

PROOF

STATE OF IOWA

House Journal

THURSDAY, APRIL 24, 2003

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JOURNAL OF THE HOUSE

One Hundred Second Calendar Day - Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 24, 2003

The House met pursuant to adjournment at 8:47 a.m., Klemme of Plymouth in the chair.

Prayer was offered by seventh and eighth grade students from Ocheyedan Christian School. Reading from Scripture was Tricia Beltman and Mitchell Tiedeman and a prayer by Tessa Vande Hoef. They were the guests of Representative Royd Chambers of O'Brien County.

The Journal of Wednesday, April 23, 2003 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Ralph Klemme, state representative from Plymouth County.

The House stood at ease at 8:52 a.m., until the fall of the gavel.

The House resumed session at 1:03 p.m. and Horbach of Tama in the chair.

QUORUM CALL

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

[HOUSE FILE 157](#) WITHDRAWN

Lukan of Dubuque asked and received unanimous consent to withdraw [House File 157](#) from further consideration by the House.

[HOUSE FILE 598](#) WITHDRAWN

Maddox of Polk asked and received unanimous consent to withdraw [House File 598](#) from further consideration by the House.

The House stood at ease at 1:15 p.m., until the fall of the gavel.

The House resumed session at 2:59 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterhaus of Jackson on request of Mascher of Johnson.

CONSIDERATION OF BILLS
Ways and Means Calendar

[House File 677](#), a bill for an act relating to new capital investment for businesses and new jobs by creating a new capital investment program, creating tax incentives, and amending the new jobs and income program, was taken up for consideration.

Lukan of Dubuque offered the following amendment [H-1404](#) filed by him and moved its adoption:

H-1404

- 1 Amend [House File 677](#) as follows:
- 2 1. Page 1, line 27, by striking the words "five
- 3 hundred thousand", and inserting the following: "one
- 4 million".

Amendment [H-1404](#) was adopted.

Lukan of Dubuque offered the following amendment [H-1329](#) filed by him and moved its adoption:

H-1329

- 1 Amend [House File 677](#) as follows:
- 2 1. Page 6, line 30, by striking the word
- 3 "corporate".

Amendment [H-1329](#) was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment [H-1340](#) filed by her on April 15, 2003.

Lukan of Dubuque 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. 677](#))

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

The nays were, 1:

Fallon

Absent or not voting, 1:

Osterhaus

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

Roberts of Carroll in the chair at 3:10 p.m.

Unfinished Business Calendar

[Senate File 417](#), a bill for an act relating to the purchase of a police service dog by the department of corrections, with report of committee recommending passage, was taken up for consideration.

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?" ([S.F. 417](#))

The ayes were, 99:

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.	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Roberts, Presiding	

The nays were, none.

Absent or not voting, 1:

Osterhaus

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

SENATE AMENDMENT CONSIDERED

Upmeyer of Hancock called up for consideration [House File 454](#), a bill for an act relating to mandatory universal newborn and infant hearing screening, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1380](#):

H-1380

1 Amend [House File 454](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "DIVISION XV
6 UNIVERSAL NEWBORN AND INFANT HEARING SCREENING
7 Section 1. NEW SECTION. 135.131 UNIVERSAL
8 NEWBORN AND INFANT HEARING SCREENING.
9 1. For the purposes of this section, unless the
10 context otherwise requires:
11 a. "Birth center" means birth center as defined in
12 section 135.61.
13 b. "Birthing hospital" means a private or public
14 hospital licensed pursuant to chapter 135B that has a
15 licensed obstetric unit or is licensed to provide
16 obstetric services.
17 2. Beginning January 1, 2004, all newborns and
18 infants born in this state shall be screened for
19 hearing loss in accordance with this section. The
20 person required to perform the screening shall use at
21 least one of the following procedures:
22 a. Automated or diagnostic auditory brainstem
23 response.
24 b. Otoacoustic emissions.
25 c. Any other technology approved by the
26 department.
27 3. Beginning January 1, 2004, a birthing hospital
28 shall screen every newborn delivered in the hospital
29 for hearing loss prior to discharge of the newborn
30 from the birthing hospital. a birthing hospital that
31 transfers a newborn for acute care prior to completion
32 of the hearing screening shall notify the receiving
33 facility of the status of the hearing screening. The

34 receiving facility shall be responsible for completion
35 of the newborn hearing screening. The birthing
36 hospital or other facility completing the hearing
37 screening under this subsection shall report the
38 results of the screening to the parent or guardian of
39 the newborn and to the department in a manner
40 prescribed by rule of the department.

