

PROOF

STATE OF IOWA

House Journal

TUESDAY, FEBRUARY 18, 2003

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 18, 2003

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

Prayer was offered by Reverend Herb Shafer, pastor of the First United Methodist Church, Clinton. He was the guest of Representatives Steve Olson and Polly Bukta of Clinton County.

The Journal of Monday, February 17, 2003 was approved.

INTRODUCTION OF BILLS

House File 216, by committee on public safety, a bill for an act relating to intelligence data and intelligence assessment dissemination to an agency, organization, or person.

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

House File 217, by Hahn, a bill for an act relating to the practice of barbering by modifying barbering licensure requirements, establishing an apprentice program for barbers, and making a penalty applicable.

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

House File 218, by Boal, Huser, Murphy, Kramer, Dandekar, Watts, Jacobs, Elgin, and Foege, a bill for an act providing on-time funding for school districts with increasing enrollments, making an appropriation, and providing effective and applicability dates.

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

House File 219, by Tymeson, Hoffman, Davitt, and Frevert, a bill for an act relating to school infrastructure purposes and property tax relief by increasing state sales and use taxes, distributing the increased state sales and use tax revenues to school districts for

school infrastructure purposes and property tax relief, and including an effective date.

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

[House File 220](#), by Dolecheck and Reasoner, a bill for an act relating to the sales of beer kegs by requiring an identification number on each keg of beer, recording of the purchase of beer by the keg, and providing penalties.

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

[House File 221](#), by Heaton, a bill for an act directing the mental health and developmental disabilities commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults and children and providing an effective date.

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

[House File 222](#), by Lukan, a bill for an act relating to fees charged for special fire fighter motor vehicle registration plates and making an appropriation.

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

[House File 223](#), by Lukan, De Boef, D. Hanson, J.R. Van Fossen, Rayhons, Raecker, Thomas, Huseman, Roberts, and Manternach, a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, providing an income tax checkoff for fire fighter preparedness, making an appropriation, and providing a retroactive applicability date.

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

[House File 224](#), by Raecker, a bill for an act relating to the automobile rental excise tax and making an appropriation.

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

House File 225, by committee on commerce, regulation and labor, a bill for an act modifying workers' compensation laws and providing an effective date.

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

On motion by Gipp of Winneshiek, the House was recessed at 8:52 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:03 p.m., Speaker Rants in the chair.

QUORUM CALL

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

CONSIDERATION OF BILLS

Regular Calendar

House Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors, was taken up for consideration.

Jochum of Dubuque moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (**H.J.R. 3**)

The yeas were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	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	Hansen	Heaton
Heddens	Hoffman	Hogg	Hunter

Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Horbach

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

HOUSE JOINT RESOLUTION 2 WITHDRAWN

Jochum of Dubuque asked and received unanimous consent to withdraw House Joint Resolution 2 from further consideration by the House.

House File 175, a bill for an act relating to the use of physical plant and equipment levy revenue, and providing an effective date, was taken up for consideration.

Boal of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 175)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cphoon

Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Horbach

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House Joint Resolution 3](#) and [House File 175](#).

INTRODUCTION OF BILLS

[House File 226](#), by Heddens, a bill for an act relating to specifications for home and community-based services waivers under the medical assistance program.

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

[House File 227](#), by Foege, a bill for an act relating to child development home registration requirements and including effective date and applicability provisions.

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

[House File 228](#), by Fallon, a bill for an act relating to applications for motor vehicle registrations and renewals by requiring financial liability coverage information.

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

[House File 229](#), by Foege, a bill for an act relating to procedures and services relating to dependent adults and at-risk older adults.

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

[House File 230](#), by Carroll, a bill for an act relating to the requirements for newspapers designated for official publication purposes.

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

[House File 231](#), by Shultz, a bill for an act relating to registration fees for certain motor trucks.

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

[House File 232](#), by Carroll, a bill for an act creating the crime of invasion of privacy, and providing a penalty.

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

[House File 233](#), by Wendt, a bill for an act relating to the use, consumption, or possession of a controlled substance while on public streets or highways or public school property, or while attending a public or private school-related function.

