

PROOF

STATE OF IOWA

House Journal

MONDAY, MARCH 17, 2003

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JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 17, 2003

The House met pursuant to adjournment at 1:03 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend John Eilers, pastor of the First Christian Church of Woodbine. He was the guest of Representative Paul Wilderdyke of Harrison County.

The Journal of Friday, March 14, 2003 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Petersen of Polk, until her arrival, on request of Dandekar of Linn.

INTRODUCTION OF BILLS

House File 588, by Ford, a bill for an act relating to education and continuing education requirements for certification as a nurse aide.

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

House File 589, by committee on state government, a bill for an act providing that incident reports or violations by other licensees or permittees shall not be considered upon review of a local authority decision relating to specified liquor control, wine, or beer licenses or permits.

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

House File 590, by committee on state government, a bill for an act relating to the election of directors of local school districts, area education agencies, and merged areas, and including an effective date, applicability, and transition provision.

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

House File 591, by committee on economic growth, a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date.

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

House File 592, by committee on economic growth, a bill for an act relating to economic development-related issues of the universities under the control of the state board of regents by amending the composition of the Iowa economic development board and the Iowa workforce development board, changing the university-based research and economic development Act to address commercialization of research, and creating an Iowa commercialization advisory council.

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

House File 593, by committee on state government, a bill for an act 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.

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

[House File 594](#), by committee on state government, a bill for an act relating to the registration of electrical and mechanical amusement devices and the registration of manufacturers and distributors thereof, making penalties applicable, and providing an effective date.

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

[House File 595](#), by committee on local government, a bill for an act relating to land use, by limiting condemnation of century farms, by modifying procedures pertaining to certain voluntary annexations and to involuntary annexations and providing an effective date.

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

[House File 596](#), by committee on human resources, a bill for an act relating to the regulation of adult day services, and providing for appropriations and penalties.

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

[House File 597](#), by committee on local government, a bill for an act relating to conflicts of interest in public contracts.

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

[House File 598](#), by committee on judiciary, a bill for an act 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.

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

[House File 599](#), by committee on commerce, regulation and labor, a bill for an act 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.

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

House File 600, by committee on agriculture, a bill for an act regulating organic agricultural products, providing for fees and penalties, and providing an effective date.

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

House File 601, by committee on state government, a bill for an act relating to campaign finance, including political party committees, campaign disclosure reports, independent expenditures, and income tax checkoff provisions.

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

House File 602, by committee on state government, a bill for an act providing for the establishment of a continuous quality improvement program relating to licensed pharmacy operations.

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

House File 603, by committee on state government, a bill for an act providing an exception to licensing requirements for certain bingo occasions conducted by nonprofit organizations.

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

House File 604, by committee on state government, a bill for an act requiring state government annual reports made to the general assembly to include certain financial information.

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

House File 605, by committee on state government, a bill for an act to establish an interior design examining board, to provide for the registration of interior designers in order to use the title of registered interior designer, and to provide fees and penalties.

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

House File 606, by committee on state government, a bill for an act providing for transfer of the professional licensing and regulation

division of the department of commerce to the secretary of state's office.

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

House File 607, by committee on judiciary, a bill for an act relating to nonprofit corporations and providing penalties and effective and applicability dates.

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

The House stood at ease at 1:07 p.m., until the fall of the gavel.

The House resumed session at 1:12 p.m., Speaker Rants in the chair.

The House stood at ease at 1:18 p.m., until the fall of the gavel.

The House resumed session at 2:58 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Engelenhoven of Marion, until his return, on request of Gipp of Winneshiek; T. Taylor of Linn for the remainder of the week, on request of Quirk of Chickasaw.

CONSIDERATION OF BILLS

Regular Calendar

House File 339, 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, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 339](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	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	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, T. Van Engelenhoven

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

[House File 343](#), a bill for an act relating to enforcement of motor vehicle law provisions and making penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 343](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	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.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, T. Van Engelenhoven

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

[House File 349](#), a bill for an act relating to the representation of indigent persons and indigent defense claims, was taken up for consideration.

Kramer of Polk offered the following amendment [H-1037](#) filed by him and moved its adoption:

H-1037

- 1 Amend [House File 349](#) as follows:
- 2 1. Page 1, line 19, by striking the word
- 3 "appropriations" and inserting the following:
- 4 "allocations".
- 5 2. Page 2, line 10, by striking the figure
- 6 "815.5," and inserting the following: "~~815.5~~".

Amendment [H-1037](#) was adopted.

