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**STATE OF IOWA**

**House Journal**

**TUESDAY, MARCH 4, 2003**

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# JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 4, 2003

The House met pursuant to adjournment at 8:50 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Randy Widbin, pastor of Christ Community Church, Sioux Center. He was the guest of Representative Dwayne Alons of Sioux County.

The Journal of Monday, March 3, 2003 was approved.

## INTRODUCTION OF BILLS

**House File 390**, by committee on economic growth, a bill for an act relating to economic development programs for targeted small businesses.

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

**House File 391**, by committee on commerce, regulation and labor, a bill for an act establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal.

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

**House File 392**, by committee on economic growth, a bill for an act relating to economic growth strategic planning.

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

**House File 393**, by Wendt, a bill for an act establishing a multiagency quality service review pilot project for children involved in the juvenile justice, education, and child welfare systems and providing an appropriation.

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

[House File 394](#), by committee on economic growth, a bill for an act relating to the purposes of the community attraction and tourism program.

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

[House File 395](#), by committee on commerce, regulation and labor, a bill for an act relating to the extension of credit without discrimination under the consumer credit code.

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

[House File 396](#), by committee on human resources, a bill for an act relating to disaster preparedness and providing an effective date.

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

[House File 397](#), by committee on economic growth, a bill for an act relating to community development block grants to the department of economic development and including effective and retroactive applicability dates.

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

[House File 398](#), by Kurtenbach, Dix, Alons, Jenkins, Hahn, Boal, Kramer, J. K. Van Fossen, Drake, and Eichhorn, a bill for an act requiring the establishment of alternative defined contribution retirement systems for elementary and secondary school teachers and public hospital employees.

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

[House File 399](#), by committee on economic growth, a bill for an act relating to the new jobs and income program and providing a tax credit.

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

[House File 400](#), by committee on public safety, a bill for an act relating to conducting searches of persons on probation or parole and

providing information to local law enforcement agencies and the state department of transportation.

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

**House File 401**, by committee on economic growth, a bill for an act relating to the procedures for certificates of completion of property rehabilitation projects for which tax credits may be available.

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

**House File 402**, by Raecker, Maddox, Elgin, Jochum, and Mascher, a bill for an act providing for the restoration of the right to vote for certain persons who have made full restitution and who have been discharged from probation, parole, or work release, or who have been released from confinement.

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

**House File 403**, by Heaton, a bill for an act authorizing the department of human services to contract for managed care of adult mental health or substance abuse services under the medical assistance program under certain circumstances and providing an effective date.

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

**House File 404**, by committee on public safety, a bill for an act authorizing a sentencing court to issue no-contact orders against persons arrested for any public offense.

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

**House File 405**, by Stevens, Upmeyer, Freeman, and Tjepkes, a bill for an act relating to the authority of a local governmental entity to regulate the application, use, sale, and distribution of fertilizers and soil conditioners.

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

[House File 406](#), by Heaton, a bill for an act providing for assignment of child support to the department of human services for provision of care to a child in a psychiatric medical institution for children.

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

[House File 407](#), by Jochum, a bill for an act providing for an increase in the amount of punitive damages a tenant may recover from a landlord's bad faith retention of a security deposit.

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

[House File 408](#), by Lukan, a bill for an act relating to bingo operations.

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

[House File 409](#), by Heaton, a bill for an act relating to establishing a pharmaceutical discount clearinghouse and hotline, and making an appropriation.

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

[House File 410](#), by Lensing and Mascher, a bill for an act relating to smoking prohibitions.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Kossuth and Huseman of Cherokee on request of Speaker Rants.

#### ADOPTION OF [HOUSE RESOLUTION 16](#)

Smith of Marshall called up for consideration [House Resolution 16](#), a resolution honoring the city of Marshalltown on its sesquicentennial year, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

Smith of Marshall introduced to the House the Mayor of Marshalltown, Floyd Harthun, who thanked the House for the honor.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 249**, a bill for an act relating to the manufacture, delivery, possession with the intent to manufacture or deliver, or conspiring to manufacture, deliver, or possess with the intent to manufacture or deliver flunitrazepam, and providing a penalty, was taken up for consideration.

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

On the question "Shall the bill pass?" (**H.F. 249**)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven

Van Fossen, J.R. Watts	Wendt	Whitaker
Whitead Wilderdyke	Winckler	Wise
Mr. Speaker		
Rants		

The nays were, none.

