

PROOF

STATE OF IOWA

House Journal

THURSDAY, MARCH 13, 2003

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JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 13, 2003

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

Prayer was offered by Reverend David Woolsey, pastor of St. Thomas Lutheran Church, Panora. He was the guest of Representative Baudler of Adair County.

The Journal of Wednesday, March 12, 2003 was approved.

INTRODUCTION OF BILLS

[House File 534](#), by committee on state government, a bill for an act providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, making appropriations, and providing an effective date.

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

[House File 535](#), by Dandekar, a bill for an act relating to the definition of small hydro facilities for purposes of public utility regulation.

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

[House File 536](#), by Foege, a bill for an act establishing an independent living transition services program in the department of human services for older children and young adults who have been subject to court-ordered out-of-home placement.

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

[House File 537](#), by Miller, a bill for an act relating to the establishment of all-terrain vehicle recreational riding areas and appropriating fees.

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

[House File 538](#), by Wise, Huser, Quirk, and Mertz, a bill for an act limiting the investment in banks by credit unions, and making related changes.

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

[House File 539](#), by Foege, a bill for an act to increase the tax imposed on cigarettes and tobacco products.

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

[House File 540](#), by Petersen, a bill for an act relating to the establishment of pilot projects for individual and group health insurance.

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

[House File 541](#), by committee on human resources, a bill for an act relating to the fee and use of fee for a certificate of birth.

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

[House File 542](#), by committee on public safety, a bill for an act relating to the training of an individual who intends to become certified as a law enforcement officer.

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

[House File 543](#), by committee on commerce, regulation and labor, a bill for an act relating to the provision of certain information for insureds regarding external review of health care coverage decisions.

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

[House File 544](#), by committee on economic growth, a bill for an act relating to endow Iowa seed grants and endow Iowa tax credits and including effective and retroactive applicability dates.

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

[House File 545](#), by committee on commerce, regulation and labor, a bill for an act relating to the requirements for newspapers designated for official publication purposes.

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

[House File 546](#), by committee on economic growth, a bill for an act creating a sales tax exemption for certain equipment sold for use in a warehouse or distribution center.

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

[House File 547](#), by committee on agriculture, a bill for an act providing for evidence of financial responsibility filed by commercial pesticide applicators.

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

[House File 548](#), by committee on public safety, a bill for an act relating to tribal law enforcement officer training at the Iowa law enforcement academy.

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

[House File 549](#), by committee on education, a bill for an act relating to the duties and operations of the department of education and school boards.

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

[House File 550](#), by committee on local government, a bill for an act relating to proof of motor vehicle financial responsibility, and providing effective and applicability dates.

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

[House File 551](#), by committee on public safety, a bill for an act providing for a fee for transporting an inmate for medical or dental care.

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

[House File 552](#), by committee on public safety, a bill for an act prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting contraband and providing for penalties.

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

[House File 553](#), by committee on local government, a bill for an act relating to the procedure for reducing the number of members of a city council from five to three in certain cities and providing an effective date.

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

ADOPTION OF [SENATE CONCURRENT RESOLUTION 1](#)

Hansen of Pottawattamie called up for consideration [Senate Concurrent Resolution 1](#), a concurrent resolution relating to the federal Medicare program and requesting assistance from the federal government, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate Concurrent Resolution 1](#) be immediately messaged to the Senate.

ADOPTION OF [HOUSE RESOLUTION 29](#)

Gipp of Winneshiek asked and received unanimous consent for the

immediate consideration of [House Resolution 29](#), a resolution urging the Commissioner of Insurance to solicit slaveholder insurance policy records from the archives of Iowa-licensed insurance companies. Ford of Polk moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

In celebration of “March Women's History Month”, the Iowa Commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa sponsored a “Write Women Back Into History” essay contest. Maddox of Polk and Mascher of Johnson presented the following winners of the contest:

Sixth and Seventh Grade Category

First Place — Brittini Strouth, Sibley-Ocheyedan Middle School.
Second Place — Kathryn M. Skilton, Nashua-Plainfield Middle School.
Third Place — Rachel Nilles, LeMars Community Middle School.

Eighth and Ninth Grade Category

First Place — Caitlin Oponski, Indianola Middle School.
Second Place — Amy Williams, Indianola Middle School.
Third Place — Amy Xu, Fort Dodge Senior High School.

Best Essays on Women in Science and Engineering Six and Seventh Grade Category

First Place — David Maffett, Parkview Middle School, Ankeny.
Second Place — Dianna Krejsa, Indianola Middle School.

Eighth and Ninth Grade Category

First Place — Desmond Strooh, Central Academy, Des Moines.
Second Place — Tabby Pauly, Wilson Junior High School, Council Bluffs.

Edith Rose Murphy Sackett Award for the
Best Essay on a Woman Volunteer

Caitlin Hillyard, Central Academy, Des Moines.
April Sauls, Central Academy, Des Moines.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 2003, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 9](#), a concurrent resolution designating March 2003 as Iowa Women's History Month.