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

On the question "Shall the bill pass?" ([H.F. 349](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	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	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, T. Van Engelenhoven

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 339, 343 and 349.**

House File 380, a bill for an act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (**H.F. 380**)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	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	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.

Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, T. Van Engelenhoven

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 73](#), a bill for an act relating to the reporting requirements under the Iowa industrial new jobs training Act.

Also: that the Senate has on March 17, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[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.

Also: that the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 119](#), a bill for an act relating to real estate appraiser certification.

Also: that the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 235](#), a bill for an act relating to professional licensing boards by providing for the updating of continuing education and regulatory requirements to include specified licensing boards, authorizing specified licensing boards to obtain criminal history data relating to applicants for licensure and licensees, and authorizing the collection of fees for related costs.

MICHAEL E. MARSHALL, Secretary

[House File 453](#), a bill for an act 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, was taken up for consideration.

Jenkins of Black Hawk offered amendment [H-1042](#) filed by the committee on appropriations as follows:

H-1042

- 1 Amend [House File 453](#) as follows:
- 2 1. Page 1, by inserting after line 4 the
- 3 following:
- 4 "Sec. __. Section 12E.12, subsection 1, paragraph
- 5 b, subparagraph (1), Code 2003, is amended to read as
- 6 follows:
- 7 (1) The tax-exempt bond proceeds restricted
- 8 capital funds account. The net proceeds of tax-exempt
- 9 bonds issued to provide funds for capital projects,
- 10 certain debt service, and attorney fees related to the
- 11 master settlement agreement which the state treasurer
- 12 is authorized and directed to deposit on behalf of the
- 13 state shall be deposited in the account and shall be
- 14 used to fund capital projects, certain debt service,
- 15 and the payment of attorney fees related to the master
- 16 settlement agreement. The funding of capital projects
- 17 may take the form of grants. With respect to capital
- 18 projects, it is the intent of the general assembly to
- 19 fund capital projects that qualify as vertical
- 20 infrastructure projects as defined in section 8.57,
- 21 subsection 5, paragraph "c", to the extent practicable
- 22 in any fiscal year and without limiting other
- 23 qualifying capital expenditures considered and
- 24 approved by a constitutional majority of each house of
- 25 the general assembly and the governor."
- 26 2. Page 2, by striking lines 17 through 19 and
- 27 inserting the following: "over a period of more than
- 28 one year."
- 29 3. By striking page 2, line 27, through page 3,
- 30 line 25, and inserting the following:

31 "Sec. ____ TAX-EXEMPT BOND PROCEEDS RESTRICTED
 32 CAPITAL FUNDS ACCOUNT OF THE TOBACCO SETTLEMENT TRUST
 33 FUND – APPROPRIATION.

34 1. There is appropriated from the tax-exempt bond
 35 proceeds restricted capital funds account of the
 36 tobacco settlement trust fund established in section
 37 12E.12 to the department of economic development for
 38 the fiscal period beginning July 1, 2002, and ending
 39 June 30, 2005, the following amounts, or so much
 40 thereof as is necessary, to be used for the purposes
 41 designated:

42 a. For deposit in the animal biotechnology
 43 commercialization fund created in section 15E.221 to
 44 be used for purposes of projects described in section
 45 15E.221, subsection 1, paragraph "b":

46 FY 2002-2003	\$ 5,000,000
47 FY 2003-2004	\$ 5,000,000
48 FY 2004-2005	\$ 0

49 b. For deposit in the animal biotechnology
 50 commercialization fund created in section 15E.221 to

Page 2

1 be used for purposes of projects described in section
 2 15E.221, subsection 1, paragraph "c":

3 FY 2002-2003	\$ 0
4 FY 2003-2004	\$ 0
5 FY 2004-2005	\$ 10,000,000

6 2. Any financial assistance awarded from the
 7 animal biotechnology commercialization fund using
 8 moneys from the appropriations made under this section
 9 shall be in the form of grants.

10 3. Any moneys remaining in the fund from the
 11 appropriations under this section that are unexpended
 12 or unobligated on June 30, 2006, shall revert to the
 13 tax-exempt bond proceeds restricted capital funds
 14 account of the tobacco settlement trust fund on June
 15 30, 2006.