41 4. Beginning January 1, 2004, a birth center shall
42 refer the newborn to a licensed audiologist,
43 physician, or hospital for screening for hearing loss
44 prior to discharge of the newborn from the birth
45 center. The hearing screening shall be completed
46 within thirty days following discharge of the newborn.
47 The person completing the hearing screening shall
48 report the results of the screening to the parent or
49 guardian of the newborn and to the department in a
50 manner prescribed by rule of the department.

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1 5. Beginning January 1, 2004, if a newborn is
2 delivered in a location other than a birthing hospital
3 or a birth center, the physician or other health care
4 professional who undertakes the pediatric care of the
5 newborn or infant shall ensure that the hearing
6 screening is performed within three months of the date
7 of the newborn's or infant's birth. The physician or
8 other health care professional shall report the
9 results of the hearing screening to the parent or
10 guardian of the newborn or infant and to the
11 department in a manner prescribed by rule of the
12 department.

13 6. A birthing hospital, birth center, physician,
14 or other health care professional required to report
15 information under subsection 3, 4, or 5, shall report
16 all of the following information
17 to the department relating to a newborn's or
18 infant's hearing screening, as applicable:

19 a. The name, address, and telephone number, if
20 available, of the mother of the newborn or infant.

21 b. The primary care provider at the birthing
22 hospital or birth center for the newborn or infant.

23 c. The results of the hearing screening.

24 d. Any rescreenings and the diagnostic
25 audiological assessment procedures used.

26 7. The department may share information with
27 agencies and persons involved with newborn and infant
28 hearing screenings, follow-up, and intervention
29 services, including the local birth-to-three
30 coordinator or similar agency, the local area
31 education agency, and local health care providers.
32 The department shall adopt rules to protect the

33 confidentiality of the individuals involved.
34 8. An area education agency with which information
35 is shared pursuant to subsection 7 shall report all of
36 the following information to the department relating
37 to a newborn's or infant's hearing, follow-up, and
38 intervention services, as applicable:
39 a. The name, address, and telephone number, if
40 available, of the mother of the newborn or infant.
41 b. The results of the hearing screening and any
42 rescreenings, including the diagnostic audiological
43 assessment procedures used.
44 c. The nature of any follow-up or other
45 intervention services provided to the newborn or
46 infant.
47 9. This section shall not apply if the parent
48 objects to the screening. If a parent objects to the
49 screening, the birthing hospital, birth center,
50 physician, or other health care professional required

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1 to report information under subsection 3, 4, or 5 to
2 the department shall obtain a written refusal from the
3 parent, shall document the refusal in the newborn's or
4 infant's medical record, and shall report the refusal
5 to the department in the manner prescribed by rule of
6 the department.
7 10. A person who acts in good faith in complying
8 with this section shall not be civilly or criminally
9 liable for reporting the information required to be
10 reported by this section.
11 Sec. 2. NEW SECTION. 135B.18a UNIVERSAL NEWBORN
12 AND INFANT HEARING SCREENING.
13 Beginning January 1, 2004, a birthing hospital as
14 defined in section 135.131 shall comply with section
15 135.131 relating to universal newborn and infant
16 hearing screening."

The motion prevailed and the House concurred in the Senate amendment [H-1380](#).

Upmeyer of Hancock moved that the bill, as amended by the Senate and concurred in by the House, 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. 454](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boguess
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.	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Roberts, Presiding	

The nays were, none.

Absent or not voting, 1:

Osterhaus

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

Appropriations Calendar

[House File 685](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, was taken up for consideration.

