotte Richter, Johnston High School – For being named a State of Iowa Scholar.
- 2004\931 Kelsey Rupp, Johnston High School – For being named a State of Iowa Scholar.
- 2004\932 Christopher Sigmund, Johnston High School – For being named a State of Iowa Scholar.
- 2004\933 Laura Stoeker, Johnston High School – For being named a State of Iowa Scholar.
- 2004\934 Scott Walter, Johnston High School – For being named a State of Iowa Scholar.
- 2004\935 Stephanie Wilmore, Johnston High School – For being named a State of Iowa Scholar.

- 2004\936 Kathleen Greenwood, North Polk High School – For being named a State of Iowa Scholar.
- 2004\937 Melissa Reinhart, North Polk High School – For being named a State of Iowa Scholar.
- 2004\938 Emily Fairchild, Saydel High School – For being named a State of Iowa Scholar.
- 2004\939 Alicia Johnson, Bondurant-Farrar High School – For being named a State of Iowa Scholar.
- 2004\940 Matthew Smelser, Bondurant-Farrar High School – For being named a State of Iowa Scholar.
- 2004\941 Lacy Cummings, Collins-Maxwell High School – For being named a State of Iowa Scholar.
- 2004\942 Lindsay Bennett, Dallas Center-Grimes Community High School – For being named a State of Iowa Scholar.
- 2004\943 Matthew Hauge, Dallas Center-Grimes Community High School – For being named a State of Iowa Scholar.
- 2004\944 Bryan Leppert, Dallas Center-Grimes Community High School – For being named a State of Iowa Scholar.
- 2004\945 Ashley Hollnigshead, Saydel High School – For being named a State of Iowa Scholar.
- 2004\946 Jennifer Howard, Saydel High School – For being named a State of Iowa Scholar.
- 2004\947 St. Edmonds High School Boys Basketball Team, Fort Dodge – For receiving 2nd place in the Class 2A Division of the State Boys Basketball Tournament.
- 2004\948 Mike Rector, Cardinal Stritch High School – For being named to the SEI Superconference South Division second team in boys basketball.
- 2004\949 Thomas Frey, Keokuk Cardinal Stritch High School – For having earned First Team basketball honors in the SEI Superconference South Division.
- 2004\950 Andrew Ellingboe, Donnellson Central Lee High School – For having earned Second Team basketball honors in the SEI Superconference West Division.
- 2004\951 Garrett Reising, Donnellson Central Lee High School – For having earned First Team basketball honors in the SEI Superconference West Division.

- 2004\952 Jordan Kramer, Donnellson Central Lee High School – For having earned First Team basketball honors in the SEI Superconference West Division.
- 2004\953 Haley Miller, Keokuk High School – For earning Second Team honors in the Southeast Conference in girls basketball and the Chief's second leading scorer.
- 2004\954 Jessica Miller, Keokuk High School – For being named to the First Team Girls Basketball Team for the second consecutive season of the Southeast Conference.
- 2004\955 Courtney Boyd, Keokuk High School – For being named Most Valuable girls basketball player of the Southeast Conference.
- 2004\956 Alex Hedrick, Council Bluffs – For receiving 2nd place in the 8-9th grade category for Best Essay on Women in Science and Engineering in the "Write Women Back Into History" Essay Contest.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2209

Human Resources: Boddicker, Chair; Greimann and Upmeyer.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 726

Ways and Means: Drake, Chair; Huser and Lalk.

House Study Bill 727

Ways and Means: Kramer, Chair; Carroll and Shomshor.

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 2119, a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8331** March 24, 2004.

Senate File 2183, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8329** March 24, 2004.

COMMITTEE ON EDUCATION

Senate File 2174, a bill for an act relating to the appointment of the ninth member of the state board of regents.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2004.

Senate File 2246, a bill for an act requiring the board of directors of a school district to adopt a student promotion policy to support student reading at grade level, providing for related matters, and providing an effective date and for the Act's applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8325** March 24, 2004.

COMMITTEE ON HUMAN RESOURCES

Senate File 2209, a bill for an act relating to the content of immunizations, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2004.

COMMITTEE ON JUDICIARY

Senate File 2235, a bill for an act establishing a uniform mediation Act.

Fiscal Note is not required.

Recommended **Failed to Pass** March 25, 2004.

Senate File 2275, a bill for an act relating to criminal sentencing practice and procedure.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8328** March 25, 2004.

Committee Bill (Formerly House Study Bill 551), relating to reopening a judgment and sentence for a person serving a sentence that requires the maximum accumulation of earned time credits of fifteen percent of the total sentence of confinement.

Fiscal Note is not required.

Recommended **Failed to Pass** March 3, 2004.

COMMITTEE ON PUBLIC SAFETY

Senate File 2101, a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2004.

Senate File 2154, a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2004.

Senate File 2233, a bill for an act eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2004.

Senate File 2249, a bill for an act regulating contest events involving animals, and providing a penalty and effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8335** March 25, 2004.

Senate File 2272, a bill for an act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2004.

Senate File 2278, a bill for an act creating medical parole for certain persons committed to the custody of the department of corrections, and providing an effective date.

Fiscal Note is not required.

Recommended **Without Recommendation** March 25, 2004.

RESOLUTIONS FILED

HR 148, by Paulsen, a resolution honoring the town of Center Point and its surrounding community on the town's sesquicentennial year.

Laid over under **Rule 25**.

HR 149, by Heaton and Whitaker, a resolution encouraging the adoption of the Iowa tartan and the Iowa dress tartan as official state tartans.

Laid over under **Rule 25**.

HR 150, by Boal, a resolution recognizing Parents' Day.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8325	S.F.	2246	Committee on Education
H—8326	S.F.	2149	Paulsen of Linn
H—8328	S.F.	2275	Committee on Judiciary
H—8329	S.F.	2183	Committee on Commerce, Regulation and Labor
H—8330	H.F.	2548	Alons of Sioux
H—8331	S.F.	2119	Committee on Commerce, Regulation and Labor
H—8332	S.F.	2066	McCarthy of Polk
H—8333	H.F.	2281	Senate Amendment
H—8334	S.F.	2177	Upmeyer of Hancock
H—8335	S.F.	2249	Committee on Public Safety
H—8336	S.F.	2179	Raecker of Polk

On motion by Gipp of Winneshiek the House adjourned at 5:00 p.m., until 8:45 a.m., Tuesday, March 30, 2004.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 30, 2004

The House met pursuant to adjournment at 8:58 a.m., Speaker pro tempore Carroll in the chair.

Prayer was offered by Reverend Thomas Prochnow, pastor of Gilbert Lutheran Church, Gilbert. He was the guest of Representative Lisa Heddens from Story County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker pro tempore Carroll.

The Journal of Monday, March 29, 2004 was approved.

INTRODUCTION OF BILL

House File 2559, by committee on ways and means, a bill for an act relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state.

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 March 29, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2134, a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability.

Also: That the Senate has on March 29, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2243, a bill for an act regarding notice requirements by customers of and limitations on liability for liquefied petroleum gas suppliers, retailers, handlers, and transports, and making a penalty applicable.

Also: That the Senate has on March 29, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2269, a bill for an act providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2350, a bill for an act relating to family investment program eligibility requirements involving motor vehicle equity, family investment plans, limited benefit plans, and required school attendance and including an applicability provision.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2496, a bill for an act relating to the use of titles pertaining to physical therapy and providing a penalty.

Also: That the Senate has on March 29, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2497, a bill for an act providing for a sick leave and vacation incentive program for state employees and providing an effective date.

Also: That the Senate has on March 29, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2520, a bill for an act relating to purchasing preferences for Iowa-based products and services.

MICHAEL E. MARSHALL, Secretary

SPECIAL PRESENTATION

Drake of Pottawattamie introduced to the House Curt Bladt, football coach; Mitch Osborn, basketball coach, Ken Cartens, track coach, Steve Daeges, baseball coach; Kent Klinkefus, Harlan High School Principal; Bob Broomfield, Superintendent, and senior athletes, Jeff Bissen, Joel Osborn, Randy Kaufman, Ben Arenteson, Toby Jacobsen, Heath Stein and Billy Miller from the Harlan Community Schools.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 120

Upmeyer of Hancock and Ford of Polk called up for consideration **House Resolution 120**, a resolution supporting the development of a medical school curriculum that ensures physicians receive training relating to racial and cultural bias, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 108

Shoultz of Black Hawk and Roberts of Carroll called up for consideration **Senate Concurrent Resolution 108**, a concurrent resolution memorializing Stephen Garst of Coon Rapids, Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:15 a.m., until the fall of the gavel.

The House resumed session at 11:48 a.m., Speaker pro tempore Carroll 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 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2149, a bill for an act relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties.

Also: That the Senate has on March 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2167, a bill for an act to eliminate the inspections division of the department of inspections and appeals.

Also: That the Senate has on March 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2397, a bill for an act relating to the act or property of a public utility with respect to the definition of nuisance.

Also: That the Senate has on March 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2493, a bill for an act relating to regulation of sales at unused property markets and providing penalties.

Also: That the Senate has on March 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2522, a bill for an act relating to evidence in a sexual abuse case.

MICHAEL E. MARSHALL, Secretary

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House Resolution 151.

ADOPTION OF HOUSE RESOLUTION 151

Speaker Rants called up for consideration **House Resolution 151**, a resolution honoring the Morningside College Women's Basketball Team on their national championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Speaker Rants introduced to the House the Morningside Mustang Women's Basketball team, their coach Jaime Sale and the President of Morningside College, John Reynders, whom 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 11: 55 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:26 p.m., Roberts of Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-six members present, fourteen absent.

INTRODUCTION OF BILL

House File 2560, by committee on ways and means, a bill for an act relating to fire protection service by requiring certain counties to

negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions.

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 March 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2138, a bill for an act relating to payment of legal expenses for indigent persons by the state public defender.

Also: That the Senate has on March 30, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2186, a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer.

Also: That the Senate has on March 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2351, a bill for an act relating to enforcement of waste tire violations and providing a penalty.

Also: That the Senate has on March 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2452, a bill for an act providing for licensure requirements relating to the practice of athletic training and increasing a penalty.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2149, a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Raecker of Polk offered the following amendment H-8300 filed by the committee on state government and moved its adoption:

H-8300

1 Amend Senate File 2149, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 2 the
4 following:

5 "Sec. _____. Section 99B.7, subsection 3, paragraph
6 a, Code Supplement 2003, is amended to read as
7 follows:

8 a. A person wishing to conduct games and raffles
9 pursuant to this section as a qualified organization
10 shall submit an application and a license fee of one
11 hundred fifty dollars. The annual license fee for a
12 statewide raffle license shall be one hundred fifty
13 dollars. However, upon submission of an application
14 accompanied by a license fee of fifteen dollars, a
15 person may be issued a limited license to conduct all
16 games and raffles pursuant to this section at a
17 specified location and during a specified period of
18 fourteen consecutive calendar days, except that bingo
19 may only be conducted once per each seven consecutive
20 calendar days of the specified period. In addition, a
21 qualified organization may be issued a limited license
22 to conduct raffles pursuant to this section for a
23 period of ninety days for a license fee of forty
24 dollars or for a period of one hundred eighty days for
25 a license fee of seventy-five dollars. For the
26 purposes of this paragraph, a limited license is
27 deemed to be issued on the first day of the period for
28 which the license is issued."

29 2. By renumbering as necessary.

The committee amendment H-8300 was adopted.

Paulsen of Linn asked and received unanimous consent to withdraw amendment H-8326 filed by him on March 29, 2004.

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. 2149)

The ayes were, 79:

Bell	Berry	Bogges .	Bukta
Cohoon	Connors	Dandekar	Davitt
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hanson

Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
Shoultz	Stevens	Struyk	Taylor, T.
Thomas	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Wendt	Whitead	Wilderdyeke
Winckler	Wise	Roberts,	
		Presiding	

The nays were, 20:

Alons	Arnold	Baudler	Boal
Boddicker	Carroll	Chambers	De Boef
Ford	Hahn	Klemme	Lalk
Raecker	Smith	Swaim	Taylor, D.
Tjepkes	Van Engelenhoven	Watts	Whitaker

Absent or not voting, 1:

Murphy

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2210, a bill for an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs, 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. 2210)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Böggess
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
Jacoby	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	Sands	Schickel
Shomshor	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	Roberts, 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.

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 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2146, a bill for an act making changes to sex offender registry requirements for persons convicted of incest against a dependent adult.

Also: That the Senate has on March 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2201, a bill for an act providing for exemptions from massage therapy licensure requirements.

MICHAEL E. MARSHALL, Secretary

Senate File 2173, a bill for an act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Hoffman of Crawford offered the following amendment H-8276 filed by the committee on commerce, regulation and labor and moved its adoption:

H-8276

- 1 Amend Senate File 2173, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "standards" the following: "for oral fluid tests".
- 5 2. Page 1, line 18, by striking the words "blood,
- 6 urine, or".

The committee amendment H-8276 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. 2173)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	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	Jacoby
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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	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	Roberts,	
		Presiding	

The nays were, 1:

Dandekar

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.

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 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2270, a bill for an act relating to certain notice requirements for cooperative associations retaining abandoned property.

Also: That the Senate has on March 30, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2404, 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, making changes related to multicounty consolidation, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

Ways and Means Calendar

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, with report of committee recommending amendment and passage, was taken up for consideration.

Lukan of Dubuque offered amendment H-8146 filed by the committee on ways and means as follows:

H-8146

- 1 Amend Senate File 297, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 5, by inserting after the word
- 4 "Code" the following: "Supplement".

- 5 2. Page 4, line 17, by striking the words
6 "~~identification registration~~" and inserting the
7 following: "registration".
- 8 3. Page 16, line 19, by inserting after the word
9 "Code" the following: "Supplement".
- 10 4. Page 16, line 25, by striking the words
11 "~~identification registration~~" and inserting the
12 following: "registration".
- 13 5. Page 27, line 24, by inserting after the word
14 "Code" the following: "Supplement".
- 15 6. Page 28, line 1, by striking the words "~~an a~~
16 vehicle" and inserting the following: "a vehicle".
- 17 7. Page 28, line 4, by striking the words "~~an a~~
18 vehicle" and inserting the following: "a vehicle".
- 19 8. Page 28, line 13, by striking the word
20 "vehicle" and inserting the following: "vehicle".
- 21 9. Page 28, line 16, by striking the words "~~an a~~
22 vehicle" and inserting the following: "a vehicle".
- 23 10. Page 28, line 18, by striking the word
24 "vehicle" and inserting the following: "vehicle".
- 25 11. Page 28, line 21, by striking the word
26 "vehicle" and inserting the following: "vehicle".
- 27 12. Page 57, line 2, by inserting after the word
28 "Code" the following: "Supplement".
- 29 13. Page 58, line 7, by inserting after the word
30 "Code" the following: "Supplement".
- 31 14. Page 58, line 11, by striking the word and
32 figure "1, Code" and inserting the following: "2,
33 Code Supplement".
- 34 15. Page 58, line 13, by striking the figure "1."
35 and inserting the following: "2."
- 36 16. Page 58, by striking lines 15 through 18.
- 37 17. Page 58, line 19, by inserting after the word
38 "Code" the following: "Supplement".
- 39 18. Page 58, lines 25 and 26, by striking the
40 words and figures "~~and 327G.15, 321I.10, and 321I.16.~~"
41 and inserting the following: "321I.10, and 327G.15."
- 42 19. Page 58, line 28, by inserting after the word
43 "Code" the following: "Supplement".
- 44 20. Page 59, line 2, by striking the words and
45 figure "~~and chapter 405A,~~".
- 46 21. Page 59, line 3, by inserting after the word
47 "Code" the following: "Supplement".
- 48 22. Page 60, line 4, by inserting after the word
49 "Code" the following: "Supplement".
- 50 23. Page 62, by inserting after line 16 the

Page 2

- 1 following:
2 "Sec. ____ Section 321G.22A, Code Supplement 2003,
3 is repealed."

- 4 24. Page 62, by striking lines 21 through 30 and
 5 inserting the following: "after January 1, 2005."
 6 25. Title page, line 3, by striking the words
 7 "applicability dates." and inserting the following:
 8 "an applicability date."
 9 26. By renumbering as necessary.

Lukan of Dubuque offered the following amendment H-8248, to the committee amendment H-8146, filed by him and Miller of Webster and moved its adoption:

H-8248

- 1 Amend the amendment, H-8146, to Senate File 297, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 26 the
 5 following:
 6 " _____. Page 47, line 6, by inserting before the
 7 word "LANDOWNERS" the following: "PRIOR".
 8 _____. Page 47, by striking lines 7 through 18 and
 9 inserting the following:
 10 "Prior owners of land on which an all-terrain
 11 vehicle recreational riding area is established,
 12 maintained, or operated owe no duty of care to keep
 13 the land safe for entry or use by persons operating an
 14 all-terrain vehicle or to give any warning of a
 15 dangerous condition, use, structure, or activity on
 16 such premises that would make the land unsafe for all-
 17 terrain vehicle usage.""

Amendment H-8248 was adopted.