Absent or not voting, 3:

De Boef	Huseman	Van Fossen, J.K.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 250**, a bill for an act relating to the criminal penalties for an assault on members of certain occupations, was taken up for consideration.

Hogg of Linn asked and received unanimous consent to withdraw amendment **H-1026** filed by him on February 25, 2003.

J.R. Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (**H.F. 250**)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	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	Mr. Speaker
			Rants

The nays were, 1.

Fallon

Absent or not voting, 3:

De Boef                      Huseman                      Van Fossen, J.K.

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

**House File 234**, a bill for an act transferring the powers and duties of the Missouri river preservation and land use authority to the loess hills development and conservation authority and providing effective dates, was taken up for consideration.

Bogges of Page offered amendment **H-1020** filed by Bogges, Freeman of Buena Vista and Whitead of Woodbury as follows:

H-1020

1 Amend **House File 234** as follows:  
2 1. By striking page 1, line 1, through page 3,  
3 line 12, and inserting the following:  
4 "Section 1. **NEW SECTION.** 161D.9 MISSOURI RIVER  
5 PRESERVATION AND LAND USE.  
6 1. LEGISLATIVE FINDINGS. The general assembly  
7 finds that the Missouri river is an important natural  
8 resource to the state of Iowa and that the creation of  
9 comprehensive plans which lead to the purchase,  
10 development, and preservation of land adjacent to the  
11 Missouri river will provide recreational and economic  
12 benefits to the state and to the counties and cities  
13 which border on the river. The general assembly  
14 further finds that current planning and purchase  
15 efforts relating to development of Missouri riverfront  
16 property have fallen short of the goal of developing a  
17 comprehensive plan for the recreational development of  
18 the Missouri river and that giving the loess hills  
19 development and conservation authority the mission of  
20 engaging in these efforts will have a greater  
21 likelihood of reaching the desired goal.



22 2. DUTIES OF AUTHORITY.

- 23 a. The authority may engage in comprehensive  
24 planning for and the development and implementation of  
25 strategies designed to preserve and restore the  
26 natural beauty of the land adjacent to and the water  
27 of the Missouri river through land acquisition.  
28 Planning and implementation activities may be  
29 coordinated with plans and implementation activities  
30 of the department of natural resources for lands owned  
31 or acquired by the department.  
32 b. The mission of the authority is to research,  
33 develop comprehensive plans, and implement strategies  
34 which emphasize the creation of multipurpose  
35 recreational areas that foster and accent the natural  
36 characteristics of the Missouri river and which  
37 provide for environmentally sound land and water use  
38 practices for land adjacent to the Missouri river; to  
39 designate and prioritize for purchase parcels of land  
40 which are located in areas critical for the  
41 environmental health of the Missouri river waterway;  
42 to develop plans for and to acquire parcels of land to  
43 establish a public greenbelt along the banks of the  
44 Missouri river; to develop plans for public  
45 recreational use of lands adjacent to the Missouri  
46 river, including but not limited to a public bicycle  
47 trail; and to cooperate with county and city  
48 authorities and federal and state authorities in order  
49 to fulfill the mission of the authority.  
50 c. The authority may develop plans and proposals

**Page 2**

- 1 and conduct public hearings relating to the  
2 conservation, preservation, and acquisition of land  
3 adjacent to the Missouri river. In developing plans  
4 and proposals, the authority may consult with any  
5 person or organization which has interests that would  
6 be affected by the acquisition and development of  
7 Missouri river property in accordance with the mission  
8 of the authority, including but not limited to utility  
9 companies, municipalities, agricultural organizations,  
10 the corps of engineers, rural water districts, soil  
11 and water conservation districts, private water  
12 suppliers, business and industry organizations,  
13 drainage and levee district associations, benefited  
14 recreational lake districts, and any soil conservation  
15 organizations. The authority may include a copy of  
16 any plans and proposals and may document the results  
17 and findings of those hearings in a report or series  
18 of reports.  
19 d. The authority shall administer the Missouri  
20 river preservation and land use fund established under

21 subsection 3, and shall deposit and expend moneys in  
22 the fund for the development of plans for, development  
23 of, and purchase of lands adjacent to the Missouri  
24 river and for annual payment of property taxes on any  
25 land purchased. The county treasurer shall certify  
26 the amount of taxes due the authority. The assessed  
27 value of the property held by the authority shall be  
28 that value determined under section 427.1, subsection  
29 18, and the authority may protest the assessed value  
30 in the manner provided by law for any property owner  
31 to protest an assessment. For purposes of chapter  
32 257, the assessed value of any property which was  
33 acquired by the authority shall be included in the  
34 valuation base of the school district and the payments  
35 made by the authority shall be considered as property  
36 tax revenues and not as miscellaneous income. The  
37 expenditure of funds may include, but is not limited  
38 to, use of moneys from the Missouri river preservation  
39 and land use fund to match funds from state, federal,  
40 and private resources.