MICHAEL E. MARSHALL, Secretary

[HOUSE FILE 469](#) REREFERRED

The Speaker announced that [House File 469](#), previously referred to committee on **state government** was rereferred to committee on **government oversight**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 12, 2003, he approved and transmitted to the Secretary of State the following bills:

[House File 215](#), an Act eliminating certain public disclosure requirements by state banks.

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

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2003\744 Brittni Strouth, Sibley-Ocheyedan Middle School – For receiving 1st place in the 6-7th grade category in the "Write Women Back Into History" Essay Contest.
- 2003\745 Jerry and JoAnn Sell, Ames – For celebrating their 50th wedding anniversary.
- 2003\746 Vendola Petra, Ames – For celebrating her 82nd birthday.
- 2003\747 Helen Elliott, Ames – For celebrating her 80th birthday.
- 2003\748 Verna Webber, Ames – For celebrating her 100th birthday.
- 2003\749 George and Delores Leonard, Holstein – For celebrating their 50th wedding anniversary.
- 2003\750 Corrine Schmidt, Holstein – For celebrating her 90th birthday.
- 2003\751 Lila and Gene Champion, Denison – For celebrating their 50th wedding anniversary.
- 2003\752 LaVerne Slechta, Denison – For celebrating her 90th birthday.
- 2003\753 Orville and Marie Riessen, Charter Oak – For celebrating their 60th wedding anniversary.
- 2003\754 Josh Gorezynski, LeMars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\755 Jason Letsche, Remsen – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\756 Bobby Roe, Washington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\757 Mike Tweeton, Washignton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\758 Tony Calldwell, Washington – For attaining the rank of Eagle Scout, the highest award in the Boy Scouts of America.
- 2003\759 LuVerne Vogt, Davenport – For celebrating her 90th birthday.
- 2003\760 Ruth Viola Mantz, Ogden – For celebrating her 87th birthday.
- 2003\761 Ross Bergloff Hammarstedt, Ogden – For celebrating his 92nd birthday.
- 2003\762 Neva McCoy, Boone – For celebrating her 90th birthday.
- 2003\763 Lois Fern Doran, Boone – For celebrating her 91st birthday.

- 2003\764 Bertha Elizabeth Schmidt, Boone – For celebrating her 83rd birthday.
- 2003\765 Harold Robert Farley, Boone – For celebrating his 81st birthday.
- 2003\766 Lucille Sterner, Boone – For celebrating her 80th birthday.
- 2003\767 Gwendolyn Luella Daffy, Boone – For celebrating her 92nd birthday.
- 2003\768 Anthony Grasso, Boone – For celebrating his 84th birthday.
- 2003\769 Pearl McCambridge, Boone – For celebrating her 88th birthday.

SUBCOMMITTEE ASSIGNMENT

[Senate File 102](#)

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

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 288](#)

Human Resources: Boddicker, Chair; Heaton and Smith.

[House Study Bill 289](#)

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

[House Study Bill 290](#)

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

[House Study Bill 291](#)

Human Resources: Granzow, Chair; Boddicker and Smith.

[House Study Bill 292](#)

Human Resources: Carroll, Chair; Heaton and Smith.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 294 Agriculture

Relating to the regulation of motor vehicle fuel, providing for penalties, providing for a compliance fund, and providing for an appropriation.

H.S.B. 295 Economic Growth

Allocating moneys in the community attraction and tourism fund to the Iowa Lewis and Clark bicentennial fund and providing an effective date.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

[Senate Concurrent Resolution 2](#), a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eightieth general assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment [H-1051](#)** March 13, 2003.

Committee Bill (Formerly [House Study Bill 240](#)), relating to legislative branch consolidation of functions by combining the legislative service bureau, legislative fiscal bureau, and legislative computer support bureau into a single central legislative staff agency, providing for legislative publications procedures, modifying the sales tax exemption for items sold or services provided by the new agency, including related matters, and providing an effective date.

Fiscal Note is not required.

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

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly [House File 192](#)), prohibiting a cancellation penalty upon cancellation of a purchase agreement for cemetery merchandise, funeral merchandise, and funeral services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

Committee Bill (Formerly [House File 444](#)), relating to notice of rate increases for health insurance coverage and short-term renewability of coverage.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 196](#)), relating to insurance, including various filing and information privacy requirements throughout the insurance code, calculation of assessments by the Iowa individual health benefit reinsurance association, payment of certain insurance fees, certain self-funded insurance plans by school corporations or political subdivisions, designation of the commissioner of insurance as process agent for various entities conducting insurance business in this state, notification provisions relating to the effective date of cancellation of insurance, beneficial stock ownership filings, funding agreements, creating an insurable interest in active or retired employee lives for the benefit of an employer, providing for an interstate insurance product regulation compact, and providing for retroactive applicability and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 266](#)), relating to cemeteries and cemetery regulation; establishing requirements for interment rights agreements, reporting, and permits; establishing and appropriating fees; and providing administration and enforcement procedures and penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 276](#)), relating to property insurance, including establishment of a mandatory plan to assure fair access to insurance requirements, and providing for an effective date and retroactive applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 293](#)), providing an annual fee for credit unions that acquire banks.