16 Sec. ____ REBUILD IOWA INFRASTRUCTURE FUND –
 17 APPROPRIATION.

18 1. There is appropriated from the rebuild Iowa
 19 infrastructure fund created in section 8.57,
 20 subsection 5, paragraph "a", to the department of
 21 economic development for the fiscal period beginning
 22 July 1, 2003, and ending June 30, 2005, the following
 23 amounts, or so much thereof as is necessary, to be
 24 used for the purposes designated:

25 a. For deposit in the animal biotechnology
 26 commercialization fund created in section 15E.221 to
 27 be used for purposes of projects described in section
 28 15E.221, subsection 1, paragraph "a":

29 FY 2003-2004	\$ 0
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30 FY 2004-2005 \$ 5,000,000
 31 b. For deposit in the animal biotechnology
 32 commercialization fund created in section 15E.221 to
 33 be used for purposes of projects described in section
 34 15E.221, subsection 1, paragraph "b":
 35 FY 2003-2004 \$ 5,000,000
 36 FY 2004-2005 \$ 0
 37 2. Any financial assistance awarded from the
 38 animal biotechnology commercialization fund using
 39 moneys from the appropriations made under this section
 40 shall be in the form of loans, forgivable loans, loan
 41 guarantees, principal buy-downs, interest buy-downs,
 42 equity-like investments, or cost reimbursement for
 43 technical or professional management services. For
 44 purposes of this subsection, "equity-like investments"
 45 means the provision of assistance in such a manner
 46 that the potential return on investment to the
 47 provider varies according to the profitability of the
 48 company assisted. "Equity-like investments" includes
 49 royalty arrangements, warrant arrangements, or other
 50 similar forms of investments. Repayments of principal

Page 3

1 and interest on loans made from the animal
 2 biotechnology commercialization fund shall be
 3 deposited in the rebuild Iowa infrastructure fund.
 4 3. Any moneys remaining in the animal
 5 biotechnology commercialization fund from the
 6 appropriations under this section that are unexpended
 7 or unobligated on June 30, 2006, shall revert to the
 8 rebuild Iowa infrastructure fund on June 30, 2006."
 9 4. By renumbering as necessary.

Fallon of Polk offered amendment [H-1063](#), to the committee amendment [H-1042](#), filed by him from the floor and requested division as follows:

H-1063

1 Amend the amendment, H-1042, to [House File 453](#) as
 2 follows:

[H-1063A](#)

3 1. Page 1, by inserting before line 2 the
 4 following:
 5 "___ Page 1, by striking lines 1 through 4."

[H-1063B](#)

6 2. By striking page 1, line 26, through page 3,
7 line 8, and inserting the following:
8 "___ By striking page 1, line 5, through page 4,
9 line 4, and inserting the following:
10 "Sec. ___. APPROPRIATIONS.
11 1. There is appropriated from the tax-exempt bond
12 proceeds restricted capital funds account of the
13 tobacco settlement trust fund established in section
14 12E.12 to the treasurer of state for the fiscal year
15 beginning July 1, 2003, and ending June 30, 2004, the
16 following amount, or so much as is necessary, to be
17 used for the purpose designated:
18 For deposit in the school infrastructure fund
19 created in section 12.82 for purposes of providing
20 financial assistance under the school infrastructure
21 program established in section 292.2:
22 \$ 23,000,000
23 2. There is appropriated from the rebuild Iowa
24 infrastructure fund created in section 8.57,
25 subsection 5, paragraph "a", to the treasurer of state
26 for the fiscal year beginning July 1, 2003, and ending
27 June 30, 2004, the following amount, or so much as is
28 necessary, to be used for the purpose designated:
29 For deposit in the school infrastructure fund
30 created in section 12.82 for purposes of providing
31 financial assistance under the school infrastructure
32 program established in section 292.2:
33 \$ 10,000,000"
34 3. By renumbering as necessary.

Fallon of Polk asked and received unanimous consent to withdraw amendment [H-1063A](#), to the committee amendment [H-1042](#).

Fallon of Polk asked and received unanimous consent that amendment [H-1062](#), to the committee amendment [H-1042](#), be deferred.

On motion by Fallon of Polk amendment [H-1063B](#) lost.

Lensing of Johnson offered the following amendment [H-1055](#), to the committee amendment [H-1042](#), filed by Lensing, Murphy of Dubuque and Kuhn of Floyd, from the floor, and moved its adoption:

H-1055

1 Amend the amendment, H-1042, to [House File 453](#) as

2 follows:
3 1. Page 1, line 28, by inserting after the word
4 "year." the following: "A financial assistance award
5 shall not be granted unless the applicant submits a
6 business plan as part of the application for financial
7 assistance and the department approves the plan."

Amendment [H-1055](#) lost.