41 e. The title to all property purchased by the  
42 authority shall be taken in the name of the state, but  
43 land shall not be acquired through condemnation  
44 proceedings and all purchases shall be from willing  
45 sellers. The authority may transfer jurisdiction over  
46 any lands the authority acquires to the department of  
47 natural resources, or may enter into agreements with  
48 the department or the appropriate county conservation  
49 board, for the management of the lands. All lands  
50 purchased shall be for public use, and not for private

**Page 3**

1 commercial purposes, but the authority may permit the  
2 expenditure of private funds for the improvement of  
3 land or water adjacent to or purchased by the  
4 authority. All surveys and plats of lands purchased  
5 by the authority shall be filed in the manner provided  
6 in section 461A.22. Land purchased by the authority  
7 shall be managed and policed in the manner provided  
8 under agreements between the authority and the agency  
9 responsible for management of the property, except  
10 that, subject to the restrictions contained in chapter  
11 455B, the authority shall not be required to obtain  
12 the prior permission of the natural resource  
13 commission when using private funds to establish land  
14 or water recreational areas, and any property  
15 purchased by the authority shall not be sold without  
16 the prior notification and consent of the authority.  
17 3. MISSOURI RIVER PRESERVATION AND LAND USE FUND.  
18 A Missouri river preservation and land use fund is  
19 established in the office of treasurer of state, to be

20 administered by and subject to the use of the  
 21 authority for the purposes established in subsection  
 22 2. The Missouri authority may accept gifts, grants,  
 23 bequests, other moneys including but not limited to  
 24 state or federal moneys, and in-kind contributions for  
 25 deposit in the fund for the use of the authority to  
 26 carry out the authority's mission. Gifts, grants, and  
 27 bequests from public and private sources, state and  
 28 federal moneys, and other moneys received by the  
 29 authority shall be deposited in the fund and any  
 30 interest earned on the fund shall be credited to the  
 31 fund to be used for the purposes specified in  
 32 subsection 2. Notwithstanding section 8.33, any  
 33 unexpended or unencumbered moneys remaining in the  
 34 fund at the end of a fiscal year shall not revert, but  
 35 shall remain available for expenditure by the  
 36 authority in succeeding fiscal years.  
 37 Sec. 2. Section 456A.14, Code 2003, is amended to  
 38 read as follows:  
 39 456A.14 TEMPORARY APPOINTMENTS – PEACE OFFICER  
 40 STATUS.  
 41 The director may appoint temporary officers for a  
 42 period not to exceed six months and may adopt minimum  
 43 physical, educational, mental, and moral requirements  
 44 for the temporary officers. Chapter 80B does not  
 45 apply to the temporary officers. Temporary officers  
 46 have all the powers of peace officers in the  
 47 enforcement of this chapter and chapters 161D, 321G,  
 48 456B, 461A, 461B, 462A, 462B, ~~463B~~, 465C, 481A, 481B,  
 49 482, 483A, 484A, and 484B, and the trespass laws.  
 50 Sec. 3. Section 456A.24, subsection 12, Code 2003,

**Page 4**

1 is amended to read as follows:  
 2 12. Adopt rules authorizing officers and employees  
 3 of the department who are peace officers to issue  
 4 warning citations for violations of this chapter and  
 5 chapters 161D, 321G, 350, 456B, 457A, 461A through  
 6 461C, 462A, 462B, ~~463B~~, 464A, 465A through 465C, 481A,  
 7 481B, 482, 483A, 484A, and 484B.  
 8 Sec. 4. Section 461A.78, Code 2003, is amended to  
 9 read as follows:  
 10 461A.78 METHOD NOT EXCLUSIVE.  
 11 This division shall not be the exclusive method for  
 12 establishing a water recreational area and shall not  
 13 be construed to prohibit the establishment of public  
 14 recreational areas by the ~~Missouri river preservation~~  
 15 ~~and land use~~ loess hills development and conservation  
 16 authority under chapter ~~463B~~ 161D.  
 17 Sec. 5. Section 481A.1, unnumbered paragraph 1,  
 18 Code 2003, is amended to read as follows:

19 Words and phrases as used in this chapter and  
 20 chapters 161D, 350, 456A, 456B, 457A, 461A through  
 21 461C, 462A, 462B, ~~463B~~, 464A, 465A through 465C, 481B,  
 22 482, 483A, 484A, and 484B and such other chapters as  
 23 relate to the subject matter of these chapters shall  
 24 be construed as follows:  
 25 Sec. 6. Chapter 463B, Code 2003, is repealed."  
 26 2. By renumbering as necessary.