Heaton of Henry offered amendment [H-1447](#) filed by him as follows:

H-1447

- 1 Amend [House File 685](#) as follows:
- 2 1. Page 3, by inserting after line 14 the
3 following: "Of the amount appropriated in this
4 subsection, \$100,000 shall be used to continue the
5 efforts of the Iowa chronic care consortium."
6 2. Page 4, by striking lines 8 through 12.
7 3. Page 4, line 24, by striking the figure
8 "10,000,000" and inserting the following:
9 "11,800,000".
10 4. Page 5, by inserting after line 7, the
11 following:
12 "(6) The department shall submit a report annually
13 by March 1, to the governor and the general assembly
14 delineating the success rates of the substance abuse
15 treatment programs that receive funding under this
16 paragraph "d"."
17 5. Page 5, line 11, by striking the figure
18 "2,000,000" and inserting the following "2,200,000".
19 6. Page 5, line 19, by striking the figure
20 "187,320" and inserting the following: "387,320".
21 7. Page 5, by striking lines 29 through 32.
22 8. Page 7, by inserting after line 19, the
23 following:
24 "Sec.____. RISK POOL APPROPRIATION – TRANSFER.
25 Notwithstanding 2002 Iowa Acts, chapter 1175, section
26 104, subsection 1, paragraph "b", as amended by 2003
27 Iowa Acts, [House File 667](#), section 41, if enacted,
28 moneys appropriated for the fiscal year beginning July
29 1, 2003, and ending June 30, 2004, for deposit in the
30 risk pool pursuant to that paragraph shall be
31 transferred to the medical assistance appropriation
32 for the same fiscal year.
33 Sec.____. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT –
34 TRANSFER. In addition to the amount transferred
35 pursuant to section 12E.12, subsection 1, paragraph
36 "b", subparagraph (2), subparagraph subdivision (b),
37 \$4,600,000 is transferred from the endowment for
38 Iowa's health account of the tobacco settlement trust
39 fund created in section 12E.12 to the healthy Iowans
40 tobacco trust created in section 12.65 for the fiscal
41 year beginning July 1, 2003, and ending June 30,
42 2004."
43 9. By renumbering as necessary.

Lensing of Johnson offered the following amendment [H-1449](#), to amendment [H-1447](#), filed by her from the floor and moved its adoption:

H-1449

- 1 Amend the amendment, H-1447, to [House File 685](#) as
 2 follows:
 3 1. Page 1, line 18, by striking the figure
 4 "2,200,000" and inserting the following: "2,336,960".
 5 2. Page 1, by inserting after line 20 the
 6 following:
 7 "___ Page 5, line 26, by striking the figure
 8 "141,810" and inserting the following: "288,770"."

Roll call was requested by Myers of Johnson and T. Taylor of Linn.

On the question "Shall amendment [H-1449](#) be adopted?" ([H.F. 685](#))

The ayes were, 46:

Bell	Berry	Bukta	Cohon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Petersen	Quirk	Reasoner
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Upmeyer	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Sands	Schickel
Tjepkes	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Roberts, Presiding

Absent or not voting, 2:

Hoffman	Osterhaus
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Amendment [H-1449](#) lost.

Miller of Webster offered amendment [H-1458](#), to amendment [H-1447](#), filed by Miller, Frevert of Palo Alto, Lykam of Scott, Winckler of Scott, Thomas of Clayton, Lensing of Johnson, Mascher of Johnson and Myers of Johnson from the floor as follows:

H-1458

- 1 Amend the amendment, H-1447, to [House File 685](#) as
- 2 follows:
- 3 1. Page 1, line 18, by striking the figure
- 4 "2,200,000" and inserting the following: "2,276,388".
- 5 2. Page 1, by striking line 21.

Amendment [H-1458](#) lost.

Lensing of Johnson offered the following amendment [H-1450](#), to amendment [H-1447](#), filed by Lensing, Mascher of Johnson and T. Taylor of Linn from the floor and moved its adoption:

H-1450

- 1 Amend the amendment, H-1447, to [House File 685](#) as
- 2 follows:
- 3 1. Page 1, by inserting after line 21 the
- 4 following:
- 5 "___". Page 6, line 18, by striking the figure
- 6 "250,000" and inserting the following: "178,000".
- 7 ___". Page 6, by inserting after line 20, the
- 8 following:
- 9 "f. Of the funds appropriated in this subsection,
- 10 \$72,000 is allocated to be used for educational or
- 11 treatment programs within the correctional
- 12 institutions.""
- 13 2. By renumbering as necessary.