On motion by Lukan of Dubuque the committee amendment H-8146, as amended, was adopted.

Freeman of Buena Vista offered the following amendment H-1244 filed by the committee on natural resources and moved its adoption:

H-1244

- 1 Amend Senate File 297, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 61, line 23, by striking the words
 4 "twenty one hundred" and inserting the following:
 5 "twenty".

The committee amendment H-1244 was adopted.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-1289 filed by him on April 8, 2003.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-8294 filed by him and Van Engelenhoven of Marion on March 23, 2004.

Alons of Sioux offered the following amendment H-8317 filed by him and Lukan of Dubuque and moved its adoption:

H-8317

- 1 Amend Senate File 297, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 58, by inserting after line 3 the
- 4 following:
- 5 "3. An all-terrain vehicle that is owned by the
- 6 owner of land adjacent to a highway, other than an
- 7 interstate road, may be operated by the owner of the
- 8 all-terrain vehicle, or by a member of the owner's
- 9 family, on the portion of the highway right-of-way
- 10 that is between the shoulder of the roadway, or at
- 11 least five feet from the edge of the roadway, and the
- 12 owner's property line."
- 13 2. Page 58, line 4, by striking the figure "3."
- 14 and inserting the following: "4."

A non-record roll call was requested.

The ayes were 48, nays 32.

Amendment H-8317 was adopted.

Stevens of Dickinson asked and received unanimous consent to withdraw amendment H-8316 filed by him on March 24, 2004.

Baudler of Adair offered the following amendment H-1258 filed by him and moved its adoption:

H-1258

- 1 Amend Senate File 297, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 61, line 16, by striking the words
- 4 "twenty one hundred" and inserting the following:
- 5 "twenty".
- 6 2. Page 61, line 17, by striking the words "the a
- 7 registration" and inserting the following: "the".
- 8 3. Page 61, line 18, by inserting after the word
- 9 "registration" the following: "or user permit".

Amendment H-1258 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?" (S.F. 297)

The ayes were, 87:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Frevert
Gipp	Granzow	Greimann	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Shomshor
Smith	Stevens	Struyk	Swaim
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wildurdyke
Winckler	Wise	Roberts,	
		Presiding	

The nays were, 13:

De Boef	Fallon	Ford	Gaskill
Greiner	Hunter	Jochum	McCarthy
Osterhaus	Reasoner	Shoultz	Taylor, D.
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.

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 30, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2460, a bill for an act relating to school district enrollment of students listed on the sex offender registry.

Also: That the Senate has on March 30, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2476, a bill for an act regulating transmissible viruses afflicting poultry and providing penalties.

Also: That the Senate has on March 30, 2004, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2010, a joint resolution proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

MICHAEL E. MARSHALL, Secretary

Senate File 2177, a bill for an act relating to the possession and self-administration of asthma or other airway constricting disease medication by public and accredited nonpublic school students, with report of committee recommending passage, was taken up for consideration.

Upmeyer of Hancock offered amendment H-8334 filed by her as follows:

H-8334

- 1 Amend Senate File 2177, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 4 through 17 and
- 4 inserting the following: "school and its employees
- 5 are to incur no liability, except for gross
- 6 negligence, as a result of any injury arising from
- 7 self-administration of medication by the student. The
- 8 parent or guardian of the student shall sign a
- 9 statement acknowledging that the school district or
- 10 nonpublic school is to incur no liability, except for
- 11 gross negligence, as a result of self-administration
- 12 of medication by the student. A school district or
- 13 accredited nonpublic school and its employees acting
- 14 reasonably and in good faith shall incur no liability
- 15 for supervising, monitoring, or interfering with a
- 16 student's self-administration of medication or for any
- 17 improper use of the medication."

Upmeyer of Hancock offered the following amendment H-8345, to amendment H-8334, filed by her from the floor and moved its adoption:

H-8345

- 1 Amend the amendment, H-8334, to Senate File 2177,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 15 through 17 and
- 5 inserting the following: "for any improper use of
- 6 medication as defined in this section or for
- 7 supervising, monitoring, or interfering with a
- 8 student's self-administration of medication as defined
- 9 in this section."

Amendment H-8345 was adopted.

On motion by Upmeyer of Hancock, amendment H-8334, as amended, was adopted.

Upmeyer of Hancock offered the following amendment H-8279 filed by her and moved its adoption:

H-8279

- 1 Amend Senate File 2177, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 34 the
- 4 following:
- 5 "7. The Iowa braille and sight saving school, the
- 6 state school for the deaf, and the institutions under
- 7 the control of the department of human services as
- 8 provided in section 218.1 are exempt from the
- 9 provisions of this section."
- 10 2. By renumbering as necessary.

Amendment H-8279 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. 2177)

The ayes were, 100:

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Roberts, 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

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 297, 2149, 2173, 2177 and 2210.**

INTRODUCTION OF BILLS

House File 2561, by committee on ways and means, a bill for an act creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates.

Read first time and placed on **ways and means calendar.**

House File 2562, by committee on ways and means, a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and

appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision.

Read first time and placed on **ways and means calendar**.

Ways and Means Calendar

House File 2551, a bill for an act relating to programs under the authority of the department of public health, 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. 2551)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tyneson
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, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2345 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 2345 from further consideration by the House.

Regular Calendar

Senate Joint Resolution 2009, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians, with report of committee recommending passage, was taken up for consideration.

Carroll of Poweshiek 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. 2009)

The ayes were, 76:

Baudler	Bell	Berry	Bogges
Bukta	Carroll	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Elgin	Foege	Freeman	Frevert
Gaskill	Gipp	Greimann	Greiner
Hahn	Hanson	Heaton	Hoffman
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shoultz	Stevens	Struyk	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wildurdyke	Winckler	Wise

The nays were, 24:

Alons	Arnold	Boal	Boddicker
Chambers	De Boef	Dolecheck	Drake

Eichhorn	Fallon	Ford	Granzow
Heddens	Hogg	Klemme	Lalk
Olson, D.	Shomshor	Smith	Swaim
Taylor, D.	Van Engelenhoven	Wendt	Roberts, Presiding

Absent or not voting, none.

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2551** and **Senate Joint Resolution 2009**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, March 29, 2004. Had I been present, I would have voted "aye" on House Files 2552, 2553 and 2544 and "aye" on Senate Files 371, 2148, 2202, 2257 and 2274.

DE BOEF of Keokuk

I was necessarily absent from the House chamber on March 23 and March 29, 2004. Had I been present, I would have voted "nay" on House Files 2473, 2523 and Senate File 2148.

OSTERHAUS of Jackson.

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 30th day of March, 2004: House File 2282, 2347 and 2538.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2004\957 Ann Schmid, Spencer – For celebrating her 90th birthday.
- 2004\958 Duane Lawrence, Spencer – For celebrating his 80th birthday.
- 2004\959 Carol and Howard Borchard, Hartley – For celebrating their 50th wedding anniversary.
- 2004\960 Wesley Hardy, St. Angsar – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\961 Mary Lou and Melvin McCauley, Rockford – For celebrating their 50th wedding anniversary.
- 2004\962 Mary and Norman Durben, Austin – For celebrating their 50th wedding anniversary.
- 2004\963 Jeffrey Blaser, Gilbertville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\964 Jennie Beers, Spirit Lake – For celebrating her 80th birthday.
- 2004\965 Marge and Bud Lorenzen, Spencer – For celebrating their 50th wedding anniversary.
- 2004\966 Charity Edgar, Garner – For receiving a Certificate of Excellence from the 2004 Prudential Spirit of Community Awards program.
- 2004\967 Cassandra Boston, Hoover High School, Des Moines – For being selected as a Third Team Member in the Class 4A Division of the 2004 Des Moines Register's Iowa Girls All-State Team.
- 2004\968 Jimmy Binnie, Johnston High School – For being selected as a First Team Member in the Class 4A Division of the 2004 Des Moines Register's Iowa Boys All-State Team.
- 2004\969 Jahzinga Tracey, Hoover High School, Des Moines – For being selected as a First Team Member in the Class 4A Division of the 2004 Des Moines Register's Iowa Girls All-State Team.
- 2004\970 Ruth and Bill McFadden, Cedar Falls – For celebrating their 60th wedding anniversary.
- 2004\971 Louise Schurman, Cedar Falls – For celebrating her 94th birthday.
- 2004\972 Reverend Homer Larsen, Cedar Falls – For celebrating his 80th birthday.

- 2004\973 Ruth Brown, Brandon – For celebrating her 90th birthday.
- 2004\974 Sharon and Harold Bearbower, Rowley – For celebrating their 50th wedding anniversary.
- 2004\975 Myles C. Johnson, Sioux City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\976 Donald Kokesh, Newhall – For celebrating his 80th birthday.
- 2004\977 Rayse Weimerskirch, Dubuque – For celebrating her 100th birthday.
- 2004\978 Bob and Harriett Ringgenberg, Nevada – For celebrating their 50th wedding anniversary.
- 2004\979 Betty Lynam, Panora – For celebrating her 80th birthday.
- 2004\980 Loyd and Helen Wine, Panora – For celebrating their 72nd wedding anniversary.
- 2004\981 Mr. and Mrs. James W. Thompson, Blue Grass – For celebrating their 50th wedding anniversary.
- 2004\982 Margaret Dyer, Grinnell – For celebrating her 80th birthday.
- 2004\983 Nellie Ver Beek, Grinnell – For celebrating her 90th birthday.
- 2004\984 Cecil Flander, Montezuma – For celebrating his 80th birthday.
- 2004\985 Cynthia Cleveringa, Sioux Center – For celebrating her 90th birthday.
- 2004\986 Benjamin Alan Lamfers, Sioux Center – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\987 Don and Marge Boheman, Ackley – For celebrating their 50th wedding anniversary.
- 2004\988 Martha Kruetzmann, Hubbard – For celebrating her 96th birthday.
- 2004\989 Clara Newman, Mason City – For celebrating her 95th birthday.
- 2004\990 Luwarren and Phyliss Luick, Mason City – For celebrating their 50th wedding anniversary.
- 2004\991 Alice Mulhern, Mason City – For celebrating her 80th birthday.
- 2004\992 Larrie Kilby, Mason City – For celebrating her 80th birthday.
- 2004\993 Edith Rogers, Ames – For celebrating her 80th birthday.
- 2004\994 Elsa Thompson, Ames – For celebrating her 80th birthday.
- 2004\995 Donald Schulze, Ames – For celebrating her 80th birthday.
- 2004\996 Ruth Dean, Ames – For celebrating her 80th birthday.
- 2004\997 Violet Abbott, Ames – For celebrating her 80th birthday.

- 2004\998 Douglas Provow, Ames – For celebrating his 80th birthday.
- 2004\999 Robert Nordhagen, Ames – For celebrating his 80th birthday.
- 2004\1000 Kenneth McLaughlin, Ames – For celebrating his 80th birthday.
- 2004\1001 Laretta Thompson, Ames – For celebrating her 80th birthday.
- 2004\1002 Leona Clouser, Ames – For celebrating her 80th birthday.
- 2004\1003 Fred Bunce, Ames – For celebrating his 80th birthday.
- 2004\1004 Harvey Bogenrief, Ames – For celebrating his 80th birthday.
- 2004\1005 Mabel Alfred, Ames – For celebrating her 90th birthday.
- 2004\1006 David Gregory, Ames – For celebrating his 90th birthday.
- 2004\1007 Mildred Smith, Ames – For celebrating her 90th birthday.
- 2004\1008 Arvid Sterner, Ames – For celebrating his 90th birthday.
- 2004\1009 David Lyon, Boone – For celebrating his 90th birthday.
- 2004\1010 Francis and Velma Atkinson, Edgewood – For celebrating their 65th wedding anniversary.
- 2004\1011 Marilyn Bindert, Central Community-Elkader – For being named a State of Iowa Scholar.
- 2004\1012 Elaine Landis, Central Community-Elkader – For being named a State of Iowa Scholar.
- 2004\1013 Erica McCorkindale, Central Community-Elkader – For being named a State of Iowa Scholar.
- 2004\1014 Stephanie Spielbauer, Central Community-Elkader – For being named a State of Iowa Scholar.
- 2004\1015 Gregory Barron, Clayton Ridge High School - Guttenberg – For being named a State of Iowa Scholar.
- 2004\1016 Jill Moses, Clayton Ridge High School - Guttenberg – For being named a State of Iowa Scholar.
- 2004\1017 Christina Saeugling, Clayton Ridge High School - Guttenberg – For being named a State of Iowa Scholar.
- 2004\1018 Ryan Smith, Edgewood-Colesburg High School – For being named a State of Iowa Scholar.
- 2004\1019 Jenna Willenborg, Edgewood-Colesburg High School – For being named a State of Iowa Scholar.
- 2004\1020 Mary Ehlers, MFL-Mar-Mac High School – For being named a State of Iowa Scholar.

- 2004\1021 Nathan Olafsen, MFL-Mar-Mac High School – For being named a State of Iowa Scholar.
- 2004\1022 Erin Olsen, MFL-Mar-Mac High School – For being named a State of Iowa Scholar.
- 2004\1023 Jordan Reed, Starmont High School – For being named a State of Iowa Scholar.
- 2004\1024 Megan Stoner, Starmont High School – For being named a State of Iowa Scholar.
- 2004\1025 Kevin Brassler, Paullina - For receiving the Presidential Award for Excellence in Science and Mathematics Teaching.
- 2004\1026 Nellie McKeag, Deep River – For celebrating her 85th birthday.
- 2004\1027 Betty Schindler, Williamsburg – For her 50 years of service in the beauty care business.
- 2004\1028 Donna Sibert, Russell – For celebrating her 80th birthday.
- 2004\1029 Faye Braunschweig, Spencer – For celebrating her 80th birthday.
- 2004\1030 Arthur and Annabell Hansen, Brayton – For celebrating their 50th wedding anniversary.
- 2004\1031 Raymond Nielsen, Audubon – For celebrating his 90th birthday.
- 2004\1032 Jessica Pryor, Pleasant Valley Community High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1033 Craig Barnes, Pleasant Valley Community High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1034 Maureen Gordon, Pleasant Valley Community High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1035 Lindsey Negaard, Bettendorf High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1036 Sheena Plamoottil, Bettendorf High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1037 Amanda Dunlavy, Bettendorf High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1038 Diana Mina, Bettendorf High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1039 Kaitlin Pals, Belmond Klemme High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1040 Eileen Hitchcock, Waterloo – For celebrating her 90th birthday.

- 2004\1041 Dorothy Amundson, Waterloo – For celebrating her 80th birthday
- 2004\1042 Walter Holtzman, Waterloo – For celebrating his 95th birthday.
- 2004\1043 John Jacobsen, Waterloo – For celebrating his 100th birthday.
- 2004\1044 Lloyd and Alice Hofner, Waterloo – For celebrating their 50th wedding anniversary.
- 2004\1045 Bill and Leitha Jenkins, Newton – For celebrating their 50th wedding anniversary.
- 2004\1046 Wes Freie, Wilton – For being named to the Iowa Newspaper Association All-State Boys Basketball Squad.
- 2004\1047 Linda McGuire, Iowa City – For receiving the UI Distinguished Achievement Award at the UI Celebration of Excellence and Achievement Among Women.
- 2004\1048 Kate Gfeller, Iowa City – For receiving the UI Distinguished Achievement Award at the UI Celebration of Excellence and Achievement Among Women.
- 2004\1049 Elizabeth Pusack, Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1050 Alissa Witzke, Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1051 Joe Foreman, Editor, Opinion Tribune Newspaper, Glenwood – For winning 1st place and being named over-all winner in the column-writing competition for Landmark Community Newspapers.
- 2004\1052 Mr. and Mrs. Richard Vorthmann, Treynor – For celebrating their 60th wedding anniversary.
- 2004\1053 Harley Leaders, Minden – For being named to the "Officials Hall of Fame" by the Iowa High School Athletic Association.
- 2004\1054 Mr. and Mrs. Floyd Osborn, Carson – For celebrating their 50th wedding anniversary.
- 2004\1055 Sarah Byram, Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1056 Tyson Wirth, Iowa City – For receiving the presidential Scholarship Award from the University of Iowa.
- 2004\1057 Katherine Rethwisch, Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 2547

Appropriations: Alons, Chair; Horbach and Thomas.

House File 2558

Judiciary: Boddicker, Chair; Eichhorn and Foegle.

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 2547, a bill for an act providing for the disposition and sale of certain state-owned motor vehicles and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 2004.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 2270, a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2004.

Pursuant to Rule 31.7, Senate File 2270 was referred to committee on ways and means.

COMMITTEE ON WAYS AND MEANS

Senate File 2284, a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 2004.

Committee Bill (Formerly House File 2417), relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 24, 2004.

Committee Bill (Formerly House File 2477), relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, authorizing certain fire department to assess fees to certain property owners for fire protection service, and delaying the budget certification deadline for certain townships, and including an effective date provision and applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 29, 2004.

Committee Bill (Formerly House File 2491), creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 29, 2004.

Committee Bill (Formerly House File 2501), relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 29, 2004.