Boggess of Page offered the following amendment [H-1022](#), to  
 amendment [H-1020](#), filed by her and moved its adoption:

H-1022

1 Amend the amendment, H-1020, to [House File 234](#) as  
 2 follows:  
 3 1. Page 3, line 47, by striking the figure  
 4 "161D".  
 5 2. Page 4, line 5, by striking the figure  
 6 "161D".  
 7 3. Page 4, line 20, by striking the figure  
 8 "161D".

Amendment [H-1022](#) was adopted.

On motion by Boggess of Page amendment [H-1020](#), as amended,  
 was adopted.

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

On the question "Shall the bill pass?" ([H.F. 234](#))

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer

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

The nays were, none.

Absent or not voting, 3:

De Boef	Huseman	Van Fossen, J.K.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 80 WITHDRAWN

Boggess of Page asked and received unanimous consent to withdraw House File 80 from further consideration by the House.

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 234, 249 and 250.**

On motion by Gipp of Winneshiek, the House was recessed at 9:23 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:01 p.m., Speaker Rants in the chair.

#### QUORUM CALL

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

## INTRODUCTION OF BILLS

[House File 411](#), by committee on natural resources, a bill for an act providing resident license fees for hunting, fishing, trapping, and related activities to certain persons in the armed forces of the United States.

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

[House File 412](#), by committee on natural resources, a bill for an act relating to the amount of mussels and shells which may be taken pursuant to a sport fishing license.

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

[House File 413](#), by Mascher, a bill for an act creating a wetlands program and providing penalties.

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

[House File 414](#), by Thomas, a bill for an act relating to employer notification to employees of cancellation of group insurance, and providing recovery for certain medical bills.

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

[House File 415](#), by Mascher, a bill for an act defining infamous crime as a class "A" felony for purposes of disqualifying a person from registering to vote and voting and from being a candidate for certain elective offices.

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

[House File 416](#), by Dix, a bill for an act providing for exceptions to municipal tort liability for river rafting, canoeing, and kayaking.

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

[House File 417](#), by Mascher, a bill for an act relating to the required number of hours of training necessary for approval as a certified nurse aide.

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

[House File 418](#), by Foege, a bill for an act relating to the collection and maintenance of obesity-related data by the Iowa department of public health and participating elementary and secondary schools.

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

[House File 419](#), by Fallon and Hogg, a bill for an act requiring that state agencies purchase Iowa agricultural commodities and food derived from Iowa agricultural commodities.

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

[House File 420](#), by Hogg, a bill for an act relating to a business health care tax credit for individual and corporate income tax purposes and including a retroactive applicability date provision.

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

[House File 421](#), by committee on natural resources, a bill for an act relating to the registration of hunting outfitters or hunting guides and providing a penalty.

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

#### CONSIDERATION OF BILLS

##### Regular Calendar

[House File 265](#), a bill for an act relating to the withdrawal of blood without a warrant from a person under arrest for an operating-while-intoxicated offense when the arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death, was taken up for consideration.

Hogg of Linn asked and received unanimous consent to withdraw amendments [H-1023](#) and [H-1024](#) filed by him on February 25, 2003.

Klemme of Plymouth offered amendment [H-1030](#) filed by him and Hogg of Linn as follows:

H-1030

- 1 Amend [House File 265](#) as follows:
- 2 1. Page 1, by inserting after line 21, the
- 3 following:
- 4 "4. If the person from whom a specimen of blood is
- 5 to be withdrawn objects to the withdrawal, a breath or
- 6 urine sample may be taken under the following
- 7 circumstances:
- 8 a. If the person is capable of giving a specimen
- 9 of breath, and a direct breath testing instrument is
- 10 readily available, the withdrawal of a specimen of the
- 11 person's breath may be taken for chemical testing,
- 12 unless the peace officer has reasonable grounds to
- 13 believe that the person was under the influence of a
- 14 controlled substance, a drug other than alcohol, or a
- 15 combination of alcohol and another drug.
- 16 b. If the peace officer has reasonable grounds to
- 17 believe that the person was under the influence of a
- 18 controlled substance, a drug other than alcohol, or a
- 19 combination of alcohol and another drug, a urine
- 20 sample shall be collected in lieu of a blood sample,
- 21 if the person is capable of giving a urine sample and
- 22 the sample can be collected."