Hogg of Linn offered the following amendment [H-1061](#), to the committee amendment [H-1042](#), filed by him from the floor and moved its adoption:

H-1061

1 Amend the amendment, H-1042, to [House File 453](#) as
2 follows:
3 1. Page 1, line 28, by inserting after the word
4 "year." the following: "The department, in entering
5 into an agreement for a financial assistance award,
6 shall consider, as possible terms to the agreement,
7 obtaining a commitment from the business to retain all
8 business operations in the state of Iowa during the
9 ten years subsequent to receiving the financial
10 assistance and obtaining a commitment to create two
11 hundred new jobs during the two years after moneys
12 have been received."
13 2. Page 3, by striking line 4 and inserting the
14 following:
15 "3. A business receiving moneys from the animal
16 biotechnology commercialization fund using moneys from
17 the appropriations made under this section shall be
18 subject to repayment of all or a portion of the moneys
19 received if the business fails to create two hundred
20 new jobs during the two years after moneys have been
21 received or the business closes any operations or
22 moves any operations out of the state of Iowa within
23 ten years of receiving the financial assistance. The
24 department and a business shall enter into an
25 agreement specifying the method for determining the
26 amount of moneys which will be repaid in the event of
27 any occurrence described in this subsection.
28 4. Any moneys remaining in the animal".
29 3. By renumbering as necessary.

Amendment [H-1061](#) lost.

Whitaker of Van Buren offered the following amendment [H-1058](#), to the committee amendment [H-1042](#), filed by him from the floor and moved its adoption:

H-1058

- 1 Amend the amendment, H-1042, to [House File 453](#) as
- 2 follows:
- 3 1. Page 2, line 42, by striking the words "equity-
- 4 like investments,".
- 5 2. Page 2, by striking lines 43 through 50 and
- 6 inserting the following: "technical or professional
- 7 management services. Repayment of principal".

Amendment [H-1058](#) lost.

Hogg of Linn offered the following amendment [H-1059](#), to the committee amendment [H-1042](#), filed by him from the floor and moved its adoption:

H-1059

- 1 Amend the amendment, H-1042, to [House File 453](#) as
- 2 follows:
- 3 1. Page 3, by inserting after line 3 the
- 4 following:
- 5 "___ On a date determined by the department, a
- 6 recipient of moneys from the animal biotechnology
- 7 commercialization fund under this section shall report
- 8 to the department the number of jobs created by the
- 9 recipient during the two years after moneys have been
- 10 received. The department shall calculate a jobs-
- 11 created product by multiplying the number of jobs
- 12 created times fifty thousand dollars. A recipient
- 13 shall refund to the department any amount equal to the
- 14 financial assistance award received by the recipient
- 15 under this section minus the jobs-created product
- 16 calculated by the department. A refund shall not
- 17 exceed the amount of money received from the state of
- 18 Iowa or the department since January 1, 2003."
- 19 2. By renumbering as necessary.

Amendment [H-1059](#) lost.

Winckler of Scott offered the following amendment [H-1056](#), to the committee amendment [H-1042](#), filed by Winckler, Kuhn of Floyd, and Lensing of Johnson from the floor and moved its adoption:

H-1056

1 Amend the amendment, H-1042, to [House File 453](#) as
2 follows:
3 1. Page 3, by striking line 4 and inserting the
4 following:
5 "3. a. A business receiving moneys from the
6 animal biotechnology commercialization fund using
7 moneys from the appropriations made under this section
8 shall be subject to repayment of all or a portion of
9 the moneys received if any of the following occur:
10 (1) The recipient fails to pay a median wage for
11 hourly, nonmanagement employees working at a new
12 project facility of at least fifteen dollars per hour.
13 (2) The recipient fails to provide at least eighty
14 percent of the cost of a standard medical and dental
15 insurance plan for all full-time employees working at
16 a new project facility.
17 (3) The recipient closes any of its project
18 facilities within the state prior to or after
19 receiving moneys or experiences a layoff within the
20 state prior to or after receiving the moneys.
21 b. The department and a business shall enter into
22 an agreement specifying the method for determining the
23 amount of moneys which will be repaid in the event of
24 any occurrence described in paragraph "a".
25 4. Any moneys remaining in the animal".

Amendment [H-1056](#) lost.