RESOLUTIONS FILED

HCR 123, Paulsen and Swaim, a concurrent resolution honoring N. William Hines on his retirement as Dean of the University of Iowa College of Law.

Laid over under **Rule 25**.

HR 152, by Winckler, Lykam, J.R. Van Fossen, Hutter, J.K. Van Fossen, S. Olson, Bukta, Osterhaus and Hahn, a resolution honoring Dr. John T. Blong, Chancellor of Eastern Iowa Community College District.

Laid over under **Rule 25**.

HR 153, by Drake, a resolution honoring Harlan Community Schools for their achievements in academics, music, vocational training, and sports.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8337	H.F.	2134	Senate Amendment
H—8338	H.F.	2497	Senate Amendment
H—8339	H.F.	2269	Senate Amendment
H—8340	H.F.	2243	Senate Amendment
H—8341	S.F.	2044	Lalk of Fayette Arnold of Lucas Lukan of Dubuque
H—8342	H.F.	2559	Dolecheck of Ringgold Upmeyer of Hancock
H—8343	H.F.	2555	Eichhorn of Hamilton
H—8344	H.F.	2186	Senate Amendment
H—8346	H.F.	2460	Senate Amendment
H—8347	H.F.	2476	Senate Amendment
H—8348	S.F.	2282	Bogges of Page
H—8349	H.F.	2547	Raecker of Polk Ford of Polk Huser of Polk Petersen of Polk Kramer of Polk
			Wise of Lee
			Boal of Polk
			Maddox of Polk
			Jacobs of Polk

On motion by Jacobs of Polk the House adjourned at 3:00 p.m., until 8:45 a.m., Wednesday, March 31, 2004.

JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 31, 2004

The House met pursuant to adjournment at 8:44 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Earl Menning retired pastor of the Church of Christ, Des Moines. He was the guest of Representatives Ed Fallon from Polk County and Rod Roberts from Carroll County. He is the grandfather of the Speaker's Page, Kirk Bates.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 30, 2004 was approved.

PETITION FILED

The following petition was received and placed on file:

By Swaim of Davis, from two hundred forty-one constituents favoring action that the State of Iowa repave and properly shoulder State Highway 202 no later than October 1, 2004.

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 March 30, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2298, a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2010, by committee on ways and means, a joint resolution proposing an amendment to the

Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

Read first time and referred to committee on **ways and means**.

Senate File 2298, by committee on appropriations, a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions.

Read first time and referred to committee on **appropriations**.

SPECIAL PRESENTATION

Bell of Jasper introduced to the House several dignitaries representing trade with Taiwan, including Thomas T.S. Cheng, Director General; Han-Ching Liu, Deputy Director, Taipei Economic and Cultural Office, Chicago; Kuei-Jung Huang, Director, Commercial Division, TECO, Chicago; and Cindi Chen, President of the Asian American Council. Director General Cheng addressed the House briefly thanking the House for the honor and spoke of democracy in Taiwan and invited the body to come and visit. Jenkins of Black Hawk presented the visitors with gifts from the Iowa House.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 132

Paulsen of Linn called up for consideration **House Resolution 132**, a resolution honoring the town of Palo and its surrounding community on the town's sesquicentennial year, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 148

Paulsen of Linn called up for consideration **House Resolution 148**, a resolution honoring the town of Center Point and its surrounding community on the town's sesquicentennial year, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Van Engelenhoven of Mahaska presented to the House, Jenni Van Wyk, Queen of the 2004 Pella Tulip Festival and escorted her and her court to the Speaker's station.

Queen Van Wyk introduced her attendants, Alexis Baugh, Meagan McCombs, Lindsay Graham and Katie Ozinga. The Queen and her court introduced their parents, who wore native Dutch costumes and distributed the famous Pella Dutch cookies.

The Queen addressed the House briefly and invited everyone to attend the Pella Tulip Festival May 6, 7 and 8, 2004.

Gaskill of Wapello introduced to the House the Honorable Jim Schwartz former state representative from Wapello County.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 9:19 a.m., until the completion of the meeting with the committee on judiciary.

The House resumed session at 10:36 a.m., Speaker pro tempore Carroll in the chair.

On motion by Speaker pro tempore Carroll, the House was recessed at 10:37 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:07 p.m., Roberts of Carroll 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 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2187, a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

Also: that the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2516, a bill for an act relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing an effective date.

Also: that the Senate has on March 31, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2173, a bill for an act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

Also: that the Senate has on March 31, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2194, a bill for an act providing for the appropriation of moneys to support the testing and monitoring of avian influenza.

Also: that the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2208, 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, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2289, a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 1:07 p.m., until the fall of the gavel.

The House resumed session at 2:58 p.m., Roberts of Carroll 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 31, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2523, a bill for an act providing for the regulation of air quality, and making penalties applicable.

Also: That the Senate has on March 31, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2296, a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use,

property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2563, by committee on ways and means, a bill for an act providing income, franchise, and insurance premiums tax credits for equity investments in businesses that are primarily engaged in the business of the production of value-added agricultural products and including a retroactive applicability date provision.

Read first time and placed on the **ways and means calendar**.

House File 2564, by committee on ways and means, a bill for an act relating to the standards applicable for purposes of imposing an Iowa business activity tax and including an applicability date provision.

Read first time and placed on the **ways and means calendar**.

House File 2565, by committee on ways and means, a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2194, by committee on agriculture, a bill for an act providing for the appropriation of moneys to support the testing and monitoring of avian influenza.

Read first time and referred to committee on **appropriations**.

Senate File 2289, by committee on ways and means, a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

Read first time and referred to committee on **ways and means**.

Gipp of Winneshiek asked and received unanimous consent to consider Senate File 2246.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2282, a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date, with report of committee recommending passage, was taken up for consideration.

Boggess of Page offered the following amendment H-8348 filed by her and moved its adoption:

H-8348

- 1 Amend Senate File 2282, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, lines 1 and 2, by striking the words
- 4 "natural resource commission" and inserting the
- 5 following: "loess hills development and conservation
- 6 authority".
- 7 2. Page 1, line 3, by inserting after the word
- 8 "a" the following: "comprehensive".
- 9 3. Page 1, line 4, by inserting after the word
- 10 "significance" the following: "and the significance
- 11 of the flora and fauna".
- 12 4. Page 1, by striking lines 5 through 7, and
- 13 inserting the following: "hills and to determine the
- 14 feasibility of various uses of the loess hills. The
- 15 loess hills development and conservation authority may
- 16 accept gifts,".
- 17 5. Page 1, line 10, by striking the words
- 18 "natural resource commission" and inserting the
- 19 following: "loess hills development and conservation
- 20 authority".
- 21 6. Page 1, line 13, by striking the figure "2005"
- 22 and inserting the following: "2006".
- 23 7. Page 1, line 16, by striking the words
- 24 "natural resource commission" and inserting the
- 25 following: "loess hills development and conservation
- 26 authority".
- 27 8. Title page, line 1, by inserting after the
- 28 word "a" the following: "comprehensive".
- 29 9. Title page, line 2, by inserting after the
- 30 word "significance" the following: "and the
- 31 significance of the flora and fauna".
- 32 10. Title page, line 3, by striking the words

- 33 "creating a state native prairie preserve in" and
 34 inserting the following: "various uses of".

Amendment H-8348 was adopted.

Bogges 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. 2282)

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	Grèimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shultz	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	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

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 2246, a bill for an act requiring the board of directors of a school district to adopt a student promotion policy to support

student reading at grade level, providing for related matters, and providing an effective date and for the Act's applicability, with report of committee recommending amendment and passage, was taken up for consideration.

Raecker of Polk offered the following amendment H-8325 filed by the committee on education and moved its adoption:

H-8325

1 Amend Senate File 2246, 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. Section 256D.1, subsection 1,
6 paragraph b, unnumbered paragraph 1, Code 2003, is
7 amended to read as follows:

8 The department of education shall identify
9 diagnostic assessment tools that can be used to assist
10 teachers in measuring reading accuracy and fluency
11 skills, including but not limited to phonemic
12 awareness, phonics skills, oral reading ability, and
13 comprehension skills, and vocabulary development to
14 improve student achievement in kindergarten through
15 grade three. The department, in collaboration with
16 the area education agencies, school districts, and
17 institutions with approved practitioner preparation
18 programs, shall identify and serve as a clearinghouse
19 on intensive, research-based strategies and programs
20 for training teachers in both diagnosis and
21 appropriate instruction interventions.

22 Sec. 2. Section 256D.1, subsection 1, paragraph b,
23 subparagraph (1), Code 2003, is amended to read as
24 follows:

25 (1) A school district shall at a minimum
26 biannually inform parents of their individual child's
27 performance on the diagnostic assessments in
28 kindergarten through grade three. If intervention is
29 appropriate, the school district shall inform the
30 parents of the actions the school district intends to
31 take to improve the child's reading skills and provide
32 the parents with strategies to enable the parents to
33 improve their child's skills. If intervention is not
34 warranted, the school district shall inform the
35 parents of options available to the parents for
36 enrichment activities for the child. The board of
37 directors of each school district shall adopt a policy
38 indicating the methods the school district will use to
39 inform parents of their individual child's
40 performance.

41 Sec. 3. Section 256D.2, Code 2003, is amended to

42 read as follows:

43 256D.2 PROGRAM EXPENDITURES.

44 A school district shall expend funds received
45 pursuant to section 256D.4 at the kindergarten through
46 grade three levels to reduce class sizes to the state
47 goal of seventeen students for every one teacher and
48 to achieve a higher level of student success in the
49 basic skills, especially reading. In order to support
50 these efforts, school districts may expend funds

Page 2

1 received pursuant to section 256D.4 at the
2 kindergarten through grade three level on programs,
3 instructional support, and materials that include, but
4 are not limited to, the following: additional
5 licensed instructional staff; additional support for
6 students, such as before and after school programs,
7 tutoring, and intensive summer programs; the
8 acquisition and administration of diagnostic reading
9 assessments; the implementation of research-based
10 instructional intervention programs for students
11 needing additional support; the implementation of all-
12 day, everyday kindergarten programs; and the provision
13 of classroom teachers with intensive training programs
14 to improve reading instruction and professional
15 development in best practices, including but not
16 limited to training programs related to instruction to
17 increase students' phonemic awareness, phonics skills,
18 oral reading abilities, and comprehension skills, and
19 vocabulary development.

20 Sec. 4. Section 256D.3, subsection 3, Code 2003,
21 is amended to read as follows:

22 3. Beginning January 15, ~~2001~~ 2005, the department
23 shall submit an annual report to the chairpersons and
24 ranking members of the senate and house education
25 committees that includes the statewide average school
26 district class size in basic skills instruction in
27 kindergarten through grade three, by grade level and
28 by district size, and describes school district
29 progress toward achieving early intervention block
30 grant program goals and the ways in which school
31 districts are using moneys received pursuant to
32 section 256D.4 this chapter and expended as provided
33 in section 256D.2.

34 Sec. 5. Section 256D.9, Code Supplement 2003, is
35 amended to read as follows:

36 256D.9 FUTURE REPEAL.

37 This chapter is repealed effective July 1, 2004
38 2005.

39 Sec. 6. EFFECTIVE DATE. The section of this Act
40 amending section 256D.9, being deemed of immediate

- 41 importance, takes effect upon enactment."
 42 2. Title page, by striking lines 1 through 4 and
 43 inserting the following: "An Act relating to the Iowa
 44 early intervention block grant program and providing
 45 an effective date."

The committee amendment H-8325 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?" (S.F. 2246)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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, 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.

Senate File 2234, a bill for an act relating to child custody and visitation provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Boddicker of Cedar offered the following amendment H-8320 filed by the committee on judiciary and moved its adoption:

H-8320

1 Amend Senate File 2234, as passed by the Senate, as
2 follows:

3 1. Page 1, line 1, by striking the word
4 "UNIFORM".

5 2. Page 1, by striking lines 3 through 6, and
6 inserting the following:

7 "In order to encourage compliance with a visitation
8 order, a temporary order for custody shall provide for
9 a minimum visitation schedule with the noncustodial
10 parent, unless the court determines that such
11 visitation is not in the best interest of the child."

12 3. Page 1, by striking lines 7 through 15, and
13 inserting the following:

14 "Sec. 2. Section 600B.40, unnumbered paragraph 1,
15 Code 2003, is amended to read as follows:

16 The mother of a child born out of wedlock whose
17 paternity has not been acknowledged and who has not
18 been adopted has sole custody of the child unless the
19 court orders otherwise. If a judgment of paternity is
20 entered, the father may petition for rights of
21 visitation or custody in the same paternity action or
22 in an equity proceeding separate from any action to
23 establish paternity."

The committee amendment H-8320 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. 2234)

The ayes were, 100:

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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, none.

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: **Senate Files 2234, 2246 and 2282.**

Senate File 2224, a bill for an act relating to grain regulation, with report of committee recommending passage, was taken up for consideration.

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?" (S.F. 2224)

The ayes were, 100:

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Roberts, 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 2179, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board, with report of committee recommending passage, was taken up for consideration.

Raecker of Polk offered the following amendment H-8336 filed by him and moved its adoption:

H-8336

- 1 Amend Senate File 2179, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting before line 1 the
- 4 following:
- 5 "Sec. ____ Section 68B.35A, Code 2003, is amended
- 6 to read as follows:
- 7 68B.35A PERSONAL FINANCIAL DISCLOSURE STATEMENTS
- 8 OF STATE OFFICIALS AND EMPLOYEES - PUBLIC INTERNET
- 9 ACCESS.
- 10 Personal financial disclosure statements filed with
- 11 ~~the board and the chief clerk of the house, or the~~
- 12 ~~secretary of the senate, or other appropriate person~~
- 13 ~~or body~~ shall be forwarded to the secretary of state
- 14 for the recording of the information through

15 ~~electronic means on an internet website. The board~~
 16 ~~and the general assembly shall execute agreements with~~
 17 ~~the secretary of state which provide for public access~~
 18 ~~to and copying of the information, and include a site~~
 19 ~~in the board offices for public viewing and copying of~~
 20 ~~information, contained in personal financial~~
 21 ~~disclosure statements filed with the board and the~~
 22 ~~chief clerk of the house, secretary of the senate, or~~
 23 ~~other appropriate person or body. The board shall~~
 24 ~~record personal financial disclosure statements filed~~
 25 ~~with the board on an internet website."~~

26 2. Page 5, by striking line 21 and inserting the
 27 following:

28 "Sec.____. Section 68B.34, Code 2003, is".

29 3. By renumbering as necessary.

Amendment H-8336 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?" (S.F. 2179)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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, none.

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 2550, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date, was taken up for consideration.

SENATE FILE 2217 SUBSTITUTED FOR HOUSE FILE 2550

S. Olson of Clinton asked and received unanimous consent to substitute Senate File 2217 for House File 2550.

SENATE FILE 2217 PASSED ON FILE

The Speaker announced that Senate File 2217, previously referred to the committee on **ways and means** was **passed on file**.

Senate File 2217, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date, 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?" (S.F. 2217)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2550 WITHDRAWN

S. Olson of Clinton asked and received unanimous consent to withdraw House File 2550 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: **Senate Files 2179, 2217 and 2224.**

Jacobs of Polk asked and received unanimous consent for the immediate consideration of House File 2541.

Unfinished Business Calendar

House File 2541, a bill for an act relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions, was taken up for consideration.

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. 2541)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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, 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

Jacobs of Polk asked and received unanimous consent that the following bill be immediately messaged to the Senate: **House File 2541.**

SENATE AMENDMENT CONSIDERED

Schickel of Cerro Gordo called up for consideration **House File 2340**, a bill for an act relating to the temporary absence of an elected city official on active military duty and the appointment of a temporary replacement and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8260:

H-8260

- 1 Amend House File 2340, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "body" the following: "of a political subdivision".
- 5 2. Title page, line 1, by striking the word
- 6 "city" and inserting the following: "local
- 7 government".

The motion prevailed and the House concurred in the Senate amendment H-8260.

Schickel of Cerro Gordo 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. 2340)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Roberts,
			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.

SENATE AMENDMENT CONSIDERED

Elgin of Linn called up for consideration **House File 2497**, a bill for an act providing for a sick leave and vacation incentive program for state employees and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8338:

H-8338

1 Amend House File 2497, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 2, by striking the word and
4 figure "May 1" and inserting the following: "May 21".

5 2. Page 2, line 16, by striking the word and
6 figures "July 2, 2004" and inserting the following:
7 "the date the eligible employee separates from
8 employment as provided in this section".

9 3. Page 2, lines 17 and 18, by striking the words
10 and figures "by July 2, 2004" and inserting the
11 following: "on or after July 2, 2004, but no later
12 than August 12, 2004".

13 4. Page 2, line 20, by striking the words and
14 figures "by July 2, 2004" and inserting the following:
15 "on or after July 2, 2004, but no later than August
16 12, 2004".