Klemme of Plymouth offered the following amendment [H-1033](#), to amendment [H-1030](#), filed by him and Hogg of Linn from the floor and moved its adoption:

H-1033

- 1 Amend the amendment, H-1030, to [House File 265](#) as
- 2 follows:
- 3 1. Page 1, by inserting after line 1, the
- 4 following:
- 5 "\_\_\_ Page 1, line 3, by inserting before the
- 6 word "Notwithstanding" the following: "1."
- 7 \_\_\_ Page 1, line 13, by striking the figure "1."
- 8 and inserting the following: "a."
- 9 \_\_\_ Page 1, line 15, by striking the figure "2."
- 10 and inserting the following: "b."
- 11 \_\_\_ Page 1, line 18, by striking the figure "3."
- 12 and inserting the following: "c.""
- 13 2. Page 1, line 4, by striking the figure "4."
- 14 and inserting the following: "2."
- 15 3. By renumbering as necessary.



Amendment [H-1033](#) was adopted.

On motion by Klemme of Plymouth amendment [H-1030](#), as amended, was adopted.

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

On the question "Shall the bill pass?" ([H.F. 265](#))

The ayes were, 88:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Smith	Stevens	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker Rants

The nays were, 8:

Berry	Fallon	Ford	Greimann
Hunter	Mascher	Shoultz	Taylor, T.

Absent or not voting, 4:

Carroll	De Boef	Foege	Huseman
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 265](#) and [Senate Concurrent Resolution 3](#).

## SPONSOR ADDED

([House File 190](#))

Murphy of Dubuque requests to be added as a sponsor of [House File 190](#).

## SPONSORS ADDED

([House Joint Resolution 5](#))

Alons of Sioux, Arnold of Lucas, Baudler of Adair, Boal of Polk, Boddicker of Cedar, Boggess of Page, Carroll of Poweshiek, Chambers of O'Brien, Cohoon of Des Moines, Connors of Polk, De Boef of Keokuk, Dennis of Black Hawk, Dix of Butler, Dolecheck of Ringgold, Drake of Pottawattamie, Eichhorn of Hamilton, Freeman of Buena Vista, Gipp of Winneshiek, Granzow of Hardin, Greiner of Washington, Hansen of Pottawattamie, Hanson of Benton, Heaton of Henry, Hoffman of Crawford, Horbach of Tama, Huseman of Cherokee, Jacobs of Polk, Jenkins of Black Hawk, Jones of Mills, Klemme of Plymouth, Kramer of Polk, Kurtenbach of Story, Lalk of Fayette, Lukan of Dubuque, Maddox of Polk, Manternach of Jones, Mertz of Kossuth, S. Olson of Clinton, Paulsen of Linn, Quirk of Chickasaw, Rasmussen of Buchanan, Rayhons of Hancock, Roberts of Carroll, Sands of Louisa, Smith of Marshall, T. Taylor of Linn, Thomas of Clayton, Tjepkes of Webster, Tymeson of Madison, Upmeyer of Hancock, Van Engelenhoven of Marion, J.K. Van Fossen of Scott, J.R. Van Fossen of Scott, Watts of Dallas, Whitead of Woodbury and Wilderdyke of Harrison request to be added as sponsors of [House Joint Resolution 5](#).

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 4, 2003. Had I been present, I would have voted "aye" on House Files 234, 249 and 250.