Hogg of Linn offered the following amendment [H-1060](#), to the committee amendment [H-1042](#), filed by him from the floor and moved its adoption:

H-1060

1 Amend the amendment, H-1042, to [House File 453](#) as
2 follows:
3 1. Page 3, by striking line 4 and inserting the
4 following:
5 "3. a. A corporate recipient of moneys from the
6 animal biotechnology commercialization fund using
7 moneys from the appropriations made under this section
8 shall report to the department the amount of total
9 compensation provided to each officer and director of
10 the corporation by January 31 of each year for the
11 previous calendar year. "Compensation" includes but
12 is not limited to wages, the fair market value of
13 benefits, and the fair market value of stock options.
14 A corporate recipient shall refund to the department

15 fifty cents for every dollar of compensation in excess
16 of two hundred fifty thousand dollars provided to an
17 officer or director. A refund shall not exceed the
18 amount of money received from the state of Iowa or the
19 department since January 1, 2003. A corporate
20 recipient shall make reports and refunds as provided
21 in this subsection for each calendar year through and
22 including calendar year 2007.
23 4. Any moneys remaining in the animal".

Amendment [H-1060](#) lost.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment [H-1052](#), to the committee amendment [H-1042](#), filed by him on March 13, 2003.

Fallon of Polk offered the following amendment [H-1062](#), previously deferred, to the committee amendment [H-1042](#), filed by him from the floor and moved its adoption:

H-1062

1 Amend the amendment, H-1042, to [House File 453](#) as
2 follows:
3 1. Page 1, by inserting after line 25 the
4 following:
5 "___ Page 2, by striking lines 2 through 14."
6 2. Page 1, line 28, by inserting after the word
7 "year." the following: "A business shall not receive
8 more than three million dollars from the fund during
9 the existence of the fund."
10 3. By renumbering as necessary.

Amendment [H-1062](#) lost.

On motion by Hoffman of Crawford the committee amendment [H-1042](#) was adopted.

Kuhn of Floyd offered the following amendment [H-1046](#) filed by Thomas of Clayton and Hoffman of Crawford and moved its adoption:

H-1046

1 Amend [House File 453](#) as follows:
2 1. Page 2, by inserting after line 1 the
3 following:
4 "2A. Any financial assistance received from the
5 fund shall not be used for purposes of purchasing

- 6 agricultural land."
7 2. By renumbering as necessary.

Amendment [H-1046](#) was adopted.

Boal of Polk in the chair at 4:54 p.m.

Speaker Rants in the chair at 5:03 p.m.

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

On the question "Shall the bill pass?" ([H.F. 453](#))

The ayes were, 83:

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

The nays were, 15:

Connors	De Boef	Fallon	Foega
Greimann	Hogg	Hunter	Huser
Lensing	McCarthy	Shoultz	Swaim
Taylor, D.	Whitaker	Winckler	

Absent or not voting, 2:

Taylor, T. Van Engelenhoven

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 311](#), a bill for an act modifying the duties of county recorders.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 3](#), a bill for an act relating to the inclusion of certain information in a termination of pregnancy report.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 173](#), a bill for an act authorizing school districts to deduct and pay fees for membership in not-for-profit professional education associations.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 203](#), a bill for an act relating to the installation of certain aboveground petroleum storage tanks.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 221](#), a bill for an act relating to the criminal offense of sexual exploitation of a minor.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 224](#), a bill for an act relating to appeals filed in child in need of assistance and termination of parental rights proceedings.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 230](#), 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.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 236](#), a bill for an act relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date.

Also: That the Senate has on March 17, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 272](#), a bill for an act relating to conflicts of interest in public contracts.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 380 and 453.**

[House File 386](#), a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 386](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	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	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, T. Van Engelenhoven

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

House File 392, a bill for an act relating to economic growth strategic planning, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 392](#))

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
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	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 1:

Fallon

Absent or not voting, 2:

Taylor, T. Van Engelenhoven

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

IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 386 and 392.**

[House File 390](#), a bill for an act relating to economic development programs for targeted small businesses, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 390](#))

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege

Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	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.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Kuhn Taylor, T. Van Engelenhoven Whitead

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

House File 389, a bill for an act for miscellaneous technical and substantive changes relating to controlled and precursor substances, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 389](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill

Gipp	Granzow	Greimann	Greiner
Hahn	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	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Taylor, T. Van Engelenhoven

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 389 and 390.**

[HOUSE FILE 213](#) REREFERRED

The Speaker announced that [House File 213](#), previously referred to committee on **appropriations** was placed on the **calendar**.

[HOUSE FILE 502](#) REFERRED

The Speaker announced that [House File 502](#), presently placed on the **calendar** was referred to committee on **commerce, regulation and labor**.