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

[House File 234](#), by committee on natural resources, a bill for an act transferring the powers and duties of the Missouri river preservation and land use authority to the loess hills development and conservation authority and providing effective dates.

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

SPECIAL PRESENTATION

Whitead of Woodbury introduced to the House the Honorable Mike Peters, former state representative from Woodbury County.

The House rose and expressed its welcome.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to [House Concurrent Resolution 104](#) and [Senate Concurrent Resolution 5](#), your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the change in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade- Step</u>	<u>Class of Appoint ment</u>	<u>Eff Date</u>
Legislative Secretary	Diyonda L. Avant	16-1	S-O	01-13-03
Legislative Secretary	Courtney C. Thompson	16-1	S-O	01-13-03
Senior Finance Officer II	Debra K. Rex	35-5 to 35-6	P-FT	01-17-03
Legislative Secretary	Janet L. Haselhoff	17-1 to 15-1	S-O	01-28-03
Legislative Secretary	Linda L. McCarthy	15-1 to 16-1	S-O	01-28-03
Legislative Secretary	Courtney C. Thompson	16-1 to 17-1	S-O	01-28-03
Legislative Committee Secretary	Carol F. Hansen	17-3 to 17-4	S-O	01-31-03
Legislative Committee Secretary	Betty J. Sorenson	17-3 to 17-4	S-O	01-31-03
Assistant Sergeant- at-Arms	Maynard L. Boatwright	14-3 to 14-4	S-O	02-14-03
Legislative Secretary	Eileen M. Tyler	18-5 to 18-6	S-O	02-28-03

Pursuant to [Senate Concurrent Resolution 5](#), duly adopted, the following is a list of officers and employees of the Joint Senate/House and their recommended classification grades and steps:

Conservation/Restoration Specialist III	Mark S. Lundberg	31-2 to 31-3	P-FT	01-31-03
---	------------------	-----------------	------	----------

2003 HOUSE COMMITTEE REVISION

The Speaker announced the following appointment to the committees of the House due to the resignation of Representative Frank Chiodo:

Bruce Hunter

Human Resources

Public Safety

Transportation

Administration and Regulation Appropriations Subcommittee

[HOUSE FILE 33](#) REREFERRED

The Speaker announced that [House File 33](#), previously referred to committee on **natural resources** was rereferred to committee on **ways and means**.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON

Chief Clerk of the House

2003\420	Wilma Bender, Waterloo – For celebrating her 100 th birthday.
2003\421	Victor Olsen, Waterloo – For celebrating his 80 th birthday.
2003\422	Wilma Gross, Waterloo – For celebrating her 90 th birthday.
2003\423	Irene Clow, Waterloo – For celebrating her 80 th birthday.
2003\424	Betty Primmer, Vinton – For celebrating her 80 th birthday.
2003\425	William Holst, Vinton – For celebrating his 99 th birthday.

- 2003\426 Kenny Turk, Anita – For celebrating his 80th birthday.
- 2003\427 Marie Westphal, Casey – For celebrating her 80th birthday.
- 2003\428 Norman Gundy, Anita – For celebrating his 85th birthday.
- 2003\429 Dwayne Partlow, Stuart – For celebrating his 80th birthday.
- 2003\430 Marle Curtis, Boone – For celebrating her 101st birthday.
- 2003\431 Ronald and Edna Houselog, Dubuque – For celebrating their 50th wedding anniversary.
- 2003\432 Chet and Helen Tokheim, Cedar Falls – For celebrating their 65th wedding anniversary.
- 2003\433 Inez Glotfelty, Fairfield – For celebrating her 102nd birthday.
- 2003\434 Harland and Ruth Fall, Marion – For celebrating their 60th wedding anniversary.
- 2003\435 Frederick and Virginia McGovern, Dubuque – For celebrating their 50th wedding anniversary.
- 2003\436 Russell and Leona Hibben, Dubuque – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House File 106](#)

Judiciary: Schickel, Chair; Dennis and Jochum.

[House File 144](#)

Commerce, Regulation and Labor: Wilderdyke, Chair; Kurtenbach and Quirk.