J.K. VAN FOSSEN of Scott

## CERTIFICATES OF RECOGNITION

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

**MARGARET A. THOMSON**  
Chief Clerk of the House

- 2003\553 Ben and Betty Pickel, Mapleton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\554 Lawrence Bartels, Schleswig- For celebrating his 85<sup>th</sup> birthday.
- 2003\555 Dorothy Davis, Anthon – For celebrating her 95<sup>th</sup> birthday.
- 2003\556 Frances Wiegel, Charter Oak – For celebrating her 80<sup>th</sup> birthday.
- 2003\557 Loren and Dorothy Stine, Dallas Center – For celebrating their 63<sup>rd</sup> wedding anniversary.
- 2003\558 Raymond Fistler, Ackley – For celebrating his 80<sup>th</sup> birthday.
- 2003\559 Jeanette White, Iowa Falls – For celebrating her 80<sup>th</sup> birthday.
- 2003\560 Charles Birker, Vinton – For celebrating his 90<sup>th</sup> birthday.
- 2003\561 Berniece Duello, Vinton – For celebrating her 85<sup>th</sup> birthday.
- 2003\562 Marion Dykstra, Grinnell – For celebrating his 80<sup>th</sup> birthday.
- 2003\563 Lowell and Rosalie McClure, Grinnell – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\564 Paul and Mary Lewis, Beacon – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\565 Dale Ferns, Oskaloosa – For celebrating his 80<sup>th</sup> birthday.
- 2003\566 Gerald and Betty Thomas, Farnhamville – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\567 Doris and Dean Hoag, Manson – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\568 Chase Holmgaard, Ft. Dodge – For receiving 1<sup>st</sup> place in the 171 lb. weight class in the Class 3-A Division of the 2003 State Wrestling Tournament.
- 2003\569 Marvin and Kay Schoneman, Garner – For celebrating their 60<sup>th</sup> wedding anniversary.

- 2003\570 Eldon Hagen, Klemme – For celebrating his 80<sup>th</sup> birthday.
- 2003\571 Ella Lembke, Rockwell – For celebrating her 90<sup>th</sup> birthday.
- 2003\572 T.J. Sebolt, Centerville – For receiving 1<sup>st</sup> place in the 103 lb. weight class in the Class 2-A Division of the 2003 State Wrestling Tournament.
- 2003\573 Justin Brown, Centerville – For receiving 1<sup>st</sup> place in the 112 lb. weight class in the Class 2-A Division of the 2003 State Wrestling Tournament.
- 2003\574 Grace Harrenstein, Grundy Center – For celebrating her 80<sup>th</sup> birthday.
- 2003\575 Mr. and Mrs. Gerald Lee, Davenport – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\576 Gena Owens, DeWitt – For winning the Outstanding Teacher of the Year Award.
- 2003\577 Ruby Denney, Sioux City – For celebrating her 87<sup>th</sup> birthday.
- 2003\578 John Mitchell, Carroll – For celebrating his 85<sup>th</sup> birthday.
- 2003\579 Colby Goetsch, Ankeny – For receiving 1<sup>st</sup> place in the 140 lb. weight class in the Class 3-A Division of the 2003 State Wrestling Tournament.
- 2003\580 Christopher "Topher" Ewing, Ankeny – For receiving 1<sup>st</sup> place in the 145 lb. weight class in the Class 3-A Division of the 2003 State Wrestling Tournament.
- 2003\581 Jim Gebhart, Saylor Township – For being named the 2003 Athletic Director of the Year.
- 2003\582 Jack and Eva Hoglan, Independence – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\583 Clarence and Nona Liebsch, Jesup – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\584 Vern Wermerskirchen, Gilbertville – For celebrating his 86<sup>th</sup> birthday.
- 2003\585 Bernard and Margaret Schons, Waterloo – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\586 Millie Diehm, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2003\587 Velma Hansen, Waterloo – For celebrating her 85<sup>th</sup> birthday.

- 2003\588 Euarda Lichty, Waterloo – For celebrating her 95<sup>th</sup> birthday.
- 2003\589 Hattie Christians, Sibley – For celebrating her 90<sup>th</sup> birthday.
- 2003\590 Wilbert and Melva Rusch, Hartley – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\591 Don and Darlene Lauder, Fairfield – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\592 Donald and Maxine Ledger, Fairfield – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\593 Lorence (Bill) and Iva Bolsinger, Guttenberg – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\594 Norma Jean Brainard, Luana – For celebrating her 80<sup>th</sup> birthday.
- 2003\595 John and Jeanette Cannon, Dubuque – For celebrating their 52<sup>nd</sup> wedding anniversary.
- 2003\596 Ray and Dorothy Hall, Dubuque – For celebrating their 61<sup>st</sup> wedding anniversary.
- 2003\597 Leroy and Ida Mehlmann, Massena – For celebrating their 64<sup>th</sup> wedding anniversary.
- 2003\598 Gayle R. Johnson, Atlantic – For celebrating her 90<sup>th</sup> birthday.
- 2003\599 Deb and Willma Clayton, Greenfield – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\600 Vina Smith-Mains, Casey – For celebrating her 80<sup>th</sup> birthday.
- 2003\601 Sadie Slauson, Des Moines – For celebrating her 80<sup>th</sup> birthday.
- 2003\602 Florence Hughes, Des Moines – For celebrating her 90<sup>th</sup> birthday.
- 2003\603 Everett and Bernice Johansen, Audubon – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\604 Loyd Hofer, Sumner – For celebrating his 80<sup>th</sup> birthday.
- 2003\605 Herman Lalk, Hawkeye – For celebrating his 80<sup>th</sup> birthday.
- 2003\606 Inga Evenson, West Union – For celebrating her 91<sup>st</sup> birthday.
- 2003\607 Hilda Kasemeier, Sumner – For celebrating her 90<sup>th</sup> birthday.
- 2003\608 Marie Halstead, West Union – For celebrating her 102<sup>nd</sup> birthday.
- 2003\609 Veryle Anderson, Eldorado – For celebrating her 90<sup>th</sup> birthday.