17 5. Page 3, by inserting after line 25 the
18 following:

19 "5. The legislative council shall provide an
20 incentive program for employees of the legislative
21 branch consistent with the program provided in this
22 section for executive branch employees. The
23 legislative council shall collaborate with the
24 department of administrative services to establish the
25 program as required under this subsection as nearly
26 identical as possible to the program provided
27 executive branch employees under this section. The
28 program provided pursuant to this subsection shall
29 establish the same guidelines used to establish an
30 eligible employee and benefit calculations as provided
31 under the program for executive branch employees."

32 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8338.

Elgin of Linn 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. 2497)

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
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	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.

Eichhorn

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

Chambers of O'Brien called up for consideration **House File 2399**, a bill for an act allowing a modified criminal penalty for certain thefts within a seventy-two-hour time period, amended by the Senate, and moved that the House concur in the following Senate amendment H-8242:

H-8242

- 1 Amend House File 2399, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 7, by striking the words
- 4 "seventy-two-hour time" and inserting the following:
- 5 "thirty-day".
- 6 2. Title page, by striking line 2 and inserting
- 7 the following: "from different locations within a
- 8 thirty-day period."

The motion prevailed and the House concurred in the Senate amendment H-8242.

Chambers of O'Brien 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. 2399)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Roberts, 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.

SENATE AMENDMENT CONSIDERED

Baudler of Adair called up for consideration **House File 2476**, a bill for an act regulating transmissible viruses afflicting poultry and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-8347:

H-8347

1 Amend House File 2476, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 19 the
4 following:

5 "____. "Law enforcement officer" means an Iowa
6 state patrol officer or a regularly employed member of
7 a police force of a city or county, including but not
8 limited to a sheriff's office, who is responsible for
9 the prevention and detection of a crime and the
10 enforcement of the criminal laws of this state."

11 2. Page 2, line 4, by inserting after the figure
12 "1." the following: "a."

13 3. Page 2, by inserting after line 12, the
14 following:

15 "b. The department shall retain moneys from civil
16 penalties that it collects under this chapter. The
17 moneys are appropriated to the department for the
18 administration and enforcement of this chapter.
19 Notwithstanding section 8.33, such moneys shall not
20 revert, but shall be retained by the department for
21 the purposes described in this paragraph. The
22 department shall submit a report to the chairpersons
23 of the joint appropriations subcommittee on
24 agriculture and natural resources by January 5 of each
25 year. The report shall state, at a minimum, the total
26 amount of moneys collected during the past calendar
27 year and describe how these moneys were expended."

28 4. Page 3, line 14, by striking the words "An
29 establishment" and inserting the following: "A
30 concentration point".

31 5. Page 3, line 15, by striking the word
32 "establishment" and inserting the following:
33 "concentration point".

34 6. Page 3, line 18, by striking the words "An
35 establishment" and inserting the following: "A
36 concentration point".

37 7. Page 4, line 14, by inserting before the word
38 "concentration" the following: "restricted".

39 8. Page 5, by inserting after line 2 the
40 following:
41 " . . . This subsection applies to poultry
42 maintained at a restricted concentration point, or
43 poultry transported to or from a restricted
44 concentration point.
45 a. The department or a law enforcement officer may
46 confiscate poultry before a contested case proceeding
47 or judicial hearing is conducted to determine whether
48 this section has been violated. If the department or
49 a court determines that a violation of this section
50 has occurred, the poultry are conclusively deemed to

Page 2

1 be infected with a pathogenic virus. The poultry
2 shall be kept separate and apart until destroyed by
3 euthanasia as defined in section 162.2.
4 b. The department shall provide that real or
5 personal property that is exposed to the poultry shall
6 be sanitized as required to eliminate the source of
7 the pathogenic virus. As part of the sanitation, the
8 department shall provide for the disposal of poultry
9 carcasses, eggs, or manure. Upon inspection, the
10 department shall certify that the sanitization has
11 been performed as required by this paragraph.
12 c. The department may utilize the procedures
13 provided in section 17A.18A in order to enforce the
14 provisions of this section. The attorney general or
15 county attorney may petition the district court for an
16 expedited hearing.
17 d. The department shall be reimbursed by the owner
18 of the poultry or property for costs required to carry
19 out this subsection. However, if the enforcement
20 action is brought due to the activity of a law
21 enforcement officer of a political subdivision, the
22 political subdivision shall be reimbursed by the owner
23 of the poultry or property for those costs. The
24 department or political subdivision shall certify the
25 amount to the county auditor of any county in which
26 the owner is a titleholder of real property. The
27 amount shall be placed upon the tax books which shall
28 be a lien upon the real property, and collected with
29 interest and penalties after due, in the same manner
30 as other unpaid property taxes."
31 9. Title page, line 1, by inserting after the
32 word "poultry" the following: ", making an
33 appropriation,".
34 10. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8347.

Baudler of Adair 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. 2476)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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, none.

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

J.R. Van Fossen of Scott called up for consideration **House File 2150**, a bill for an act establishing a child endangerment offense for

permitting the presence of a child or minor at a location where a controlled substance manufacturing or product possession violation occurs and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-8245:

H-8245

1 Amend House File 2150, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 124.401C, subsection 1, Code
6 2003, is amended to read as follows:

7 1. In addition to any other penalties provided in
8 this chapter, a person who is eighteen years of age or
9 older and who either directly or by extraction from
10 natural substances, or independently by means of
11 chemical processes, or both, unlawfully manufactures
12 methamphetamine, its salts, isomers, and salts of its
13 isomers in the presence of a minor shall be sentenced
14 up to an additional term of confinement of five years.
15 However, the additional term of confinement shall not
16 be imposed on a person who has been convicted and
17 sentenced for a child endangerment offense under
18 section 726.6, subsection 1, paragraph "g", arising
19 from the same facts."

20 2. Page 1, line 9, by striking the words "a
21 controlled substance" and inserting the following:
22 "amphetamine, its salts, isomers, or salts of isomers,
23 or methamphetamine, its salts, isomers, or salts of
24 isomers".

25 3. By renumbering, relettering, or redesignating
26 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8245.

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. 2150)

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	Foegen
Ford	Freeman	Frevort	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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, none.

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 2150, 2340, 2399, 2476 and 2497.**

Regular Calendar

Senate File 2044, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke, with report of committee recommending passage, was taken up for consideration.

Lalk of Fayette offered the following amendment H-8341 filed by Lalk, et al., and moved its adoption:

H-8341

1 Amend Senate File 2044, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 28 the
4 following:

5 "Sec. ____ EFFECTIVE DATE – RETROACTIVE
6 APPLICABILITY. This Act, being deemed of immediate
7 importance, takes effect upon enactment and is
8 retroactively applicable to July 1, 2003, and is
9 applicable on and after that date."

10 2. Title page, line 3, by inserting after the
11 word "stroke" the following: "and providing an
12 effective date and retroactive applicability
13 provision".

14 3. By renumbering as necessary.

Amendment H-8341 lost.

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. 2044)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	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	Roberts, 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 MESSAGE CONSIDERED

Senate File 2296, by committee on ways and means, a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

Read first time and referred to committee on **ways and means**.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **Senate File 2044** be immediately messaged to the Senate.

The House stood at ease at 4:43 p.m., until the fall of the gavel.

The House resumed session at 5:24 p.m., Klemme of Plymouth in the chair.

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 File 2490

1. Page 3, Line 8 – Change “Section” to “Sections”.

MARGARET A. THOMSON
Chief Clerk of the House

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 31st day of March, 2004: House Files 2042, 2241, 2381, 2431, 2464, 2479 and 2506.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2004\1058 Berdell and Frances Aldrich, Garwin – For celebrating their 60th wedding anniversary.
- 2004\1059 Harold Howell, Rhodes – For celebrating his 81st birthday.
- 2004\1060 John Tigges, Melbourne – For celebrating his 86th birthday.
- 2004\1061 Alton Johnson, Clear Lake – For celebrating his 90th birthday.
- 2004\1062 Esther Wilson, Clear Lake – For celebrating her 90th birthday.
- 2004\1063 Mr. and Mrs. James Whitney, Sheffield – For celebrating their 60th wedding anniversary.
- 2004\1064 Bryan Leppert, Dallas Center-Grimes High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1065 Matthew Hauge, Dallas Center-Grimes High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1066 Donald Gehrls, Waukee High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1067 Louise Seehase, Sumner – For celebrating her 102nd birthday.
- 2004\1068 Paul Yungtum, Sumner – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1069 Clarence Buchholz, Tripoli – For celebrating his 90th birthday.
- 2004\1070 Ted Necker, Sumner – For celebrating his 86th birthday.
- 2004\1071 Matthew Even, Gilbertville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1072 Carl E. Schneider, Fairbank – For celebrating his 80th birthday.

- 2004\1073 Doran and Joyce Pence, Bloomfield – For celebrating their 50th wedding anniversary.
- 2004\1074 Gautam Reddy, Pleasant Valley Community High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1075 Erin Walls, Bettendorf High School – For receiving the Presidential Scholarship Award From the University of Iowa.
- 2004\1076 Cory Kleinheksel, Wilton Jr.-Sr. High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1077 Vada Van Renterghem, Brooklyn – For celebrating her 90th birthday.
- 2004\1078 Vern and Joanne Glotfelty, Victor – For celebrating their 50th wedding anniversary.
- 2004\1079 Andrea Roberts, Williamsburg – For being crowned 2004 Iowa Junior Miss.

SUBCOMMITTEE ASSIGNMENT

Senate Joint Resolution 2010

Ways and Means: Paulsen, Chair; Carroll, Kramer, Shomshor and Shultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 728 Ways and Means

Relating to assessment of certain apartments located in a horizontal property regime and providing an applicability 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 WAYS AND MEANS

Senate File 449, 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8352** March 30, 2004.

Committee Bill (Formerly House File 2382), providing income tax credits for equity investments in businesses that are primarily engaged in the business of the production of value-added agricultural products and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 2004.

Committee Bill (Formerly House Study Bill 716), relating to the standards applicable for purposes of imposing an Iowa business activity tax and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 2004.

Committee Bill (Formerly House Study Bill 723), relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 2004.

RESOLUTION FILED

HR 154, by Drake, a resolution honoring the city of Griswold on its quasiqucentennial anniversary year and celebrating its 122nd Annual Soldiers Reunion.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8350	H.F.	2548	Alons of Sioux
H-8351	H.F.	2455	Hunter of Polk
H-8352	S.F.	449	Committee on Ways and Means
H-8353	S.F.	2279	Gaskill of Wapello Mascher of Johnson
H-8354	H.F.	2523	Senate Amendment
H-8355	H.F.	2186	Whitaker of Van Buren Lukan of Dubuque
H-8356	H.F.	2547	Raecker of Polk Huser of Polk
H-8357	S.F.	2270	Tjepkes of Webster
H-8358	S.F.	2269	Fallon of Polk

On motion by Gipp of Winneshiek the House adjourned at 5:24 p.m., until 8:45 a.m., Thursday, April 1, 2004.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 1, 2004

The House met pursuant to adjournment at 8:55 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Vince Homan, pastor of What Cheer United Methodist Church, What Cheer. He was the guest of Representative Betty De Boef from Keokuk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, March 31, 2004 was approved.

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, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2145, a bill for an act relating to membership on certain city planning and zoning commissions.

Also: That the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2225, a bill for an act relating to the establishment of drainage and levee districts, and providing an effective date.

Also: That the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2315, a bill for an act relating to agricultural conservation practices.

Also: That the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2319, a bill for an act relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs.

Also: That the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2394, a bill for an act relating to driver education by a teaching parent.

Also: That the Senate has on March 31, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2515, a bill for an act relating to the keeping of farm deer.

Also: That the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2533, a bill for an act relating to protective orders and court-approved consent agreements under the domestic abuse Act.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 9:04 a.m., until the conclusion of the meetings on the committees on appropriations and ways and means.

AFTERNOON SESSION

The House reconvened at 12:55 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 1, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2193, a bill for an act relating to determining compliance with course of study requirements regarding cosmetology licensure.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2327, a bill for an act relating to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2366, a bill for an act relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2401, a bill for an act relating to the comprehensive petroleum underground storage tank fund and providing an effective date.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2419, a bill for an act relating to the number of signatures required on nomination petitions for school board elections.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2432, a bill for an act relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2441, a bill for an act relating to the statutory duties of the commission of Latino affairs regarding Spanish language interpreter qualifications.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2475, a bill for an act relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs and providing an effective date.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2517, a bill for an act relating to environmental regulations administered by the department of natural resources regarding the use of recycled oil and the calculation of waste volume reduction measures.

Also: That the Senate has on April 1, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2527, a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent.

Also: That the Senate has on April 1, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2295, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 12:55 p.m., until the fall of the gavel.

The House resumed session at 2:24 p.m., Speaker pro tempore Carroll the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Heaton of Henry, on request of Arnold of Lucas.

CONSIDERATION OF BILLS
Unfinished Business Calendar

House File 2549, a bill for an act relating to expenditures from the waste tire management fund, 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. 2549)

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
Hanson	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Heaton Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 2101, a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance, 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. 2101)

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
Hanson	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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 and 1:

Heaton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2349 WITHDRAWN

De Boef of Keokuk asked and received unanimous consent to withdraw House File 2349 from further consideration by the House.

Senate File 2249, a bill for an act regulating contest events involving animals, and providing a penalty and effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Baudler of Adair offered the following amendment H-8335 filed by the committee on public safety and moved its adoption:

H-8335

- 1 Amend Senate File 2249, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "designed" the following: "and used".
- 5 2. Page 2, by striking lines 17 and 18.
- 6 3. Page 3, by striking lines 1 through 6 and
- 7 inserting the following:
- 8 "A person who violates a provision of this chapter
- 9 is guilty of ~~a serious~~ an aggravated misdemeanor."
- 10 4. By renumbering as necessary.

The committee amendment H-8335 lost.

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?" (S.F. 2249)

The ayes were, 98:

Alons	Arnold	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
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jacoby	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
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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:

Baudler Heaton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2119, a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys, with report of committee recommending amendment and passage, was taken up for consideration.

Sands of Louisa offered the following amendment H-8331 filed by the committee on commerce, regulation and labor and moved its adoption:

H-8331

- 1 Amend Senate File 2119, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 12C.22, subsection 1,
- 6 paragraph b, Code 2003, is amended by striking the
- 7 paragraph.
- 8 Sec. ____ Section 12C.22, subsection 1, paragraph
- 9 c, Code 2003, is amended to read as follows:
- 10 c. In the event an assessment is paid by a bank to
- 11 the treasurer of state pursuant to section 12C.23A, ~~or~~
- 12 ~~in the event that collateral pledged by the bank is~~
- 13 ~~liquidated pursuant to section 12C.23A, subsection 3,~~
- 14 ~~paragraph "c", and the proceeds are used to pay the~~

15 ~~assessment, the bank is subrogated to the claim of a~~
16 ~~public funds depositor to the extent the claim is paid~~
17 ~~from funds paid by the bank or proceeds of collateral~~
18 ~~pledged by the bank are used to pay the assessment."~~

19 2. Page 1, by inserting after line 5 the
20 following:

21 "Sec. ____ Section 12C.23A, subsection 3,
22 paragraph e, Code Supplement 2003, is amended to read
23 as follows:

24 e. If a bank fails to pay its assessment when due,
25 the treasurer of state shall ~~satisfy the assessment by~~
26 ~~liquidating collateral pledged by the bank upon such~~
27 ~~notice as is required by chapter 554. If the~~
28 ~~collateral pledged by the bank is inadequate to pay~~
29 ~~the assessment, the treasurer of state shall make~~
30 additional assessments as may be necessary against
31 other banks that hold uninsured public funds to
32 satisfy any unpaid assessment. Any additional
33 assessments shall be determined, collected, and
34 satisfied in the same manner as the first assessment
35 except that in calculating the amount of each such
36 additional assessment, the amount of uninsured public
37 funds held by the bank that fails to pay the
38 assessment shall not be counted.

39 Sec. ____ Section 12C.23A, subsection 3, paragraph
40 f, Code Supplement 2003, is amended by striking the
41 paragraph.

42 Sec. ____ Section 12C.23A, subsection 3, paragraph
43 g, Code Supplement 2003, is amended to read as
44 follows:

45 g. If a bank fails to pay its assessment when due
46 ~~and the proceeds from liquidation of the collateral~~
47 ~~pledged by the bank are not sufficient to pay the~~
48 ~~assessment against the bank, the treasurer of state~~
49 shall notify the superintendent or the comptroller of
50 the currency, as applicable, of the failure to pay the

Page 2

1 assessment. If the bank that has failed to pay the
2 assessment is a nationally chartered financial
3 institution, the superintendent shall immediately
4 notify the bank's primary federal regulator. If the
5 assessment is not paid within thirty days after the
6 bank received the notice of assessment, the treasurer
7 of state shall initiate a lawsuit to collect the
8 amount of the assessment. If a bank is found to have
9 failed to pay the assessment as required by this
10 subsection and is ordered to pay the assessment, the
11 court shall also order that the bank pay court costs
12 and reasonable attorney fees based on the amount of
13 time the attorney general's office spent preparing and

- 14 bringing the action, and reasonable expenses incurred
 15 by the treasurer of state.
 16 Sec.____. EFFECTIVE DATE. This Act, being deemed
 17 of immediate importance, takes effect upon enactment."
 18 3. Title page, line 1, by inserting before the
 19 word "collateral" the following: "obligations secured
 20 by".
 21 4. Title page, line 3, by inserting after the
 22 word "moneys" the following: ", and providing an
 23 effective date".

