

PROOF

STATE OF IOWA

House Journal

THURSDAY, FEBRUARY 27, 2003

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JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 27, 2003

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

Prayer was offered by Reverend Susan Vergerout, pastor of the First Presbyterian Church, Waterloo. She was the guest of Representative Willard Jenkins of Black Hawk County.

The Journal of Wednesday, February 26, 2003 was approved.

INTRODUCTION OF BILLS

[House File 331](#), by Ford, a bill for an act relating to an unfair or discriminatory practice under the civil rights law based upon the wearing apparel of a person.

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

[House File 332](#), by Winckler, a bill for an act requiring the insurance division of the department of commerce to establish a school health insurance reform team study and to make recommendations to the general assembly.

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

[House File 333](#), by Hogg, Elgin, and Raecker, a bill for an act providing for a reduction in annual registration fees for motor vehicles based on federal fuel economy ratings.

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

[House File 334](#), by Watts, a bill for an act relating to approval of certain urban renewal projects and including effective and applicability date provisions.

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

House File 335, by Heaton, a bill for an act relating to state and local funding for the costs of providing educational services to children residing in psychiatric medical institutions for children and mental health institutes operated by the state, and providing effective date and retroactive applicability provisions.

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

House File 336, by Lensing, Mascher, Myers, and Foege, a bill for an act designating lake Macbride as a protected water area.

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

House File 337, by Ford, a bill for an act relating to minority teacher loan payments and making an appropriation.

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

House File 338, by Hogg, a bill for an act increasing the maximum balance for the Iowa economic emergency fund and providing a contingent effective date.

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

House File 339, by committee on transportation, a bill for an act relating to snowmobile franchises by requiring the repurchase of certain inventory upon termination of a franchise and providing effective and retroactive applicability dates.

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

House File 340, by committee on education, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

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

[House File 341](#), by committee on education, a bill for an act relating to personnel and instructors employed by community colleges.

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

[House File 342](#), by committee on state government, a bill for an act relating to the use of sick leave by certain members of the Iowa department of public safety peace officers' retirement, accident, and disability system who are temporarily incapacitated for duty.

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

[House File 343](#), by committee on public safety, a bill for an act relating to enforcement of motor vehicle law provisions and making penalties applicable.

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

[House File 344](#), by committee on ways and means, a bill for an act allowing a refund of motor fuel taxes paid by a benefited fire district.

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

[House File 345](#), by Gaskill, a bill for an act authorizing the department of human services to disclose information regarding the presence of a perpetrator of certain sexual offenses or sexual abuse in the client's home.

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

[House File 346](#), by Raecker, a bill for an act applying Iowa's open meetings law to newly elected members of a governmental body not yet sworn in.

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

[House File 347](#), by Raecker, a bill for an act providing for revised civil penalties associated with specified liquor control violations.

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

[House File 348](#), by committee on state government, a bill for an act relating to the regulation of liquefied petroleum gas storage tanks, making an appropriation, and providing penalties.

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

[House File 349](#), by committee on judiciary, a bill for an act relating to the representation of indigent persons and indigent defense claims.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 66](#), a bill for an act requiring motor vehicle operators to take certain precautions when passing stationary utility maintenance vehicles and making a penalty applicable.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 94](#), a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 102](#), a bill for an act relating to the chief executive officer of the Iowa public employees' retirement system and providing an effective and retroactive applicability date.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 127](#), a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 172](#), a bill for an act relating to the establishment of a public charter school pilot program and providing effective and applicability dates.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 202](#), a bill for an act relating to state financial obligations by making supplemental appropriations for property tax replacement claims and elderly and disabled tax credit reimbursement, providing for the application of debt service proceeds from tobacco settlement authority bonds, providing for related matters, and including an effective date.

Also: That the Senate has on February 26, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 211](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

Also: That the Senate has on February 26, 2003, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 5](#), a Concurrent Resolution requesting that the United States Congress take all action required to preserve free and private enterprise, prevent monopoly, and protect consumers including by immediately enacting legislation to prohibit livestock packers from owning, controlling, or feeding livestock to such an extent that producers can no longer materially participate in the management of their livestock operations as provided in Senate Bill 27 introduced by the Honorable Senator Charles E. Grassley and cosponsored by the Honorable Senator Tom Harkin and others.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

[Senate File 211](#), by committee on education, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

Read first time and **passed on file.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk on request of T. Taylor of Linn.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of [House File 340](#).

CONSIDERATION OF BILLS

Regular Calendar

[House File 340](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date, was taken up for consideration.

[SENATE FILE 211](#) SUBSTITUTED FOR [HOUSE FILE 340](#)

Tymeson of Madison asked and received unanimous consent to substitute [Senate File 211](#) for [House File 340](#).