- 2003\610 Harlan and LaVerda Welzel, Eldorado – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\611 Frank and Ruth Boriskey, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\612 Everett and Shirley Dexter, Marshalltown – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\613 Gordon and Irene Finders, Marshalltown – For celebrating their 61<sup>st</sup> wedding anniversary.
- 2003\614 Catherine Struble, Marshalltown – For celebrating her 82<sup>nd</sup> birthday.
- 2003\615 Myrtle B. Thompson, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2003\616 Carol Buckman, Davenport – For celebrating her 95<sup>th</sup> birthday.
- 2003\617 Wade Hammen, Rockwell City – For receiving 2<sup>nd</sup> place in the 189 lb. weight class in the Class 1-A Division of the 2003 State Wrestling Tournament.
- 2003\618 Irene Walther, Readlyn – For celebrating her 85<sup>th</sup> birthday.
- 2003\619 Leslie Peters, Tripoli – For celebrating his 85<sup>th</sup> birthday.
- 2003\620 Amil Fisher, Charles City – For celebrating his 87<sup>th</sup> birthday.
- 2003\621 Kathryn Nath, Riceville – For celebrating her 90<sup>th</sup> birthday.
- 2003\622 Dorothy Manley, Milo – For celebrating her 80<sup>th</sup> birthday.
- 2003\623 Vern and Dottie Thomas, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### [House Joint Resolution 6](#)

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

##### [House Joint Resolution 7](#)

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

##### [House Joint Resolution 8](#)

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

**House File 302**

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

**House File 305**

Local Government: Huser, Chair; Arnold and B. Hansen.

**House File 306**

Appropriations: Jacobs, Chair; Dandekar and Huseman.

**House File 314**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House File 326**

Public Safety: Horbach, Chair; De Boef and McCarthy.

**House File 346**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House File 347**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House File 350**

Agriculture: Greiner, Chair; Dolecheck and Frevert.

**House File 351**

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

**House File 352**

Commerce, Regulation and Labor: Raecker, Chair; D. Taylor and Watts.

**House File 353**

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

**House File 355**

Human Resources: Heaton, Chair; Foege and Tymeson.

**House File 356**

Public Safety: Horbach, Chair; Boddicker and Hunter.

[House File 358](#)

Agriculture: Alons, Chair; Baudler and Kuhn.

[House File 359](#)

Human Resources: Watts, Chair; Roberts and Smith.

[House File 368](#)

Human Resources: Upmeyer, Chair; Boddicker and Smith.

[House File 369](#)

Human Resources: Heaton, Chair; Carroll and Heddens.

[House File 370](#)

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

[House File 375](#)

Human Resources: Roberts, Chair; Wendt and Wilderdyke.

[House File 376](#)

Agriculture: Mertz, Chair; Dolecheck and Rayhons.

[House File 382](#)

Human Resources: Heaton, Chair; Carroll and Smith.

[House File 383](#)

Human Resources: Heaton, Chair; Berry and Carroll.

[House File 384](#)

Human Resources: Heaton, Chair; Murphy and Tymeson.

[House File 385](#)

Public Safety: Alons, Chair; Hunter and Klemme.

[House File 398](#)

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

[House File 403](#)

Human Resources: Heaton, Chair; Carroll and Greimann.



**House File 406**

Human Resources: Heaton, Chair; Boddicker and Smith.

**House File 408**

State Government: Raecker, Chair; Lykam and Rasmussen.