The committee amendment H-8331 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?" (S.F. 2119)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggett
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	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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	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.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2549** and **Senate Files 2101, 2119 and 2249.**

Senate File 2154, a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices, with report of committee recommending passage, 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?" (S.F. 2154)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	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	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	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, 3:

Fallon	Hunter	Shoultz
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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.

Senate File 2174, a bill for an act relating to the appointment of the ninth member of the state board of regents, 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. 2174)

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	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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:

Heaton

Paulsen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2193, a bill for an act relating to the civil commitment of sexually violent predators, 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. 2193)

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
Hanson	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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:

Heaton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2208, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Huseman of Cherokee offered amendment H-8275 filed by the committee on agriculture as follows:

H-8275

1 Amend Senate File 2208, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 3 the
4 following:

5 "DIVISION
6 MILK REGULATION

7 Sec.____. Section 192.101A, unnumbered paragraph
8 1, Code Supplement 2003, is amended to read as
9 follows:

10 As used in this chapter, all terms shall have the
11 same meaning as defined in the "Grade 'A' Pasteurized
12 Milk Ordinance, ~~2001 Revision~~ Ordinance" as provided
13 in section 192.102. However, notwithstanding the
14 ordinance, the following definitions shall apply:

15 Sec.____. Section 192.102, Code Supplement 2003,
16 is amended to read as follows:

17 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

18 The department shall adopt, by rule, the "Grade 'A'
19 Pasteurized Milk Ordinance, ~~2001~~ 2003 Revision",
20 including a subsequent revision of the ordinance. If
21 the ordinance specifies that compliance with a
22 provision of the ordinance's appendices is mandatory,
23 the department shall also adopt that provision. The
24 department shall not amend the ordinance, unless the
25 department explains each amendment and reasons for the
26 amendment in the Iowa administrative bulletin when the
27 rules are required to be published pursuant to chapter
28 17A. The department shall administer this chapter
29 consistent with the provisions of the ordinance.

30 Sec.____. Section 192.110, subsection 1, Code
31 Supplement 2003, is amended to read as follows:

32 1. The person has a pasteurized milk and milk
33 products sanitation compliance rating of ninety
34 percent or more as calculated according to the rating
35 system as contained in the federal public health
36 service publications, "Procedures Governing the
37 Cooperative State-Public Health Service/Food and Drug
38 Administration Program for Certification of Interstate
39 Milk Shippers ~~2001~~ 2003" and "Method of Making
40 Sanitation Ratings of Milk Supplies, ~~2001~~ 2003
41 Revision". The applicable provisions of these

42 publications are incorporated into this section by
 43 this reference. A copy of each publication shall be
 44 on file with the department or in the office of the
 45 person subject to an inspection contract as provided
 46 in section 192.108."

47 2. By renumbering as necessary.

Huseman of Cherokee offered the following amendment H-8362,
 to the committee amendment H-8275, filed by him from the floor and
 moved its adoption:

H-8362

1 Amend the amendment, H-8275, to Senate File 2208,
 2 as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 2, the
 4 following:

5 " _____. Page 1, by striking lines 6 and 7.

6 _____. Page 1, by striking lines 10 and 11."

7 2. By renumbering as necessary.

Roberts of Carroll in the chair at 3:20 p.m.

Amendment H-8362 was adopted.

On motion by Huseman of Cherokee, the committee amendment
 H-8272, as amended, was adopted.

Huser of Polk asked and received unanimous consent to withdraw
 amendment H-8308 filed by her on March 23, 2004.

Huseman of Cherokee offered the following amendment H-8313
 filed by him and moved its adoption:

H-8313

1 Amend Senate File 2208, as passed by the Senate, as
 2 follows:

3 1. Page 4, by inserting after line 3, the
 4 following:

"DIVISION

ACCOUNTABLE GOVERNMENT ACT

7 Sec. _____. Section 8E.103, subsection 1, Code 2003,
 8 is amended to read as follows:

9 1. "Agency" means a principal central department
 10 enumerated in section 7E.5. ~~For~~ However, for purposes
 11 of this chapter, each all of the following apply:

12 a. The department of agriculture and land
 13 stewardship is not considered an agency.

14 b. Each division within the department of commerce

15 shall be is considered an agency, and each bureau
 16 within a division of the department of commerce shall
 17 be is considered a division, as otherwise provided in
 18 chapter 7E."
 19 2. By renumbering as necessary.

Amendment H-8313 was adopted.

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?" (S.F. 2208)

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	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	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	Roberts, 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 was agreed to.

INTRODUCTION OF BILL

House File 2566, by committee on government oversight, a bill for an act relating to farm mediation, by providing for participation by foreign business entities.

Read first time and placed on the **calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2295, by committee on ways and means, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

Read first time and referred to committee on **ways and means**.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2154, 2174, 2193 and 2208**.

Senate File 2272, a bill for an act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous, with report of committee recommending passage, 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?" (S.F. 2272)

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	Hanson	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby

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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	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	Roberts, 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 was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk on request of Gipp of Winneshiek.

SENATE AMENDMENT CONSIDERED

J.R. Van Fossen of Scott called up for consideration **House File 2281**, a bill for an act relating to licensing of nonresident bait dealers, amended by the Senate, and moved that the House concur in the following Senate amendment H-8333:

H-8333

- 1 Amend House File 2281, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "Sec. ____ EFFECTIVE DATE. This Act takes effect
- 6 upon enactment."
- 7 2. Title page, line 1, by inserting after the
- 8 word "dealers" the following: "and providing an
- 9 effective date".

The motion prevailed and the House concurred in the Senate amendment H-8333.

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. 2281)

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	Hanson	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
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
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

Heaton	Raecker	Wise
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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.

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **House File 2134**; a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and

providing for retroactive applicability, amended by the Senate, and moved that the House concur in the following Senate amendment H-8337:

H-8337

1 Amend House File 2134, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 27, by inserting after the word
4 "licensed" the following: "residential care
5 facilities and the number of licensed".

6 2. Page 2, line 18, by inserting after the word
7 "licensed" the following: "residential care
8 facilities and the number of licensed".

9 3. Page 4, by inserting after line 25 the
10 following:

11 "Sec. ____ WAIVER PAYMENT SLOTS. The department
12 of human services shall provide an opportunity for
13 counties to request an expansion of the county's home
14 and community-based waiver payment slots under the
15 medical assistance program in order to add slots to
16 address the changes in the definition of "residential
17 care facility" under chapter 135C made by this Act.
18 Any expansion in the number of waiver payment slots as
19 described in this section shall be implemented on July
20 1, 2004, or the date authorized in the federal
21 approval of the expansion of the waiver slots,
22 whichever is later."

The motion prevailed and the House concurred in the Senate amendment H-8337.

Carroll of Poweshiek 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. 2134)

The ayes were, 77:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Freeman	Frevert	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Hoffman	Hogg	Horbach
Huseman	Hutter	Jacobs	Jacoby
Jenkins	Jones	Klemme	Kramer

Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mertz	Olson, D.	Olson, S.	Paulsen
Quirk	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
Smith	Stevens	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitead	Wilderdryke	Winckler	Wise
Roberts, Presiding			

The nays were, 21:

Berry	Bukta	Fallon	Ford
Gaskill	Heddens	Hunter	Huser
Jochum	Mascher	McCarthy	Miller
Murphy	Oldson	Osterhaus	Petersen
Shoultz	Swaim	Taylor, D.	Taylor, T.
Whitaker			

Absent or not voting, 2:

Heaton	Raecker
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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 AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration **House File 2186**, a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer, amended by the Senate amendment H-8344 as follows:

H-8344

- 1 Amend House File 2186, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 8 through 25, and
- 4 inserting the following:
- 5 "(1) 150 points or less: A minimum of two
- 6 thousand dollars and not more than five thousand
- 7 dollars, in an amount that is deemed reasonable by the
- 8 court.
- 9 (2) More than 150 points: A minimum of five
- 10 thousand dollars and not more than ten thousand
- 11 dollars, in an amount that is deemed reasonable by the
- 12 court."

Whitaker of Van Buren offered amendment H-8355 to the Senate amendment H-8344 filed by him and Lukan of Dubuque.

H-8355

- 1 Amend the Senate amendment, H-8344, to House File
 2 2186, as passed by the House as follows:
 3 1. Page 1, line 7, by inserting after the word
 4 "dollars," the following: "and eighty hours of
 5 community service or, in lieu of the community
 6 service, a minimum of four thousand dollars and not
 7 more than ten thousand dollars."
 8 2. Page 1, line 11, by inserting after the word
 9 "dollars," the following: "and eighty hours of
 10 community service or, in lieu of the community
 11 service, a minimum of ten thousand dollars and not
 12 more than twenty thousand dollars,".

Amendment H-8355 was adopted.

On motion by Lukan of Dubuque the House concurred in the Senate amendment H-8344, as amended.

Lukan of Dubuque 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. 2186)

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	Fevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
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:

Heaton	Raecker
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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 AMENDMENT CONSIDERED

Manternach of Jones called up for consideration **House File 2243**, a bill for an act regarding notice requirements by customers of and limitations on liability for liquefied petroleum gas suppliers, retailers, handlers, and transports, and making a penalty applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H-8340:

H-8340

- 1 Amend House File 2243, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 21 and
- 4 inserting the following:
- 5 "Section 1. NEW SECTION. 101.14 USER
- 6 RESPONSIBILITY.
- 7 1. In any action or claim seeking damages for
- 8 personal injuries or damage to property arising out of
- 9 injuries or loss due to defects in a liquefied
- 10 petroleum gas system, or arising out of the condition
- 11 of any portion of that system, the negligence or other
- 12 fault of the customer, owner, or other person in
- 13 possession of or making use of that system relating to
- 14 the installation, modification, maintenance, or repair
- 15 of the system or damage incurred to the system, shall
- 16 be admissible in evidence and considered by the finder
- 17 of fact if such conduct was a cause in fact of the
- 18 accident or condition leading to the injuries or
- 19 damages."
- 20 2. Page 1, line 22, by striking the figure "4."
- 21 and inserting the following: "2."
- 22 3. Page 1, lines 23 and 24, by striking the words
- 23 "more than twenty pounds of".
- 24 4. Title page, by striking lines 1 through 4 and
- 25 inserting the following: "An Act regarding user
- 26 responsibility and liability with respect to liquefied
- 27 petroleum gas systems."

The motion prevailed and the House concurred in the Senate amendment H-8340.

Manternach of Jones 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. 2243)

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	Hanson	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
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:

Heaton Raecker

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

Kramer of Polk called up for consideration House File 2460, a

bill for an act relating to school district enrollment of students listed on the sex offender registry, amended by the Senate, and moved that the House concur in the following Senate amendment H-8346:

H-8346

1 Amend House File 2460, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 282.9 ENROLLMENT OF
6 PERSON LISTED ON REGISTRY.

7 1. Notwithstanding sections 275.55A, 256F.4, and
8 282.18, or any other provision to the contrary, prior
9 to knowingly enrolling an individual who is required
10 to register as a sex offender under chapter 692A, but
11 who is otherwise eligible to enroll in a public
12 school, the board of directors of a school district
13 shall determine the educational placement of the
14 individual. Upon receipt of notice that a student who
15 is enrolled in the district is required to register as
16 a sex offender under chapter 692A, the board shall
17 determine the educational placement of the student.
18 The tentative agenda for the meeting of the board of
19 directors at which the board will consider such
20 enrollment or educational placement shall specifically
21 state that the board is considering the enrollment or
22 educational placement of an individual who is required
23 to register as a sex offender under chapter 692A. If
24 the individual is denied enrollment in a school
25 district under this section, the school district of
26 residence shall provide the individual with
27 educational services in an alternative setting.

28 2. Notwithstanding section 692A.13, or any other
29 provision of law to the contrary, the county sheriff
30 shall provide to the boards of directors of the school
31 districts located within the county the name of any
32 individual under the age of twenty-one who is required
33 to register as a sex offender under chapter 692A."

The motion prevailed and the House concurred in the Senate amendment H-8346.

Kramer 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. 2460)

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	Frevrt	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
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, none.

Absent or not voting, 2:

Heaton Raecker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Hoffman of Crawford called up for consideration **House File 2269**, a bill for an act providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-8339:

H-8339

2 follows:

- 3 1. By striking page 1, line 27, through page 2,
4 line 2.
5 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8339.

Hoffman of Crawford 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. 2269)

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	Hanson	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
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
Roberts,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Heaton

Raecker

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: **House Files 2134, 2186, 2243, 2269, 2281, 2460** and **Senate File 2272**.

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 2066

Senate File 2175

Senate File 2183

Senate File 2190

Senate File 2209

Senate File 2213

Senate File 2225

Senate File 2233

Senate File 2264

Senate File 2266

Senate File 2268

Senate File 2269

Senate File 2275

Senate File 2278

Senate File 2279

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 2351

1. Page 1, line 12 - Delete "2."

MARGARET A. THOMSON
Chief Clerk of the House

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 1st day of April, 2004: House Files 2167, 2270, 2351, 2362, 2383 and 2497.

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 March 31, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 2347, an Act relating to the Uniform Limited Partnership Act and providing a penalty and effective dates.

Senate File 2188, an Act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the Department of Human Rights.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

March 31, 2004

The Honorable Jeff Lamberti
President of the Senate
State Capitol Building
LOCAL

Dear President Lamberti:

Senate File 2230 is a bill which seeks to improve the marketability of contaminated property. The thought behind the bill is that in many instances there is a better chance of contaminated land being cleaned up and put to a higher purpose if the land could be more easily sold to a new owner, and therefore we should take steps to improve the marketability of contaminated property. The aim of cleaning up contaminated property and putting the land to a higher use clearly merits consideration.

The bill's proponents contend that lenders currently are reluctant to foreclose on contaminated property if they perceive that there is even the slightest chance that they could be held liable for environmental contamination caused by their borrowers. Likewise, the bill's proponents contend that buyers will not purchase contaminated property if they perceive that there is even the slightest chance that they could be held liable for environmental contamination caused by the previous owner:

The bill's proponents would, therefore, improve the marketability of contaminated property by immunizing lenders and buyers, *who satisfy all of the conditions set forth in bill*, from any conceivable "liability or obligation arising out of or resulting from contamination of property by a hazardous substance, hazardous waste, or a regulated substance, including without limitation, claims for illness personal injury, death" and other claims including property damage.

The "conditions" that are set forth in the bill are an attempt to ensure that the immunity provisions only benefit lenders and buyers who had no part in causing the property to be contaminated-in other words, to only immunize those that lack any

responsibility for causing any property damage, personal injury or death that arises out of the contamination.

I am concerned that the "conditions" set forth in the bill do not go far enough to adequately ensure that this bill only immunizes those buyers who truly lack any responsibility for causing property damage, personal injury or death that arises out of contaminated property. I do not want to sign a bill into law that would immunize from any accountability those who bear some or all responsibility for causing injury or death.

A buyer of land who had nothing to do with causing the property to become environmentally contaminated, could nonetheless be fully and knowingly responsible for causing completely innocent Iowans to become exposed to and injured or killed by the contaminants that already existed on the land at the time of purchase.

For instance, under this bill an out-of-state childcare center developer who did not cause any contamination, could nonetheless knowingly buy contaminated property at a bargain price, make no attempt to clean up the contaminants, conceal any knowledge of the contamination, and then encourage unknowing Iowans to send their children to this childcare center where they would be continually exposed to high levels of known carcinogens and yet the developer would be completely immune from any accountability to the families of those innocent Iowa children who fall ill or die.

The childcare center developer did not cause the contamination, but was responsible for the injuries. This is not the type of conduct that anyone, including the supporters of this bill, wish to immunize from accountability-nonetheless the language of this bill would allow it to happen.

Similarly, a buyer who did not cause the contamination, could nonetheless be completely responsible for causing an injury or death by making a conscious decision to place employees or others in harm's way in order to save a few dollars by removing the existing safety measures which were installed by the previous owner to protect innocent Iowans from any harm arising out of the contamination. Again, this is not the type of conduct that anyone, including the supporters of this bill, wish to immunize from accountability-nonetheless the language of this bill would allow it to happen.

I am also concerned that under the language of this bill, the lenders and buyers would also be immunized from any accountability in regard to any property damage to state lands.

For the above reasons, I hereby respectfully disapprove Senate File 2230. However, I stand ready to work with legislators to establish protections yet improve the marketability of contaminated property.