Amendment [H-1450](#) lost.

Alons of Sioux offered the following amendment [H-1456](#), to amendment [H-1447](#), filed by Alons, Baudler of Adair, Horbach of Tama, Huser of Polk, Chambers of O'Brien, Lukan of Dubuque and Hanson of Benton from the floor and moved its adoption:

H-1456

- 1 Amend the amendment, H-1447, to [House File 685](#) as

- 2 follows:
3 1. Page 1, by inserting after line 21, the
4 following:
5 "___". Page 6, line 2, by striking the figure
6 "860,000" and inserting the following: "920,000".
7 ___". Page 6, line 18, by striking the figure
8 "250,000" and inserting the following: "310,000".
9 ___". Page 6, line 20, by inserting after the word
10 "program." the following: "A portion of the funds
11 allocated in this paragraph may be used to establish a
12 similar value-based treatment program at the Iowa
13 correctional institution for women at Mitchellville."
14 2. Page 1, line 37, by striking the figure
15 "4,600,000" and inserting the following: "4,660,000".
16 3. By renumbering as necessary.

Amendment [H-1456](#) was adopted, placing out of order amendment [H-1362](#) filed by Huser of Polk on April 17, 2003, and amendment [H-1452](#) filed by Lensing of Johnson, Mascher of Johnson and T. Taylor of Linn from the floor.

Smith of Marshall asked and received unanimous consent to withdraw amendment [H-1461](#), to amendment [H-1447](#), filed by him from the floor.

Ford of Polk offered the following amendment [H-1466](#), to amendment [H-1447](#), filed by him from the floor and moved its adoption:

H-1466

- 1 Amend the amendment, H-1447, to [House File 685](#) as
2 follows:
3 1. Page 1, line 18, by striking the figure
4 "2,200,000" and inserting the following: "2,500,388".
5 2. Page 1, by inserting after line 21, the
6 following:
7 "___". Page 5, line 34, by striking the figure
8 "76,388" and inserting the following: "300,388".
9 ___". Page 5, line 35, by inserting after the word
10 "program." the following: "Of the funds allocated in
11 this subparagraph, \$224,000 shall be used to provide
12 grants to local childhood lead poisoning prevention
13 efforts.""

Amendment [H-1466](#) lost.

On motion by Heaton of Henry amendment [H-1447](#), as amended, was adopted, placing out of order the following amendments:

Amendment [H-1371](#) filed by Thomas of Clayton and Huser of Polk on April 21, 2003.

Amendment [H-1372](#) filed by Huser of Polk and Thomas of Clayton on April 21, 2003.

Amendment [H-1388](#) filed by Smith, et al., on April 22, 2003.

Amendment [H-1392](#) filed by Huser of Polk on April 22, 2003.

Smith of Marshall offered the following amendment [H-1386](#) filed by Smith, et al., and moved its adoption:

H-1386

- 1 Amend [House File 685](#) as follows:
- 2 1. Page 3, line 20, by striking the figure
- 3 "5,000,000" and inserting the following: "9,300,000".

Amendment [H-1386](#) lost.

Smith of Marshall offered the following amendment [H-1387](#) filed by Smith, et al., and moved its adoption:

H-1387

- 1 Amend [House File 685](#) as follows:
- 2 1. Page 3, line 20, by striking the figure
- 3 "5,000,000" and inserting the following: "7,500,000".

Amendment [H-1387](#) lost.

Mascher of Johnson offered the following amendment [H-1460](#) filed by her from the floor and moved its adoption:

H-1460

- 1 Amend [House File 685](#) as follows:
- 2 1. Page 6, by striking lines 18 through 20, and
- 3 inserting the following: "e. Of the funds
- 4 appropriated in this subsection, \$250,000 shall be
- 5 used by the department of corrections to employ
- 6 additional corrections officers."