[Senate File 211](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 211](#))

The ayes were, 97:

Alons	Baudler	Bell	Berry
Boal	Boggess	Bukta	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foega	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy

Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

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

[HOUSE FILE 340](#) WITHDRAWN

Tymeson of Madison asked and received unanimous consent to withdraw [House File 340](#) from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 211](#) be immediately messaged to the Senate.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

2003\547	Bob and Shirley Wolfe, Adel – For celebrating their 50 th wedding anniversary.
2003\548	Tim Rhoads, Johnston – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
2003\549	Ben Parry, Johnston – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2003\550 Andrew Barnett, Newton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\551 Dan and Arlene Huhn, Nevada – For celebrating their 50th wedding anniversary.
- 2003\552 Scott Muxfeldt, Story City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

[House File 288](#)

Economic Growth: Dix, Chair; Dandekar and Lalk.

[House File 292](#)

Economic Growth: Boggess, Chair; Granzow and Thomas.

[House File 294](#)

Economic Growth: Jenkins, Chair; Boggess, D. Hanson, D. Olson and Smith.

[House File 303](#)

Education: K. Kramer, Chair; Bukta and B. Hansen.

[House File 307](#)

Human Resources: Upmeyer, Chair; Heddens and Watts.

[House File 308](#)

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

[House File 316](#)

Education: Boal, Chair; Tjepkes and Wendt.

[House File 320](#)

Human Resources: Hutter, Chair; Carroll and Smith.

[House File 321](#)

Human Resources: Granzow, Chair; Greimann and Tymeson.

[House File 323](#)

Education: Dolecheck, Chair; B. Hansen and Wendt.

[House File 324](#)

Education: Dolecheck, Chair; Roberts and Winckler.

[House File 325](#)

Human Resources: Hutter, Chair; Heaton and Hunter.

[House File 328](#)

Natural Resources: Arnold, Chair; Bell and Freeman.

[House File 335](#)

Education: Tymeson, Chair; Foege and Roberts.

[House File 336](#)

Environmental Protection: Klemme, Chair; Greimann and Upmeyer.

[House File 345](#)

Human Resources: Roberts, Chair; Boddicker and Smith.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 144](#) Reassigned

Human Resources: Upmeyer, Chair; Hutter and Wendt.

[House Study Bill 200](#)

Local Government: Schickel, Chair; Cohoon and Maddox.

[House Study Bill 201](#)

Local Government: Maddox, Chair; M. Gaskill and B. Hansen.

[House Study Bill 202](#)

Local Government: D. Hanson, Chair; Connors and Maddox.

[House Study Bill 203](#)

Local Government: Hoffman, Chair; Boal and D. Olson.

[House Study Bill 204](#)

Education: Tymeson, Chair; Cohoon and Dennis.

[House Study Bill 205](#)

Local Government: Schickel, Chair; Boal and Lensing.

House Study Bill 206

Local Government: Tjepkes, Chair; Hahn and Reasoner.

House Study Bill 207

Judiciary: Eichhorn, Chair; Boddicker and Reasoner.

House Study Bill 208

Judiciary: Maddox, Chair; Berry and K. Kramer.

House Study Bill 209

Judiciary: Schickel, Chair; Dennis and Winckler.

House Study Bill 210

Judiciary: Eichhorn, Chair; Foege and Paulsen.

House Study Bill 211

Judiciary: Boal, Chair; Baudler and Reasoner.

House Study Bill 212

Judiciary: Boddicker, Chair; Dennis and Greimann.

House Study Bill 213

Commerce, Regulation and Labor: Manternach, Chair; Dix and Quirk.

House Study Bill 214

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

House Study Bill 215

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

House Study Bill 216

Commerce, Regulation and Labor: B. Hansen, Chair; J.K. Van Fossen and Wise.

House Study Bill 217

Education: Dennis, Chair; Tymeson and Wendt.

House Study Bill 219

Economic Growth: K. Kramer, Chair; Struyk and Wilderdyke.

[House Study Bill 220](#)

Agriculture: Lalk, Chair; S. Olson and Struyk.

[House Study Bill 221](#)

Agriculture: J. Drake, Chair; Klemme, Kuhn, Lalk and Stevens.

[House Study Bill 222](#)

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 223 Education

Relating to the duties and operations of the department of education and school boards.

H.S.B. 224 State Government

Relating to elections and voter registration by implementing requirements of federal law, modifying closing hours of the polls and voter identification requirements, transferring duties relating to conduct of elections and voter registration from the office of secretary of state to the Iowa ethics and campaign disclosure board, and making changes relating to absentee voting procedures, including request and delivery of absentee ballot applications, delivery of absentee ballots to the voter, and delivery of completed absentee ballots to the county commissioner of elections, and including effective date provisions.