Sincerely,
Thomas J. Vilsack
Governor

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2004\1080 Beth and Ervin Madden, St. Ansgar – For celebrating their 50th wedding anniversary.
- 2004\1081 Erlin and Lilly Womeldorf, Decorah – For celebrating their 50th wedding anniversary.
- 2004\1082 Louise Pauley Croskey, Iowa City – For celebrating her 90th birthday.
- 2004\1083 Gregory Altmaier, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1084 Ilse Bendorf, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1085 Benjamin Berman, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1086 Virginia Dreier, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1087 Andrew Ketterer, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1088 Kelli Paul, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1089 Timothy Porter, Regina High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1090 Lindsey Ringham, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1091 Allison Schmidt, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1092 Morgan Walter, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1093 Alexander M. Abbe, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1094 Christopher T. Soseman, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1095 Phoebe Rose, Mapleton – For celebrating her 90th birthday.
- 2004\1096 Lonie Neimeier, Holstein – For celebrating his 80th birthday.
- 2004\1097 Winola Wienert, Holstein – For celebrating her 80th birthday.
- 2004\1098 Ardis Meeves, Denison – For celebrating her 85th birthday.

- 2004\1099 Clyde Cain, Salix – For celebrating his 85th birthday.
- 2004\1100 Larry Untiet, Spencer – For receiving the Outstanding Speech, Theatre, and Debate Educator Award.
- 2004\1101 Aaron Prestemon, Waukon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1102 Carter Angell, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1103 Adam Audino, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1104 Thomas Drahos, Belle Plaine Jr.-Sr. High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1105 Sarah Brandt, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1106 Jaclyn Nielsen, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1107 Anthony Brantner, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1108 Robert Clough, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1109 Kelly Harbacheck, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1110 Mary Debartolo, Newman Catholic High School – For being named a State of Iowa Scholar.
- 2004\1111 Mark Dummett, Newman Catholic High School – For being named a State of Iowa Scholar.
- 2004\1112 Alyse Hurd, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1113 Ellen Johnson, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1114 Nicholas Koren, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1115 Wade Johanns, Newman Catholic High School – For being named a State of Iowa Scholar.
- 2004\1116 Kristin Mariner, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1117 Sara Van Hemert, Mason City High School – For being named a State of Iowa Scholar.

2004\1118 James McKone, Mason City High School – For being named a State of Iowa Scholar.

SUBCOMMITTEE ASSIGNMENTS

House File 2442

Ways and Means: Boal, Chair; Oldson and Paulsen.

House File 2546

Ways and Means: Boal, Chair; Frevert and Tymeson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 728

Ways and Means: Kramer, Chair; Drake and Shoultz.

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 2298, a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-8365 April 1, 2004.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly House File 2536), providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 31, 2004.

Committee Bill (Formerly House Study Bill 719), relating to farm mediation, by providing for participation by foreign business entities.

Fiscal Note is not required.

Recommended Amend and Do Pass March 31, 2004.

COMMITTEE ON JUDICIARY

House File 2558, a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 31, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2456), establishing a county enforcement surcharge for citations issued by the county sheriff.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2004.

Committee Bill (Formerly House File 2474), regulating the transportation of animal carcasses, and providing for fees and penalties.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2004.

Committee Bill (Formerly House File 2487), relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2004.

RESOLUTION FILED

HR 155, by Boddicker, Drake, Boggess, Eichhorn, Granzow, Maddox, and Carroll, a resolution urging the federal government to establish a National Center for Rural and Agricultural Behavioral Health in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8359	H.F.	2515	Senate Amendment
H—8360	S.F.	2213	Lukan of Dubuque
H—8361	H.F.	2455	Carroll of Poweshiek
H—8363	H.F.	2527	Senate Amendment

H—8364	S.F.	449	Freeman of Buena Vista Shoultz of Black Hawk
H—8365	S.F.	2298	Committee on Appropriations
H—8366	S.F.	2269	Jacobs of Polk
H—8367	H.F.	2193	Senate Amendment
H—8368	H.F.	2562	Kramer of Polk
H—8369	S.F.	2066	Chambers of O'Brien McCarthy of Polk
H—8370	H.J.R.	2002	Wise of Lee
			Foege of Linn
			Smith of Marshall
			T. Taylor of Linn
			Oldson of Polk
			Jacoby of Johnson
			Wendt of Woodbury
			Bell of Jasper
			Cohoon of Des Moines
			Swaim of Davis
			Winckler of Scott
			D. Olson of Boone
			Connors of Polk
			Reasoner of Union
			Hunter of Polk
			Dandekar of Linn
			Stevens of Dickinson
			Greimann of Story
			Shoultz of Black Hawk
			Fallon of Polk
			Huser of Polk
			Bukta of Clinton

On motion by Gipp of Winneshiek the House adjourned at 3:58 p.m., until 9:00 a.m., Friday, April 2, 2004.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 2, 2004

The House met pursuant to adjournment at 8:55 a.m., Lukan of Dubuque in the chair.

The Journal of Thursday, April 1, 2004 was approved.

INTRODUCTION OF BILLS

House File 2567, by committee on ways and means, a bill for an act regulating the transportation of animal carcasses, and providing for fees and penalties.

Read first time and placed on the **ways and means calendar**.

House File 2568, by committee on ways and means, a bill for an act relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates.

Read first time and placed on the **ways and means calendar**.

House File 2569, by committee on ways and means, a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff.

Read first time and placed on the **ways and means calendar**.

House File 2570, by committee on government oversight, a bill for an act providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

Read first time and placed on the **calendar**.

SENATE FILE 2270 PLACED ON CALENDAR

The Speaker announced that Senate File 2270, previously referred to committee on **ways and means** was placed on the **calendar**.

SENATE FILE 2296 PASSED ON FILE

The Speaker announced that Senate File 2296, previously referred to committee on **ways and means** was **passed on file**.

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

2004\1119 Claude and Leah Rhum, Mt. Pleasant – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2153

Appropriations: Jenkins, Chair; Eichhorn and Smith.

Senate File 2288

Appropriations: Upmeyer, Chair; Heaton and Smith.

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

Senate Joint Resolution 2010, a joint resolution proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2004.

RESOLUTIONS FILED

HR 156, by Wise, Cohoon, Sands and Heaton, a resolution honoring the Southeastern Community College Men's Basketball Team on its national championship.

Laid over under **Rule 25**.

HR 157, by Wise, Cohoon, Sands and Heaton, a resolution honoring the Southeastern Community College Men's Basketball Coach Joe O'Brien.

Laid over under **Rule 25**.

AMENDMENT FILED

H—8371 H.F. 2565 Kramer of Polk

On motion by Watts of Dallas the House adjourned at 8:56 a.m., until 1:00 p.m., Monday, April 5, 2004.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 5, 2004

The House met pursuant to adjournment at 1:00 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jeff Sajdak, pastor of Immanuel Christian Reformed Church, Orange City. He was the guest of Representative Ralph Klemme from Plymouth County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants. "America the Beautiful", was sung by Monique Holmes of Cedar Falls, a senior at the University of Northern Iowa, majoring in vocal performance and music education and the guest of Representative Deborah Berry from Black Hawk County.

The Journal of Friday, April 2, 2004 was approved.

ADOPTION OF HOUSE RESOLUTION 152

Bukta of Clinton, Osterhaus of Jackson, Lykam of Scott, and Winckler of Scott called up for consideration **House Resolution 152**, a resolution honoring Dr. John T. Blong, Chancellor of Eastern Iowa Community College District, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Winkler of Scott introduced to the House, Vicki Mc Avoy, Muscatine Community College President; Nancy Kathenbeuten, XD Continuing Ed; Shirley Stewart and husband Glen, Board Member, Kirby Kleffmann, Board Chair; Richard Harston, Board Member; Honey Zedell, Assistant to Chancellor, Gene Gardner, Iowa Community College Trustee and Dr. John T. Blong, Chancellor of Eastern Iowa Community College District.

The House rose and expressed its welcome.

The House stood at ease at 1:15 p.m., until the fall of the gavel.

The House resumed session at 4:17 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jones of Mills and Manternach of Jones on request of Gipp of Winneshiek.

CONSIDERATION OF BILLS Appropriations Calendar

House File 2547, a bill for an act providing for the disposition and sale of certain state-owned motor vehicles and making an appropriation, was taken up for consideration.

Raecker of Scott asked and received unanimous consent to withdraw amendment H-8349 filed by Raecker, et al., placing out of order amendment H-8356 filed by Raecker of Polk and Huser of Polk on March 31, 2004.

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. 2547)

The ayes were, 75:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	Dandekar	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Gaskill	Gipp	Granzow	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lukan	Lykam

Maddox	McCarthy	Mertz	Oldson
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Wilderdike	Mr. Speaker	
		Rants	

The nays were, 23:

Berry	Bukta	Cohoon	Connors
Davitt	Foegen	Frevort	Greimann
Hunter	Jochum	Lensing	Mascher
Miller	Murphy	Olson, D.	Osterhaus
Shoultz	Smith	Taylor, D.	Taylor, T.
Whitead	Winckler	Wise	

Absent or not voting, 2:

Jones	Manternach
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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 5, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 5, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2026, a bill for an act relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.

MICHAEL E. MARSHALL, Secretary

House File 2554, a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of

insurance, and providing for a contingent appropriation, 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. 2554)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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:

Jones Manternach

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 2216 and 2507 WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw House Files 2216 and 2507 from further consideration by the House.

House File 2555, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation, was taken up for consideration.

Greiner of Washington offered the following amendment H-8382 filed by her and Ford of Polk from the floor and moved its adoption:

H-8382

1 Amend House File 2555 as follows:

2 1. Page 2, by inserting after line 8 the
3 following:

4 "Sec. ____ NEW SECTION. 135.105D VOLUNTARY LEAD
5 HAZARD REMEDIATION - LIABILITY.

6 1. The department shall adopt rules, pursuant to
7 chapter 17A, setting forth voluntary lead hazard
8 remediation standards for an owner or managing agent
9 of target housing or a child-occupied facility
10 constructed prior to 1978. In promulgating these
11 rules, the department shall consult with state
12 associations of real estate agents and landlords.

13 2. The department shall also adopt rules, pursuant
14 to chapter 17A, setting forth the conditions under
15 which an owner or managing agent of target housing or
16 a child-occupied facility constructed prior to 1978
17 who has voluntarily completed lead hazard remediation
18 and who is sued by a current or former occupant
19 seeking damages for injuries allegedly arising from
20 exposure to lead-based paint hazards shall be immune
21 from liability.

22 3. The department shall adopt rules, pursuant to
23 chapter 17A, to develop and administer a central
24 registry of target housing or child-occupied
25 facilities constructed prior to 1978 that meet the
26 lead hazard remediation standards promulgated by the
27 department pursuant to subsection 1. The department
28 shall establish by rule fees in amounts sufficient to
29 defray the costs of administering the central
30 registry. Fees received shall be considered repayment
31 receipts as defined in section 8.2. The department
32 shall consider providing internet access to the

33 registry.

34 4. For purposes of this section, "child-occupied
35 facility", "lead-based paint hazard", and "target
36 housing" shall mean the same as defined in
37 departmental rules."

38 2. By renumbering as necessary.

Amendment H-8382 was adopted.

Eichhorn of Hamilton asked and received unanimous consent that amendment H-8343 be deferred.

Eichhorn of Hamilton asked and received unanimous consent that amendment H-8318 be deferred.

Eichhorn of Hamilton offered the following amendment H-8343, previously deferred, filed by him, and moved its adoption.

H-8343

- 1 Amend House File 2555 as follows:
- 2 1. Page 2, line 15, by striking the word
- 3 "construction".

Amendment H-8343 was adopted.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment H-8318, previously deferred, filed by him on March 25, 2004.

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. 2555)

The ayes were, 97:

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

Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	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, 1:

Alons

Absent or not voting, 2:

Jones

Manternach

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 2557, a bill for an act providing for the regulation of securities, providing for fees and penalties, and providing an effective date, 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. 2557)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkés	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:

Jones Manternach

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2559, a bill for an act relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state, was taken up for consideration.

Dolecheck of Ringgold offered the following amendment H-8342 filed by him and Upmeyer of Hancock and moved its adoption:

H-8342

- 1 Amend House File 2559 as follows:
- 2 1. Page 3, by striking lines 1 through 5.
- 3 2. Page 3, by inserting before line 6 the
- 4 following:
- 5 "Sec. ____ Section 261.37, subsection 7, Code
- 6 Supplement 2003, is amended to read as follows:

7 7. To establish an effective system for the
 8 collection of delinquent loans, including the adoption
 9 of an agreement with the department of administrative
 10 services to set off against a defaulter's income tax
 11 refund or rebate the amount that is due because of a
 12 default on a guaranteed or parental loan made under
 13 this division. The commission shall adopt rules under
 14 chapter 17A necessary to assist the department of
 15 administrative services in the implementation of the
 16 student loan setoff program as established under
 17 section 8A.504. The commission shall apply
 18 administrative wage garnishment procedures authorized
 19 under the federal Higher Education Act of 1965, as
 20 amended and codified in 20 U.S.C. § 1071 et seq., for
 21 all delinquent loans, including loans authorized under
 22 section 261.38, when a defaulter who is financially
 23 capable of paying fails to voluntarily enter into a
 24 reasonable payment agreement. In no case shall the
 25 commission garnish more than the amount authorized by
 26 federal law for all loans being collected by the
 27 commission, including those authorized under section
 28 261.38."
 29 3. By renumbering as necessary.

Amendment H-8342 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?" (H.F. 2559)

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	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.

Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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, 2:

Jones Manternach.

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 5, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2149, a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date.

Also: That the Senate has on April 5, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2177, a bill for an act relating to the possession and self-administration of asthma or other airway constricting disease medication by public and accredited nonpublic school students.

Also: That the Senate has on April 5, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2234, a bill for an act relating to child custody and visitation provisions.

MICHAEL E. MARSHALL, Secretary

House File 2562, a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including

an effective and retroactive applicability provision, was taken up for consideration.

Kramer of Polk offered the following amendment H-8368 filed by him and moved its adoption:

H-8368

- 1 Amend House File 2562 as follows:
- 2 1. Page 1, line 32, by striking the word
- 3 "initially".
- 4 2. Page 1, by striking line 33 and inserting the
- 5 following: "subsection and is only located on
- 6 premises for which a class "A", class "B", class "C",
- 7 or class "D" liquor control license has been issued
- 8 pursuant to chapter 123, for on-premises consumption.
- 9 For an".
- 10 3. Page 2, line 4, by inserting after the word
- 11 "premises" the following: "for which a class "A",
- 12 class "B", class "C", or class "D" liquor control
- 13 license has been issued pursuant to chapter 123, for
- 14 on-premises consumption".
- 15 4. Page 2, line 14, by striking the word
- 16 "initially".
- 17 5. Page 2, by striking line 15 and inserting the
- 18 following: "may be renewed".
- 19 6. Page 2, line 18, by inserting after the words
- 20 "to this chapter." the following: "However, the
- 21 number of electrical and mechanical amusement devices
- 22 registered by the department under this subsection
- 23 shall not exceed the total number of devices
- 24 registered by the department as of the effective date
- 25 of this Act."
- 26 7. Page 2, by striking lines 19 through 22 and
- 27 inserting the following: "A person owning or leasing
- 28 an".
- 29 8. Page 2, line 31, by striking the word "In".
- 30 9. By striking page 2, line 32, through page 3,
- 31 line 2.
- 32 10. Page 3, line 4, by striking the word
- 33 "subsection" and inserting the following:
- 34 "subsections".
- 35 11. Page 3, by inserting after line 11 the
- 36 following:
- 37 "NEW SUBSECTION. 5B. Each electrical or
- 38 mechanical amusement device required to be registered
- 39 as provided by this section shall include on the
- 40 device a security mechanism which prevents the device
- 41 from being operated by a person until action is taken
- 42 by the owner or owner's designee to allow the person
- 43 to operate the device."

44 12. Page 4, line 32, by striking the words "or
45 class "B" beer permit".
46 13. Page 4, line 34, by striking the words "or
47 beer permit".
48 14. Page 6, by inserting after line 28 the
49 following:
50 "Sec.____. ELECTRICAL AND MECHANICAL AMUSEMENT

Page 2

1 DEVICES – NONLIQUOR CONTROL LICENSEES – SPECIAL
2 PROVISIONS.
3 1. Notwithstanding any provision of section
4 99B.10, subsection 4, as amended by this Act, to the
5 contrary, an owner of an electrical and mechanical
6 amusement device that has been registered pursuant to
7 section 99B.10, subsection 4, prior to the effective
8 date of this Act that is offered for use by the public
9 at a location for which a class "A", class "B", class
10 "C", or class "D" liquor control license has not been
11 issued pursuant to chapter 123 shall be allowed to
12 offer the device for use by the public until July 1,
13 2005.
14 2. On and after July 1, 2005, an owner of an
15 electrical and mechanical amusement device as
16 described in subsection 1 shall not offer the device
17 for use by the public. However, the owner of a device
18 shall be permitted to sell the device to a
19 distributor, as defined in section 99B.1, as amended
20 by this Act, or to a person authorized to offer the
21 device to the public pursuant to section 99B.10,
22 subsection 4, as amended by this Act."
23 15. By renumbering as necessary.

Amendment H-8368 was adopted.

Gaskill of Wapello offered the following amendment H-8375 filed
by her from the floor and moved its adoption:

H-8375

1 Amend House File 2562 as follows:
2 1. Page 4, line 5, by striking the words "two
3 thousand".

Amendment H-8375 lost.