Amendment [H-1460](#) lost.

T. Taylor of Linn offered the following amendment [H-1462](#) filed by him from the floor and moved its adoption:

H-1462

- 1 Amend [House File 685](#) as follows:
- 2 1. Page 6, by striking lines 18 through 20, and
- 3 inserting the following:
- 4 "e. Of the funds appropriated in this subsection,
- 5 \$250,000 shall be used by the department of
- 6 corrections to provide substance abuse programs
- 7 through community-based corrections."

Amendment [H-1462](#) lost.

Smith of Marshall asked and received unanimous consent to withdraw amendments [H-1459](#) and [H-1464](#) filed by him from the floor.

Heaton of Henry 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. 685](#))

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohon
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.	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Roberts,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Fallon Osterhaus 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 454, 685, 677** and **[Senate File 417](#)**.

Ways and Means Calendar

[Senate File 275](#), a bill for an act relating to the taxation of utilities, including establishment of a natural gas delivery tax rate for new electric power generating plants, establishment of a replacement transmission tax for certain municipal utilities, methods of allocation of replacement generation tax incurred by certain new stand-alone electric power generating plants, a formula for determining taxable value for property generating replacement tax annually, extending the task force, and providing for applicability, with report of committee recommending passage, was taken up for consideration.

Baudler of Adair offered the following amendment **[H-1333](#)** filed by him and moved its adoption:

H-1333

- 1 Amend **[Senate File 275](#)**, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, line 2, by inserting after the word
- 4 "located." the following: "When allocating natural
- 5 gas delivery taxes on deliveries of natural gas to a
- 6 new peak load electric power generating plant of one
- 7 hundred megawatts or less, one hundred percent of
- 8 those natural gas delivery taxes shall be allocated
- 9 over new gas property built directly to serve the new
- 10 peak load electric power generating plant. For
- 11 purposes of this paragraph, "new peak load electric
- 12 power generating plant" means an electric power
- 13 generating plant that operates infrequently, to meet
- 14 additional energy demands or to take advantage of

15 profitable energy market conditions, and that
 16 initially generates electricity subject to replacement
 17 generation tax under section 437A.6 on or after
 18 January 1, 2003."

Amendment [H-1333](#) lost.

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

On the question "Shall the bill pass?" ([S.F. 275](#))

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
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
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Myers	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

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

Unfinished Business Calendar

[Senate File 368](#), a bill for an act relating to advanced telecommunications services, including modification of rate provisions, economic development promotional certification, and a study of competition and access charges by the utilities board, with report of committee recommending amendment and passage, was taken up for consideration.

Dix of Butler offered amendment [H-1327](#) filed by the committee on commerce, regulation and labor as follows:

H-1327

1 Amend [Senate File 368](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, by striking lines 4 through 31 and
 4 inserting the following: "the following new
 5 subsection:
 6 NEW SUBSECTION. 12. a. The Iowa broadband
 7 initiative is".
 8 2. Page 5, line 24, by striking the word and
 9 figure "section 476.97".
 10 3. Page 6, by inserting after line 23 the
 11 following:
 12 "() By choosing to participate in the Iowa
 13 broadband initiative, the participating carrier agrees
 14 to make available to other carriers, on both a
 15 wholesale and an unbundled basis, the services and
 16 facilities that result from implementation of the
 17 participating carrier's plan. The wholesale rates
 18 shall be set by the board, which shall consider, among
 19 other factors, the extent to which the service or
 20 facility was financed by the revenues generated by the
 21 rate increase allowed under this paragraph "c"."
 22 4. Page 7, by inserting after line 6 the
 23 following:
 24 "Sec. ____ NEW SECTION. 476.105 SEVERABILITY.
 25 If any provision of this chapter or its application
 26 to any person or circumstance is held invalid or
 27 otherwise rendered ineffective by any entity, the
 28 invalidity or ineffectiveness shall not affect other
 29 provisions or applications of this chapter that can be
 30 given effect without the invalid or ineffective
 31 provision or application, and to this end the

32 provisions of this chapter are severable."
33 5. Page 7, by striking lines 7 through 29.
34 6. By renumbering, redesignating, and correcting
35 internal references as necessary.