H.S.B. 225 Environmental Protection

Creating an environmental oversight committee and making an appropriation.

H.S.B. 226 Human Resources

Relating to child care requirements involving prohibitions against involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable.

H.S.B. 227 Human Resources

Relating to authorization to perform spinal manipulations and spinal adjustments, and providing penalties.

H.S.B. 228 Public Safety

Relating to transporting an inmate for medical or dental care, and providing for a fee.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly [House Study Bill 136](#)), providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly [House File 147](#)), relating to anatomical gifts including bone marrow and organ donations by state employees and grants from the anatomical gift public awareness and transplantation fund.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

Committee Bill (Formerly [House File 199](#)), establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2003.

Committee Bill (Formerly [House Study Bill 134](#)), relating to the extension of credit without discrimination under the consumer credit code.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly [House Study Bill 169](#)), relating to life science enterprises by providing for financing, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2003.

Committee Bill (Formerly [House Study Bill 198](#)), a concurrent resolution expressing the appreciation of the Eightieth General Assembly to the membership of the Program Elimination Commission for their efforts on behalf of the people of Iowa.

Fiscal note is not required.

Recommended **Do Pass** February 26, 2003.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly [House File 200](#)), relating to mental health and developmental disabilities by expanding an exemption to health care licensing requirements for certain residential programs that receive funding under a medical assistance home and community-based services waiver and approval from the department of human services and revising membership requirements for the mental health and developmental disabilities commission and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2003.

Committee Bill (Formerly [House Study Bill 143](#)), relating to the department of elder affairs including provision relating to the elder Iowans Act.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

Committee Bill (Formerly [House Study Bill 147](#)), relating to disaster preparedness and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

Committee Bill (Formerly [House Study Bill 148](#)), providing for miscellaneous technical and substantive changes relating to controlled and precursor substances.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2003.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly [House File 126](#)), providing for the confidentiality of certain veterans' records maintained by county recorders.

Fiscal Note is required.

Recommended **Do Pass** February 27, 2003.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly [House Study Bill 90](#)), relating to conducting searches of persons on probation or parole and providing information to local law enforcement agencies and the state department of transportation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2003.

Committee Bill (Formerly [House Study Bill 135](#)), authorizing a sentencing court to issue no-contact orders against persons arrested for any public offense.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 2003.

RESOLUTIONS FILED

[HCR 15](#), by committee on government oversight, a concurrent resolution expressing the appreciation of the Eightieth General Assembly to the membership of the Program Elimination Commission for their efforts on behalf of the people of Iowa.

Laid over under **Rule 25**.

[HR 24](#), by Wise, Foege, Bukta, Myers, Stevens, Quirk, Whitaker, Whitead, Wendt, Gaskill, Frevert, Berry, Miller, Smith, Greimann, Heddens, McCarthy, D. Taylor, Murphy, Mascher, Shoultz, Oldson, Reasoner, Swaim, Lensing, Hogg, Davitt, Osterhaus, Winckler, Jochum, Hunter, Struyk, T. Taylor, Connors, Dandekar, Petersen, D. Olson, Lykam, and Fallon, a resolution requesting Iowa's

congressional delegation to work to secure adequate funding for mandates required under the federal "No Child Left Behind Act of 2001".

Laid over under **Rule 25**.

[HR 25](#), by Mascher, Bukta, D. Taylor, Heddens, Frevert, T. Taylor, Miller, Whitead, Greimann, Wendt, Gaskill, Winckler, Stevens, Quirk, Bell, Lykam, Davitt, Dandekar, D. Olson, Swaim, Foege, Murphy, Hunter, Whitaker, Osterhaus, Jochum, Thomas, Berry, Lensing, Ford, and Struyk, a resolution identifying problems of Iowans in meeting health care costs and calling upon candidates for national office to provide proposals for addressing the health care needs of Iowans and the people of the United States.

Laid over under **Rule 25**.

[SCR 5](#), by committee on agriculture, a concurrent resolution requesting that the United State Congress take all action required to preserve free and private enterprise, prevent monopoly, and protect consumers by immediately enacting legislation to prohibit livestock packers from owning, controlling, or feeding livestock to such an extent that producers can no longer materially participate in the management of their livestock operations as provided in Senate Bill 27 introduced by the Honorable Senator Charles E. Grassley and cosponsored by the Honorable Senator Tom Harkin and others.

Passed on file.

AMENDMENTS FILED

H-1028	H.F. 341	Dolecheck of Ringgold
H-1029	H.F. 235	Carroll of Poweshiek
		Connors of Polk
H-1030	H.F. 265	Klemme of Plymouth
		Hogg of Linn

On motion by Gipp of Winneshiek the House adjourned at 9:05 a.m., until 8:45 a.m., Friday, February 28, 2003.