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. 2562)

The ayes were, 86:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Dandekar	Davitt
De Boef	Dennis	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Ford
Freeman	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jochum	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitead	Wilderdryke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 10:

Bukta	Cohoon	Foege	Frevort
Gaskill	Jacoby	Jenkins	Lykam
Taylor, D.	Whitaker		

Absent or not voting, 4:

Connors	Dix	Jones	Manternach
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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 2547, 2554, 2555, 2557, 2559 and 2562.**

HOUSE FILES 2114 and 2501 WITHDRAWN

Kramer of Polk asked and received unanimous consent to withdraw House Files 2114 and 2501 from further consideration by the House.

HOUSE FILE 2492 WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw House File 2492 from further consideration by the House.

HOUSE FILE 2417 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 2417 from further consideration by the House.

HOUSE FILE 2409 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House File 2409 from further consideration by the House.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House File 2568.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Murphy of Dubuque.

House File 2568, a bill for an act relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under

the Iowa comprehensive health insurance Act; and providing effective dates, 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. 2568)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cphoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	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
Wilderdylke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Connors	Freeman	Jones	Manternach
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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 2487 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House File 2487 from further consideration by the House.

Unfinished Business Calendar

Senate File 2066, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable, with report of committee recommending passage, was taken up for consideration.

McCarthy of Polk asked and received unanimous consent to withdraw amendment H-8303 filed by McCarthy, et al., placing out of order amendment H-8332 filed by McCarthy of Polk on March 29, 2004.

Chambers of O'Brien offered the following amendment H-8369 filed by him and McCarthy of Polk and moved its adoption:

H-8369

1 Amend Senate File 2066, as passed by the Senate, as
2 follows:

3 1. Page 2, line 2, by striking the word "twelve-
4 month" and inserting the following: "eighteen-month".

5 2. Page 2, line 3, by striking the word and
6 figure "June 30," and inserting the following:
7 "December 31".

8 3. Page 2, by striking line 13, and inserting the
9 following: "January 1, 2006."

10 4. Page 2, by striking line 21 and inserting the
11 following:

12 "Sec. ____ EDUCATION PROGRAMS AND COMPLIANCE
13 ASSISTANCE.

14 1. The state department of transportation, in".

15 5. Page 2, by inserting after line 25 the
16 following:

17 "2. The state department of transportation and the
18 department of public safety shall make every
19 reasonable effort to identify existing programs
20 administered by state and local government agencies
21 that provide assistance to low-income families and to
22 coordinate efforts with those agencies to assist Iowa
23 parents, including but not limited to parents with
24 more than three children under age eleven, to comply
25 with the requirements of this Act. This subsection is

- 26 contingent upon the availability of funds to cover the
 27 costs associated with its implementation."
 28 6. By renumbering as necessary.

Amendment H-8369 was adopted.

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. 2066)

The ayes were, 88:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boguess	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	Dennis	Dix	Dolecheck
Drake	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kramer	Kuhn	Kurtenbach
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
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, 8:

Boddicker	De Boef	Eichhorn	Horbach
Klemme	Lalk	Van Engelenhoven	Watts

Absent or not voting, 4:

Connors	Granzow	Jones	Manternach
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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 5, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2544, a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

Also: That the Senate has on April 5, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2302, a bill for an act relating to tax credits for investments in certain qualifying businesses and community-based seed capital funds and providing for retroactive applicability.

MICHAEL E. MARSHALL, Secretary

Senate File 2183, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Klemme of Plymouth in the chair at 6:33 p.m.

Sands of Louisa offered the following amendment H-8329 filed by the committee on commerce, regulation and labor and moved its adoption:

H-8329

- 1 Amend Senate File 2183, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 29 and 30.
- 4 2. Page 2, by striking lines 3 through 22.
- 5 3. Page 2, by striking lines 24 through 32 and
- 6 inserting the following:
- 7 "An individual who is the beneficiary of a
- 8 qualified long-term care insurance policy approved by
- 9 the insurance division is eligible for assistance
- 10 under the medical assistance program using the asset
- 11 disregard provisions pursuant to section 249J.6."
- 12 4. Page 3, lines 29 and 30, by striking the words
- 13 "for individuals up to seventy-two years of age".
- 14 5. Page 4, line 12, by striking the words "for
- 15 individuals up to seventy-two years of age".

16 6. By renumbering as necessary.

The committee amendment H-8329 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?" (S.F. 2183)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	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, 4:

Connors	Granzow	Jones	Manternach
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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 2190, a bill for an act relating to the development of the long-term care system in Iowa, with report of committee recommending passage, was taken up for consideration.

Ford of Polk offered the following amendment H-8381 filed by him from the floor and moved its adoption:

H-8381

- 1 Amend Senate File 2190, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 1, the
 4 following:
 5 " _____. Increasing the quality of care provided in
 6 the long-term care system.
 7 _____. Increasing the effectiveness of long-term
 8 care regulatory enforcement programs."
 9 2. By renumbering as necessary.

Amendment H-8381 lost.

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. 2190)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	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, 4:

Connors	Granzow	Jones	Manternach
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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 2213, a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee, with report of committee recommending passage, was taken up for consideration.

Lukan of Dubuque offered the following amendment H-8360 filed by him and moved its adoption:

H-8360

1 Amend Senate File 2213, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 481A.134, Code 2003, is
6 amended to read as follows:

7 481A.134 AUTHORITY TO CANCEL, SUSPEND, OR REVOKE
8 LICENSE - POINT SYSTEM.

9 The department shall establish rules pursuant to
10 chapter 17A providing for the suspension or revocation

11 of licenses issued by the department. The rules may
12 include procedures for summary cancellation of a

13 license based on documentation that the licensee
14 failed to pay the applicable fee for the license. For

15 purposes of determining when to suspend or revoke a
16 license issued by the department under this section,

17 the department shall adopt a point system pursuant to
18 chapter 17A for the purpose of weighing the

19 seriousness of violations of the provisions of this
20 chapter or chapter 481B, 482, 483A, 484A, or 484B.

21 The weighted scale may be amended from time to time as
22 experience dictates."

23 2. Title page, line 1, by striking the word

- 24 "revocation" and inserting the following:
 25 "cancellation".

Amendment H-8360 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?" (S.F. 2213)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Prevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	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
Wilderdylke	Winckler	Wise	Klemme, Presiding

The nays were, none.

Absent or not voting, 4:

Connors	Granzow	Jones	Manternach
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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.

Senate File 2266, a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property, with report of committee recommending passage, was taken up for consideration.

Baudler of Adair asked and received unanimous consent to withdraw amendment H-8319 filed by him on March 25, 2004.

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. 2266)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	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	Klemme,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Connors	Davitt	Granzow	Jones
Manternach			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE MESSAGES CONSIDERED

Senate File 2026, by committee on ways and means, a bill for an act relating to the reduction of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers and the setting aside of sales and use tax revenues for an alternative energy program.

Read first time and **passed on file**.

Senate File 2302, by committee on ways and means, a bill for an act relating to tax credits for investments in certain qualifying businesses and community-based seed capital funds and providing for retroactive applicability.

Read first time and referred to committee on **ways and means**.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2568**, and **Senate Files 2066, 2183, 2190, 2213 and 2266**.

Ways and Means Calendar

Senate File 2284, a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds, with report of committee recommending passage and was taken up for consideration.

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?" (S.F. 2284)

The ayes were, 96:

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	Frevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	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	Klemme, Presiding

The nays were, none.

Absent or not voting, 4:

Connors	Granzow	Jones	Manternach
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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 469 WITHDRAWN

Raecker of Polk asked and received unanimous consent to withdraw House File 469 from further consideration by the House.

Senate File 449, 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, with report of committee recommending amendment and passage, was taken up for consideration.

Kurtenbach of Story offered amendment H-8352 filed by the committee on ways and means as follows:

H-8352

1 Amend Senate File 449, 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. 422.11J WIND ENERGY
6 PRODUCTION TAX CREDIT.

7 The taxes imposed under this division, less the
8 credits allowed under sections 422.12 and 422.12B,
9 shall be reduced by a wind energy production tax
10 credit allowed under chapter 476B.

11 Sec. 2. Section 422.33, Code Supplement 2003, is
12 amended by adding the following new subsection:

13 NEW SUBSECTION. 16. The taxes imposed under this
14 division shall be reduced by a wind energy production
15 tax credit allowed under chapter 476B.

16 Sec. 3. Section 422.60, Code Supplement 2003, is
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 9. The taxes imposed under this
19 division shall be reduced by a wind energy production
20 tax credit allowed under chapter 476B.

21 Sec. 4. NEW SECTION. 432.12E WIND ENERGY
22 PRODUCTION TAX CREDIT.

23 The taxes imposed under this chapter shall be
24 reduced by a wind energy production tax credit allowed
25 under chapter 476B.

26 Sec. 5. NEW SECTION. 476B.1 DEFINITIONS.

27 For purposes of this chapter, unless the context
28 otherwise requires:

29 1. "Board" means the utilities board within the
30 utilities division of the department of commerce.

31 2. "Department" means the department of revenue.

32 3. "Qualified electricity" means electricity
33 produced from wind at a qualified facility.

34 4. "Qualified facility" means an electrical
35 production facility that meets all of the following:

36 a. Produces electricity from wind.

37 b. Is located in Iowa.

38 c. Was originally placed in service on or after
39 July 1, 2004, but before July 1, 2007.

40 Sec. 6. NEW SECTION. 476B.2 GENERAL RULE.

41 The owner of a qualified facility shall, for each
42 kilowatt-hour of qualified electricity that the owner
43 sells during the ten-year period beginning on the date
44 the qualified facility was originally placed in
45 service, be allowed a wind energy production tax
46 credit to the extent provided in this chapter against

47 the tax imposed in chapter 422, divisions II, III, and
48 V, and chapter 432.
49 Sec. 7. NEW SECTION. 476B.3 CREDIT AMOUNT.
50 The wind energy production tax credit allowed under

Page 2

1 this chapter equals the product of one cent multiplied
2 by the number of kilowatt-hours of qualified
3 electricity sold by the owner during the taxable year.
4 Sec. 8. NEW SECTION. 476B.4 LIMITATIONS.
5 1. a. The wind energy production tax credit shall
6 not be allowed for any kilowatt-hour of electricity
7 produced on wind energy conversion property for which
8 the owner has claimed or otherwise received for that
9 property the benefit of special valuation under
10 section 427B.26 or section 441.21, subsection 8, or
11 the exemption from retail sales tax under section
12 422.45, subsection 48, or section 423.3, subsection
13 53, as applicable.

14 b. The disallowance of the tax credit pursuant to
15 paragraph "a" does not apply to an owner of a
16 qualified facility that owns, directly or indirectly,
17 in the aggregate, a total annual turbine nameplate
18 capacity of all such property of less than one
19 megawatt.

20 2. The wind energy production tax credit shall not
21 be allowed for any kilowatt-hour of electricity that
22 is sold to a related person. For purpose of this
23 subsection, persons shall be treated as related to
24 each other if such persons would be treated as a
25 single employer under the regulations prescribed under
26 section 52(b) of the Internal Revenue Code. In the
27 case of a corporation that is a member of an
28 affiliated group of corporations filing a consolidated
29 return, such corporation shall be treated as selling
30 electricity to an unrelated person if such electricity
31 is sold to such a person by another member of such
32 group.

33 Sec. 9. NEW SECTION. 476B.5 APPLICATION FOR TAX
34 CREDIT CERTIFICATES.

35 1. a. To be eligible to receive the wind energy
36 production tax credit, the owner must first receive
37 approval of the board of supervisors of the county in
38 which the qualified facility is located. The
39 application for approval may be submitted prior to
40 commencement of the construction of the qualified
41 facility but shall be submitted no later than the
42 close of the owner's first taxable year for which the
43 credit is to be applied for. The application must
44 contain the owner's name and address, the address of
45 the qualified facility, and the dates of the owner's

46 first and last taxable years for which the credit will
47 be applied for. Within forty-five days of the receipt
48 of the application for approval, the board of
49 supervisors shall either approve or disapprove the
50 application. After the forty-five-day limit, the

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1 application is deemed to be approved.
2 b. Upon approval of the application, the owner may
3 apply for the tax credit as provided in subsection 2.
4 In addition, approval of the application is approval
5 by the board of supervisors for the payment of the
6 property taxes levied on the qualified property to the
7 state. The property taxes to be paid to the state are
8 those property taxes which make up the consolidated
9 tax levied on the qualified facility and which are due
10 and payable in the twelve-year period beginning with
11 the first fiscal year beginning on or after the end of
12 the owner's first taxable year for which the credit is
13 applied for. Upon approval of the application, the
14 board of supervisors shall notify the county treasurer
15 to state on the tax statement which lists the taxes on
16 the qualified facility that the amount of the property
17 taxes shall be paid to the department. Payment of the
18 designated property taxes to the department shall be
19 in the same manner as required for the payment of
20 regular property taxes and failure to pay designated
21 property taxes to the department shall be treated the
22 same as failure to pay property taxes to the county
23 treasurer.

24 c. Once the owner of the qualified facility
25 receives approval under paragraph "a", subsequent
26 approval under paragraph "a" is not required for the
27 same qualified facility for subsequent taxable years.

28 2. To receive the wind energy production tax
29 credit, an owner of the qualified facility must submit
30 an application for a tax credit certificate to the
31 board not later than thirty days after the close of
32 the taxable year for which the credit is applied for.
33 The owner's application must contain, but need not be
34 limited to, all of the following information: the
35 owner's name, tax identification number, and address,
36 the number of kilowatt-hours of qualified electricity
37 sold by the owner during the preceding taxable year,
38 the address of the qualified facility at which the
39 qualified electricity was produced, and the
40 denomination that each tax credit certificate is to
41 carry. For the first taxable year for which the
42 credit is applied for, there shall be attached to the
43 application a notarized copy of the board of
44 supervisors' approval as required in subsection 1.

45 3. The board shall, in conjunction with the
46 department, prescribe appropriate forms, including
47 board of supervisors' approval forms, and instructions
48 to enable owners to claim the tax credit allowed under
49 this chapter. If the board prescribes these forms and
50 instructions, an owner's application for a tax credit

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1 certificate shall not be valid unless made on and in
2 accordance with these forms and instructions.

3 Sec. 10. NEW SECTION. 476B.6 ISSUANCE OF TAX
4 CREDIT CERTIFICATES.

5 1. If the owner meets the criteria for eligibility
6 for the wind energy production tax credit, the board
7 shall determine the validity of the application and if
8 valid, shall approve the application for credit. Once
9 approval of the credit for a qualified facility is
10 granted, subsequent approval is not required for the
11 same qualified facility. However, application is
12 required to be filed as provided in section 476B.5,
13 subsection 2, for purposes of the issuance of credit
14 certificates. The board shall issue one or more tax
15 credit certificates to the owner not later than thirty
16 days after the application is submitted to the board.
17 Each tax credit certificate must contain the owner's
18 name, address, and tax identification number, amount
19 of tax credits, the first taxable year the
20 certificates may be used, which shall not be for a
21 taxable year beginning prior to July 1, 2005, and the
22 expiration date of the tax credit certificate, which
23 shall be seven years from its date of issuance and any
24 other information required by the department. Once
25 issued by the board, the tax credit certificate shall
26 be binding on the board and the department and shall
27 not be modified, terminated, or rescinded. The board
28 shall notify the department and identify the qualified
29 facility for which the owner received tax credit
30 certificates that property taxes levied on the
31 qualified facility are to be paid to the department.