**House File 409**

Human Resources: Heaton, Chair; Murphy and Upmeyer.

**Senate File 172**

**(Committee of the Whole)**

Education: Carroll, Chair; Berry, Boal, Bukta, Chambers, Cohoon, Dandekar, Dennis, Dolecheck, Foege, B. Hansen, K. Kramer, Mascher, Paulsen, Raecker, Roberts, Schickel, Stevens, Tjepkes, Tymeson, Wendt, Winckler and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 109**

Human Resources: Boddicker, Chair; Heddens, Smith, Tymeson and Watts.

**House Study Bill 150 Reassigned**

Agriculture: Rayhons, Chair; Davitt and S. Olson.

**House Study Bill 175 Reassigned**

Agriculture: Rayhons, Chair; Davitt and S. Olson.

**House Study Bill 226**

Human Resources: Granzow, Chair; Greimann and Watts.

**House Study Bill 227**

Human Resources: Boddicker, Chair; Berry and Tymeson.

**House Study Bill 228**

Public Safety: Klemme, Chair; Hunter and Sands.

**House Study Bill 230**

Economic Growth: Lalk, Chair; Lukan and H. Miller.

**House Study Bill 231**

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

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 232 Appropriations**

Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

### **H.S.B. 233 Human Resources**

Relating to the regulation of elder family homes, elder group homes, and assisted living programs, providing for appropriation of fees, and providing penalties.

### **H.S.B. 234 State Government**

Relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes.

### **H.S.B. 235 Agriculture**

Relating to soil conservation by providing for the acquisition of land by soil and water conservation districts, and eliminating certain reporting requirements.

**H.S.B. 236 Agriculture**

Providing for evidence of financial responsibility filed by commercial pesticide applicators.

**H.S.B. 237 Judiciary**

Relating to the assessment of a correctional fee by a county or municipality.

**H.S.B. 238 Judiciary**

Relating to payment of restitution to the state or a political subdivision of the state in certain criminal offenses.

**H.S.B. 239 Human Resources**

Relating to the regulation of adult day services, providing for appropriations and penalties, and providing a contingent effective date.

**COMMITTEE RECOMMENDATIONS**

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

MARGARET A. THOMSON  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill** (Formerly [House File 255](#)), relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the water quality protection fund, and appropriating moneys in the account.

Fiscal Note is required.

Recommended **Do Pass** March 3, 2003.

**COMMITTEE ON COMMERCE REGULATION AND LABOR**

**Committee Bill** (Formerly [House Study Bill 31](#)), relating to the definition and authorized activities of a licensed real estate broker and making criminal penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2003.

**Committee Bill** (Formerly [House Study Bill 213](#)), relating to dealership agreements, and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2003.

**Committee Bill** (Formerly [House Study Bill 214](#)), relating to contract choice-of-law provisions referring to the uniform computer information transactions Act, and relating matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2003.

#### COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly [House Study Bill 180](#)), relating to animal biotechnology by creating an animal biotechnology commercialization fund, extending the time period during which a life science enterprise may purchase agricultural land, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2003.

#### COMMITTEE ON EDUCATION

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-1034](#) March 3, 2003.

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly [House File 190](#)), relating to mandatory universal newborn and infant hearing screening.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2003.

#### COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly [House File 151](#)), creating an exception to the statutory rule against perpetuities and making related changes.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2003.

COMMITTEE ON TRANSPORTATION

**Senate File 97**, a bill for an act relating to highway, aviation, motor vehicle transportation and public transit, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar revolving loan fund, applications for certificates of title by motor vehicle dealers, fees charged for driver's licenses and nonoperator's identification cards and making an appropriation, security interests in motor vehicles, charges financed in a motor vehicle retail installment transaction, confidentiality of motor vehicle accident reports, requirements for motor carrier safety rules, exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations, load limits for vehicles transporting construction machinery, urban public transit funding, and tariffs charged by motor carriers of household goods, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2003.

Pursuant to Rule 31.7, **Senate File 97** was referred to the committee on ways and means.

AMENDMENTS FILED

<u>H-1034</u>	<u>S.F. 172</u>	Committee on Education
<u>H-1035</u>	<u>H.F. 342</u>	Connors of Polk
		Drake of Pottawattamie
		Jones of Mills
		Lykam of Scott

On motion by Gipp of Winneshiek the House adjourned at 1:40 p.m., until 8:45 a.m., Wednesday, March 5, 2003.