[House File 169](#)

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

[House File 177](#)

Transportation: S. Olson, Chair; Thomas and Van Engelenhoven.

[House File 184](#)

Transportation: Rasmussen, Chair; Greiner and H. Miller.

[House File 190](#)

Human Resources: Upmeyer, Chair; Foege and Tymeson.

[House File 194](#)

Environmental Protection: Elgin, Chair; Greimann and Hahn.

[House File 200](#)

Human Resources: Carroll, Chair; Boddicker and H. Miller.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 138](#)

Transportation: Rayhons, Chair; Lykam and S. Olson.

[House Study Bill 143](#)

Human Resources: Upmeyer, Chair; Boddicker and H. Miller.

[House Study Bill 144](#)

Human Resources: Boddicker, Chair; Hutter and Wendt.

[House Study Bill 145](#)

Human Resources: Boddicker, Chair; Berry and Heaton.

[House Study Bill 146](#)

Human Resources: Boddicker, Chair; Greimann and Tymeson.

[House Study Bill 147](#)

Human Resources: Tymeson, Chair; Foegen and Granzow.

[House Study Bill 148](#)

Human Resources: Upmeyer, Chair; Boddicker and Murphy.

[House Study Bill 149](#)

Human Resources: Boddicker, Chair; Heddens and Upmeyer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 151 State Government

Providing for qualified service under the peace officers' retirement, accident, and disability system.

H.S.B. 152 Human Resources

Relating to the regulation of adult day services and assisted living programs, providing an appropriation and penalties, and providing a contingent effective date.

H.S.B. 153 Human Resources

Relating to public assistance benefits received by persons who were not entitled or eligible to receive the benefits, providing criminal and civil penalties, and appropriating certain penalties received.

H.S.B. 154 Human Resources

Relating to technical amendments with regard to programs under the authority of the department of public health.

H.S.B. 155 Education

Providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

H.S.B. 156 State Government

Relating to elections and voter registration by implementing requirements of federal law, making corrective changes to state election law, making appropriations, and including effective date provisions.

H.S.B. 157 Judiciary

Relating to the judicial branch by changing procedures for nominating a judge or magistrate, by prohibiting members of a judicial nominating commission from voting on certain nominees, and by apportioning judgeships among the judicial election districts.

H.S.B. 158 Judiciary

Relating to the department of corrections and its duties regarding treatment and education of inmates at various correctional facilities,

release of presentence reports, optional inmate treatment and education provision, expansion of and appeals regarding earned time credits, optional operational provisions for some correctional facilities, change to the inmate savings and inmate telephone rebate fund, and payment of supervision fees.

H.S.B. 159 Judiciary

Relating to emergency procedures for the temporary detention and treatment of persons who are incapacitated or impaired due to substance abuse or mental health problems.

H.S.B. 160 Judiciary

Relating to the uniform principal and income Act and a trustee's power to adjust between income and principal.

H.S.B. 161 Judiciary

Concerning procedures, duties, and fees related to the judicial branch.

H.S.B. 162 Judiciary

Relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous and providing for a study.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly [House Study Bill 49](#)), relating to the composition of the Iowa egg council.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 2003.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly [House Study Bill 44](#)), relating to the various duties of the county treasurer.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 13, 2003.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly [House File 80](#)), transferring the powers and duties of the Missouri river preservation and land use authority to the loess hills development and conservation authority and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2003.

Committee Bill (Formerly [House Study Bill 68](#)), providing that revenues deposited in the state conservation fund are temporarily exempt from reversion and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2003.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly [House Study Bill 80](#)), relating to the manufacture, delivery, possession with the intent to manufacture or deliver, or conspiring to manufacture, deliver, or possess with the intent to manufacture or deliver flunitrazepam, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 2003.

Committee Bill (Formerly [House Study Bill 92](#)), relating to the criminal penalties for an assault on members of certain occupations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 2003.

RESOLUTION FILED

HR 17, by Fallon, Shultz, Jochum, Myers, Connors, Thomas, D. Taylor, Greimann, Berry, Wendt, D. Olson, Osterhaus, Bukta, Foege, Mascher, Ford, Murphy, Petersen, Heddens, Lensing and