32 2. If the tax credit application is filed by a
33 partnership, limited liability company, S corporation,
34 estate, trust, or other reporting entity all of the
35 income of which is taxed directly to its equity
36 holders or beneficiaries, the tax credit certificate
37 may, at the election of the owner, be issued directly
38 to equity holders or beneficiaries of the owner in
39 proportion to their pro rata share of the income of
40 such entity. If the owner elects to have the tax
41 credit certificate issued directly to its equity
42 holders or beneficiaries, the owner must, in the
43 application made under section 476B.5, identify its

44 equity holders or beneficiaries, and the amount of
45 such entity's income that is allocable to each equity
46 holder or beneficiary.
47 Sec. 11. NEW SECTION. 476B.7 TRANSFER OF TAX
48 CREDIT CERTIFICATES.
49 Wind energy production tax credit certificates
50 issued under this chapter may be transferred to any

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1 person or entity. Within thirty days of transfer, the
2 transferee must submit the transferred tax credit
3 certificate to the board along with a statement
4 containing the transferee's name, tax identification
5 number, and address, and the denomination that each
6 replacement tax credit certificate is to carry and any
7 other information required by the department. Within
8 thirty days of receiving the transferred tax credit
9 certificate and the transferee's statement, the board
10 shall issue one or more replacement tax credit
11 certificates to the transferee. Each replacement
12 certificate must contain the information required
13 under section 476B.6 and must have the same effective
14 taxable year and the same expiration date that
15 appeared in the transferred tax credit certificate.
16 Tax credit certificate amounts of less than the
17 minimum amount established by rule of the board shall
18 not be transferable. A tax credit shall not be
19 claimed by a transferee under this chapter until a
20 replacement tax credit certificate identifying the
21 transferee as the proper holder has been issued.
22 The tax credit shall only be transferred once. The
23 transferee may use the amount of the tax credit
24 transferred against the taxes imposed under chapter
25 422, divisions II, III, and V, and chapter 432 for any
26 tax year the original transferor could have claimed
27 the tax credit. Any consideration received for the
28 transfer of the tax credit shall not be included as
29 income under chapter 422, divisions II, III, and V.
30 Any consideration paid for the transfer of the tax
31 credit shall not be deducted from income under chapter
32 422, divisions II, III, and V.
33 Sec. 12. NEW SECTION. 476B.8 USE OF TAX CREDIT
34 CERTIFICATES.
35 To claim a wind energy production tax credit under
36 this chapter, a taxpayer must attach one or more tax
37 credit certificates to the taxpayer's tax return. A
38 tax credit certificate shall not be used or attached
39 to a return filed for a taxable year beginning prior
40 to July 1, 2005. The tax credit certificate or
41 certificates attached to the taxpayer's tax return
42 shall be issued in the taxpayer's name, expire on or

43 after the last day of the taxable year for which the
 44 taxpayer is claiming the tax credit, and show a tax
 45 credit amount equal to or greater than the tax credit
 46 claimed on the taxpayer's tax return. Any tax credit
 47 in excess of the taxpayer's tax liability for the
 48 taxable year may be credited to the taxpayer's tax
 49 liability for the following seven taxable years or
 50 until depleted, whichever is the earlier.

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1 Sec. 13. NEW SECTION. 476B.9 REGISTRATION OF TAX
 2 CREDIT CERTIFICATES.

3 The board shall, in conjunction with the
 4 department, develop a system for the registration of
 5 the wind energy production tax credit certificates
 6 issued or transferred under this chapter and a system
 7 that permits verification that any tax credit claimed
 8 on a tax return is valid and that transfers of the tax
 9 credit certificates are made in accordance with the
 10 requirements of this chapter. The tax credit
 11 certificates issued under this chapter shall not be
 12 classified as a security pursuant to chapter 502.

13 Sec. 14. EFFECTIVE AND APPLICABILITY DATES. This
 14 Act, being deemed of immediate importance, takes
 15 effect upon enactment and applies retroactively to
 16 taxable years beginning on or after January 1, 2004."

17 2. Title page, by striking lines 3 and 4 and
 18 inserting the following: "insurance premiums tax,
 19 providing for certain property taxes to be paid to the
 20 state, and including effective and applicability date
 21 provisions."

Freeman of Buena Vista offered the following amendment H-8364,
 to the committee amendment H-8352, filed by her and moved its
 adoption:

H-8364

1 Amend the Committee amendment, H-8352, to Senate
 2 File 449, as amended, passed, and reprinted by the
 3 Senate, as follows:

4 1. Page 2, line 3, by inserting after the word
 5 "year." the following: "However, the wind energy
 6 production tax credit for each qualified facility
 7 shall not exceed the rate times the kilowatt-hours of
 8 qualified electricity produced by thirty-five thousand
 9 hours of equivalent full load production. The
 10 equivalent full load production of thirty-five
 11 thousand hours shall be determined by multiplying the
 12 nameplate generating capacity of a facility in

- 13 kilowatts by thirty-five thousand."
14 2. Page 2, lines 18 and 19, by striking the words
15 "one megawatt" and inserting the following: "two
16 megawatts".

Speaker Rants in the chair at 7:48 p.m.

A non-record roll call was requested.

The ayes were 46, nays 39.

Amendment H-8364 was adopted.

Gipp of Winneshiek asked and received unanimous consent that Senate File 449 be deferred and that the bill retain its place on the calendar. (The committee amendment H-8352, as amended, pending)

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2284** 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 2134

1. Page 1, line 18 – Don't underscore period after provided.
2. Page 2, line 10 – Don't underscore period after provided.

House File 2208

1. Page 3, line 4 – Delete extra space after stricken colon.
2. Page 4 line 22, – Strike quote with Active and reinsert as underscored quote before State – goes with first word.
3. Page 37, line 30 – The word "services" should be stricken through the last "s".

House File 2319

1. Page 3, line 16 – Delete period after 31.

House File 2394

1. Page 3, Line 7 – Course work should be one word.

MARGARET A. THOMSON
Chief Clerk of the House

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, April 5, 2004. Had I been present, I would have voted “aye” on House File 2562.

DIX of Butler

I was necessarily absent from the House chamber on Thursday, April 1, 2004. Had I been present, I would have voted “aye” on House Files 2134, 2186, 2243, 2269, 2281, 2460 and 2549 and Senate Files 2101, 2119, 2154, 2174, 2193, 2208, 2249 and 2272.

HEATON of Henry

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 5th day of April, 2004: House Files 2138, 2149, 2318, 2350, 2358, 2452 and 2520.

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 2, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 2042, an Act relating to the donation of blood by persons sixteen years of age.

House File 2167, an Act to eliminate the inspections division of the Department of Inspections and Appeals.

House File 2241, an Act authorizing school districts and nonpublic schools to apply credit under the State Education Program for successful completion of military basic training.

House File 2270, an Act relating to certain notice requirements for cooperative associations retaining abandoned property.

House File 2282, an Act relating to the selling of bait by an aquaculture unit licensee.

House File 2351, an Act relating to enforcement of waste tire violations and providing a penalty.

House File 2362, an Act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

House File 2381, an Act changing the budget certification deadline for county hospital budgets.

House File 2431, an Act relating to educational institutions under the university-based research utilization program.

House File 2464, an Act providing for the establishment and funding of an automated external defibrillator grant program, and providing an effective date.

House File 2497, an Act providing for a sick leave and vacation incentive program for state employees and providing an effective date.

House File 2506, an Act relating to electronic and facsimile prescriptions and making penalties applicable.

House File 2538, an Act providing a transfer from the cash reserve fund to the Rebuild Iowa Infrastructure Fund for purposes of the standing appropriation to the Environment First Fund and providing an effective date.

Senate Joint Resolution 2009, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 annual meeting of the Midamerican Chapter of the American Association of Law Librarians.

Senate File 2187, an Act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting record, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

Senate File 2202, an Act relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall, and providing for related matters.

Senate File 2210, an Act relating to the Iowa Corn Promotion Board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

GOVERNOR'S VETO MESSAGES

A copy of the following communications were received and placed on file.

April 2, 2004

Christopher Rants
Speaker of the House
State Capitol Building
L O C A L

Dear Speaker Rants:

I hereby transmit House File 2383, an Act relating to rural improvement zones.

I agree with the intent of this legislation to encourage development of water resource and recreational projects around Iowa. However, I am unable to accept House File 2383 because it creates open-ended authority to establish tax increment financing (TIF) districts around private lake developments throughout all 99 counties. Without additional guidance on eligibility of projects, a definition of "lake," and a cap on the impact to the state general fund, this approach is too broad.

For the above reasons, I hereby respectfully disapprove House File 2383. I am committed to working with members of the legislature to develop a program that encourages investment in outdoor recreational activities and water resource improvement opportunities.

Sincerely,
Thomas J. Vilsack
Governor

April 2, 2004

Christopher Rants
Speaker of the House
State Capitol Building
L O C A L

Dear Speaker Rants:

I hereby transmit House File 2479, an Act relating to the regulation and zoning of commercial canine operations.

Iowa Code Chapter 335 allows County's to regulate land use through adoption of zoning ordinances if a county so chooses. To extend an exemption from County Zoning Ordinances to commercial dog kennels would eliminate a County's ability to address the concerns of neighbors and the impacts such operations would have on adjacent property.

Commercial dog kennels are generally the type of use that most zoning ordinances only allow as a "special use" rather than a "permitted use". Special uses generally require public hearings before a Zoning Board of Adjustment, which gives neighbors the right to know and voice input during the review process. Approval of this bill would eliminate that right.

For the above reasons, I hereby respectfully disapprove House File 2479.

Sincerely,
Thomas J. Vilsack
Governor

April 2, 2004

The Honorable Jeffrey Lamberti
President of the Senate
State Capitol Building
LOCAL

Dear President Lamberti:

I hereby transmit Senate File 2148, an Act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

I am unable to approve Senate File 2148. Suspension of an individual's driver's license is appropriate when it enhances safe highway travel as is in the case of drunk drivers or habitual traffic violators. Suspension of a driver's license is not currently a penalty for any type of theft under Iowa law nor should it become one. It is a bad public policy to use suspension of a driver's license for anything other than enhancing safe highway travel.

Theft of any kind, including theft of gasoline, has penalties under Iowa criminal law that are based on the value of the item stolen. Currently, Iowa law provides that theft of property not exceeding \$200.00 is punishable by a fine of at least \$50.00 but not more than \$500.00, or by imprisonment for not more than 30 days, or both. Theft is theft and should be treated as such in all cases.

It is not necessary to create special classes of crimes that have varying penalties within already existing criminal statutes. This would be the only area where driver's license suspension would be used with regard to criminal theft. It does not make sense to treat the theft of gasoline in a different manner than the theft of any other property. This is also the only example where a driver's license suspension would be used to protect a private business. This would set bad precedent.

It is particularly important not to make an exception to good policy practice or take a precedent setting action when other options to address a problem have not been exhausted. Proponents of this law argue that tougher penalties are needed as a deterrent, but do not ask for increased enforcement under the new law. Adequately publicizing existing criminal penalties, including posting them on gas pumps, would

provide as strong a deterrent as expanding potential penalties without increasing enforcement.

Additionally, implementing private business-based approaches to curb theft, such as pre-payment for gasoline and video surveillance, are appropriate and effective steps that private businesses can take to prevent fuel theft.

For the above reasons, I hereby respectfully disapprove Senate File 2148.

Sincerely,
Thomas J. Vilsack
Governor

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2004\1120 | Barrett Anderson, Valley High School-West Des Moines – For being named a State of Iowa Scholar. |
| 2004\1121 | Adam Bartelt, Dallas Center-Grimes Community High School – For being named a State of Iowa Scholar. |
| 2004\1122 | Rosalind Buda, Waukee Senior High School – For being named a State of Iowa Scholar. |
| 2004\1123 | Daniel De Graaf, Waukee Senior High School – For being named a State of Iowa Scholar. |
| 2004\1124 | Donald Gehrls, Waukee Senior High School – For being named a State of Iowa Scholar. |
| 2004\1125 | Heather Halbur, ADM Senior High School – For being named a State of Iowa Scholar. |
| 2004\1126 | Angela Heenan, ADM Senior High School – For being named a State of Iowa Scholar. |
| 2004\1127 | Jaimee Johnson, Dallas Center-Grimes Community High School – For being named a State of Iowa Scholar. |
| 2004\1128 | Meagan McColloch, Panorama High School – For being named a State of Iowa Scholar. |
| 2004\1129 | Gwen Meyer, Waukee Senior High School – For being named a State of Iowa Scholar. |

- 2004\1130 Nicole Pantzlaff, Valley High School-West Des Moines – For being named a State of Iowa Scholar.
- 2004\1131 Ashley Renshaw, Dallas Center-Grimes Community High School – For being named a State of Iowa Scholar.
- 2004\1132 Anna Schiltz, Waukee Senior High School – For being named a State of Iowa Scholar.
- 2004\1133 Sara Schuhardt, ADM Senior High School – For being named a State of Iowa Scholar.
- 2004\1134 Taylor Telford, Van Meter Jr.-Sr. High School – For being named a State of Iowa Scholar.
- 2004\1135 Ana Valencia, ADM Senior High School – For being named a State of Iowa Scholar.
- 2004\1136 Sarah Wouters, Waukee Senior High School – For being named a State of Iowa Scholar.
- 2004\1137 Shajia Ahmad, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1138 Danielle Barkema, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1139 Anna Battcher, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1140 Katherine Corker, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1141 Kyle Duchman, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1142 Nathan Hanson, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1143 Mallory Hensley, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1144 Kendra Johnson, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1145 Beth Kamienski, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1146 Jennifer Lee, Cedar Falls Senior High School – For being named a State of Iowa Scholar.

- 2004\1147 Lia Plakke, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1148 Margaret Poe, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1149 Rachel Price, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1150 Erin Stoss, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1151 Annalysa Tensen, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1152 Emily White, Cedar Falls Senior High School – For being named a State of Iowa Scholar.
- 2004\1153 Sandra King, Northern University High School – For being named a State of Iowa Scholar.
- 2004\1154 Bessie Mae Mills, Cedar Falls – For celebrating her 89th birthday.
- 2004\1155 Jacob and Joanne Hazlet, Cedar Falls – For celebrating their 60th wedding anniversary.
- 2004\1156 Merrill G. And Ginny Lechelt, Cedar Falls – For celebrating their 57th wedding anniversary.
- 2004\1157 Ellen Stein, Belle Plaine – For celebrating her 85th birthday.
- 2004\1158 Roland A. Hellwig, Keystone – For celebrating his 90th birthday.
- 2004\1159 Donald Kokeşh, Newhall – For celebrating his 80th birthday.
- 2004\1160 Paulyne and Clint Miller, Farragut – For celebrating their 60th wedding anniversary.
- 2004\1161 Lois Miszner, LaPorte City – For celebrating her 85th birthday.
- 2004\1162 Jacob Francois, Winthrop – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1163 Leone Parson, Sioux City – For celebrating her 93rd birthday.
- 2004\1164 Eleanor Hamp, Sioux City – For celebrating her 80th birthday.
- 2004\1165 Earl and Joyce Pratt, Sioux City – For celebrating their 62nd wedding anniversary.
- 2004\1166 Gerald and Arlys DeWitt, Oskaloosa – For celebrating their 50th wedding anniversary.

- 2004\1167 Berniece Brager, Oskaloosa – For celebrating her 85th birthday.
- 2004\1168 LuVerne (Pete) Plogmann, Traer – For celebrating his 85th birthday.
- 2004\1169 Mildred Belthuis, Dysart – For celebrating her 85th birthday.
- 2004\1170 Geraldine and Glenn Morelock, Shenandoah – For celebrating their 60th wedding anniversary.
- 2004\1171 Elmer and Margaret Teeter, Fairfield – For celebrating their 50th wedding anniversary.
- 2004\1172 Viola Norton, Milton – For celebrating her 98th birthday.
- 2004\1173 Lindsey Batenhorst, Muscatine – For winning 1st place in the Business Math division and 1st place in the Filing division at the Iowa FBLA (Future Business Leaders of America) State Leadership Conference.
- 2004\1174 Louise LaFrenz, Rock Rapids – For celebrating her 90th birthday.
- 2004\1175 Chad Schuiteman, Sioux Center Warriors – For receiving Class 2A State Basketball First-Team All-State Honors by the Iowa Newspaper Association.
- 2004\1176 Charlotte “Cigi” Low, Camanche – For receiving the 2004 Young Woman of Achievement Award.

RESOLUTIONS FILED

HCR 124, by Greiner, a concurrent resolution congratulating Ms. Courtney Knupp on being crowned 2004 Iowa Pork Queen.

Laid over under **Rule 25**.

HCR 125, by Fallon, a concurrent resolution designating April 7, 2004, as Iowa Homeless Awareness Day.

Laid over under **Rule 25**.

HR 158, by Mertz, a resolution honoring the city of Algona on its sesquicentennial anniversary year.

Laid over under **Rule 25**.

HR 159, by Quirk, a resolution congratulating the Tri-State Amateur Radio Club for having received a Daily Point of Light Award.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8372	H.F.	2548	Lensing of Johnson Thomas of Clayton
			Oldson of Polk Wendt of Woodbury
H—8373	S.F.	2298	Alons of Sioux Carroll of Poweshiek Watts of Dallas Lukan of Dubuque Lalk of Fayette Van Engelenhoven of Marion Mertz of Kossuth
			De Boef of Keokuk Roberts of Carroll Baudler of Adair Klemme of Plymouth Boddicker of Cedar Chambers of O'Brien Tymeson of Madison
H—8374	S.F.	2298	Heaton of Henry
H—8376	S.F.	2175	Horbach of Tama
H—8377	H.F.	2567	Frevert of Palo Alto Lalk of Fayette
H—8378	H.F.	2569	Hogg of Linn
H—8379	S.F.	2298	Eichhorn of Hamilton
H—8380	S.F.	2298	Eichhorn of Hamilton
H—8383	S.F.	2269	Fallon of Polk
H—8384	S.F.	2298	Boal of Polk Kramer of Polk
H—8385	H.F.	2544	Senate Amendment
H—8386	S.F.	2298	Dix of Butler
H—8387	S.F.	2298	Huser of Polk Kurtenbach of Story
H—8388	S.F.	449	Shoultz of Black Hawk
H—8389	S.F.	2298	Fallon of Polk
H—8390	S.F.	2298	Kurtenbach of Story Heddens of Story Carroll of Poweshiek

On motion by Gipp of Winneshiek the House adjourned at 7:54 p.m., until 8:45 a.m., Tuesday, April 6, 2004.