Fiscal Note is not required.

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

COMMITTEE ON EDUCATION

Committee Bill (Formerly [House File 262](#)), relating to property tax relief and school infrastructure purposes by increasing the state sales and use taxes and distributing certain state sales and use tax revenues to school districts for property tax relief or school infrastructure purposes if approved by a vote of the electorate, providing a penalty, and including an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

Committee Bill (Formerly [House File 335](#)), relating to state and local funding for the costs of providing educational services to children residing in psychiatric medical institutions for children and mental health institutes operated by the state, and providing effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 274](#)), providing for a waiver of deadline requirements relating to whole-grade sharing agreements in specified school districts, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 275](#)), relating to designation by a county of a property of historical significance, placing a moratorium on activities that imperil the property, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly [House File 83](#)), relating to the number of controlled burns of demolished buildings conducted by certain cities.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

Committee Bill (Formerly [House File 251](#)), relating to solid waste commissioners and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly [House File 140](#)), relating to maintaining a magistrate court in a city other than the county seat.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

Committee Bill (Formerly [House File 416](#)), providing for exceptions to municipal tort liability for river rafting, canoeing, and kayaking.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

Committee Bill (Formerly [House File 427](#)), relating to product liability actions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

Committee Bill (Formerly [House File 475](#)), relating to the award of damages in an action alleging medical malpractice.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 26](#)), eliminating the limitation on the reduction in damages awarded to plaintiffs who fail to wear a safety belt or safety harness.

Fiscal Note is required.

Recommended **Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 27](#)), relating to recovery of prejudgment interest in relation to an offer to confess judgment.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 74](#)), making changes to the procedures related to reorganizing judicial districts and judicial election districts.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 78](#)), relating to the clerk of the district court by changing the method of appointment and removal, by permitting a clerk to serve in more than one county, and by eliminating certain residency requirements.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 132](#)), relating to nonprofit corporations and providing penalties and effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 157](#)), relating to the judicial branch by changing procedures for nominating a judge or magistrate, by prohibiting members of a judicial nominating commission from voting on certain nominees, and by apportioning judgeships among the judicial election districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 177](#)), relating to criminal sentencing by permitting a conditional discharge, reclassifying certain felonies, and reopening a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

Committee Bill (Formerly [House Study Bill 237](#)), relating to the assessment of a correctional fee by a county or municipality.

Fiscal Note is required.

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

Committee Bill (Formerly [House Study Bill 261](#)), to legalize the proceedings of the City Council of the City of Urbandale relating to the approval of a partial exemption from property taxation of actual value added to industrial real estate, and providing for effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2003.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly [House Study Bill 245](#)), relating to tobacco retailers and providing penalties and providing an effective date.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 246](#)), relating to the statutory responsibilities of the department of public defense, emergency management division,

by modifying the responsibilities of the emergency management division regarding urban search and rescue, incident command system training, and enhanced 911 service administration, and modifying enhanced 911 surcharges.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 273](#)), relating to ephedrine, and making pseudoephedrine a controlled substance, and making penalties applicable.

Fiscal Note is not required.

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

COMMITTEE ON STATE GOVERNMENT

[House File 169](#), a bill for an act relating to the establishment of a bona fide retirement under the Iowa public employees' retirement system.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

[House File 402](#), a bill for an act providing for the restoration of the right to vote for certain persons who have made full restitution and who have been discharged from probation, parole, or work release, or who have been released from confinement.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2003.

[House File 496](#), a bill for an act relating to the regulation of pharmacy benefit managers and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment [H-1053](#)** March 13, 2003.

Pursuant to Rule 31.7, [House File 496](#) was referred to the committee on appropriations.

Committee Bill (Formerly [House Study Bill 131](#)), requiring state and local government official reports to include certain financial information.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2003.

Committee Bill (Formerly [House Study Bill 242](#)), relating to the consolidation of the management of state archives and records and making conforming changes.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2003.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly [House File 23](#)), relating to registration with the United States selective service system by application for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2003.

RESOLUTION FILED

SCR 9, by Ragan and Kramer, a concurrent resolution designating March 2003 as Iowa Women's History Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1051	S.C.R.	2	Committee on Administration and Rules
H-1052	H.F.	453	Jenkins of Black Hawk
H-1053	H.F.	496	Committee on State Government

On motion by Gipp of Winneshiek the House adjourned at 9:08 a.m., until 8:45 a.m., Friday, March 14, 2003.