HOUSE FILE 576 REREFERRED

The Speaker announced that **House File 576**, previously referred to committee on **ways and means** was placed on the **calendar**.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2003\770 Annemarie Scheiding, Marshalltown – For celebrating her 84th birthday.
- 2003\771 Ruth and Jim Clancy, Dubuque – For celebrating their 50th wedding anniversary.
- 2003\772 Jan and Jim Stierman, Dubuque – For celebrating their 50th wedding anniversary.
- 2003\773 Carol and Ron Brayton, Dubuque – For celebrating their 50th wedding anniversary.
- 2003\774 Max and Janet Sylvester, Webster City – For celebrating their 50th wedding anniversary.
- 2003\775 Don and Darlene Best, Webster City – For celebrating their 50th wedding anniversary.
- 2003\776 Helen Vrbsky, Farragut – For celebrating her 90th birthday.
- 2003\777 Evert and Cornie Van Westen, George – For celebrating their 63rd wedding anniversary.
- 2003\778 Deb Remmerde, Rock Valley – For being chosen as the Class 1-A Girls' All State Basketball Team for her third title and also for the state scoring record of 2,756 points.
- 2003\779 Coach Preston Kooima and the Rock Valley Rockets, Rock Valley – For their third consecutive 1-A Girls' Basketball State Tournament win.
- 2003\780 Erica Schlotfeldt, Rock Valley – For being selected for the All-State Girls' Basketball Second Team.
- 2003\781 Kristen Klaassen, Rock Valley – For being selected for the All-State Girls' Basketball Third Team.

- 2003\782 Paul Braden, Winthrop – For celebrating his 80th birthday.
- 2003\783 Clair Reiling, Winthrop – For celebrating her 90th birthday.
- 2003\784 Leonard and Pauline Benton, Dallas Center – For celebrating their 55th wedding anniversary.
- 2003\785 Clarence Luke, Waukee – For celebrating his 96th birthday.
- 2003\786 Edith Slatten, Adel – For celebrating her 93rd birthday.
- 2003\787 Don Thompson, Waterloo – For celebrating his 80th birthday.
- 2003\788 Virgil and Marie Redding, Kellogg – For celebrating their 65th wedding anniversary.
- 2003\789 Lewis and Barb Hartgers, Newton – For celebrating their 50th wedding anniversary.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

[House File 22](#), a bill for an act relating to the awarding of joint physical care of a child.

Fiscal Note is not required.

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

Committee Bill (Formerly [House File 320](#)), relating to child abuse reporting by providing for a report to be made to a local law enforcement agency for an initial response.

Fiscal Note is not required.

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

[House File 457](#), a bill for an act expanding requirements for the transition of an individual from the child welfare services system to adulthood.

Fiscal Note is not required.

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

RESOLUTIONS FILED

[HR 30](#), by Heaton, a resolution requesting the transition planning group established by the Department of Human Services to complete deliberations and deliver a final report prior to adjournment of the Eightieth General Assembly, 2003 Regular Session.

Laid over under **Rule 25**.

[HR 31](#), by Alons, Mertz, Struyk, Huseman, Rayhons, Greimann, Wilderdyke, Jones, Greiner, Whitaker, Hutter, Lukan, Lalk, Roberts, De Boef, Schickel, Boggess, Miller, Gaskill, Heddens, Sands, Eichhorn, D. Hanson, D. Olson, Frevert, and Reasoner, a resolution honoring the Iowa State University of Science and Technology Extension for 100 years of service to Iowa.

Laid over under **Rule 25**.

[HR 32](#), by Winckler, a resolution requesting the government oversight committee to study nurse staffing levels and mandatory overtime practices involving nurses.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1054	H.F. 549	Winckler of Scott
H-1057	H.F. 533	Kurtenbach of Story
H-1064	H.F. 391	Wise of Lee
		Jenkins of Black Hawk
H-1065	H.F. 481	Mascher of Johnson
H-1066	H.F. 549	Mascher of Johnson
H-1067	H.F. 549	Mascher of Johnson
H-1068	H.F. 602	Greiner of Washington
H-1069	H.F. 557	Smith of Marshall
H-1070	H.F. 472	Upmeyer of Hancock
H-1071	H.F. 548	Horbach of Tama
H-1072	H.F. 472	Upmeyer of Hancock

On motion by Speaker Rants, the House adjourned at 5:55 p.m., until 8:45 a.m., Tuesday, March 18, 2003.