Dix of Butler offered the following amendment [H-1453](#), to the committee amendment [H-1327](#), filed by him from the floor and moved its adoption:

H-1453

1 Amend the amendment, H-1327, to [Senate File 368](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "___ Page 1, by striking lines 1 through 15.
7 ___ Page 3, by striking lines 17 and 18 and
8 inserting the following: "used only for consumer
9 education programs administered by the board."
10 2. Page 1, line 17, by inserting after the word
11 "rates" the following: "and unbundled rates".
12 3. Page 1, by inserting after line 33 the
13 following:
14 "___ Title page, by striking lines 2 through 4
15 and inserting the following: "including rate
16 provisions."
17 4. By renumbering, redesignating, and correcting
18 internal references as necessary.

Amendment [H-1453](#) was adopted.

On motion by Dix of Butler the committee amendment [H-1327](#), as amended, was adopted.

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

On the question "Shall the bill pass?" ([S.F. 368](#))

The ayes were, 84:

Alons	Baudler	Bell	Berry
Boal	Boddicker	Bogges	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foegel

Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	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	Mertz	Miller	Murphy
Myers	Olson, D.	Olson, S.	Paulsen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Smith
Stevens	Struyk	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Watts	Wendt
Whitead	Winckler	Wise	Roberts, Presiding

The nays were, 12:

Arnold	Connors	Ford	Hahn
McCarthy	Oldson	Petersen	Schickel
Shoultz	Swaim	Van Fossen, J.R.	Whitaker

Absent or not voting, 4:

Carroll	Fallon	Osterhaus	Wilderdyke
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

[HOUSE FILE 620](#) WITHDRAWN

Lukan of Dubuque asked and received unanimous consent to withdraw [House File 620](#) from further consideration by the House.

Ways and Means Calendar

[House File 692](#), a bill for an act relating to taxation of property and income and including effective date and applicability date provisions, was taken up for consideration.

Carroll of Poweshiek offered the following amendment [H-1455](#) filed by him from the floor and moved its adoption:

H-1455

1 Amend [House File 692](#) as follows:

- 2 1. Page 1, line 16, by striking the words "as
3 promptly as possible" and inserting the following:
4 "~~as promptly as possible~~ within thirty days of
5 receiving the assessment notice in section 441.23".
- 6 2. Page 2, by inserting after line 5, the
7 following:
8 "Sec. ___. NEW SECTION. 441.20 LEGISLATIVE
9 INTENT.
10 It is the intent of the general assembly that there
11 be transparency in the property tax system. It is
12 further the intent of the general assembly that
13 property assessments for purposes of property taxation
14 be equal and uniform within classes of property. It
15 is further the intent of the general assembly to
16 minimize the impact that maintenance and upkeep by the
17 owner of property has on the assessment of that
18 property and that there be predictability in increases
19 of property assessments and that such predictability
20 be based primarily on the actions of the property
21 owner. It is further the intent of the general
22 assembly to minimize the impact that increases in
23 assessed value of property will have on property taxes
24 paid and that any increases will be primarily the
25 result of direct action taken by the local taxing
26 authority in setting budget amounts rather than by
27 increases in market value of property."
28 3. Page 2, by striking lines 12 through 19.
29 4. Page 7, by inserting after line 9, the
30 following:
31 "d. If a county enters into a contract before May
32 1, 2003, for a comprehensive revaluation by a private
33 appraiser and such revaluation is for the assessment
34 year beginning January 1, 2006, the valuations
35 determined under the comprehensive revaluation for
36 that assessment year shall be divided by the
37 cumulative inflation factor for the assessment year
38 beginning January 1, 2006, and that quotient shall be
39 considered the valuation of the property for the
40 assessment year beginning January 1, 2005."
41 5. Page 7, by inserting after line 9, the
42 following:
43 "6A. Notwithstanding any other provision of this
44 section, the assessed value per square foot of a
45 structure times the total number of square feet of the
46 structure shall not exceed its fair and reasonable
47 market value for the assessment year, except for
48 agricultural structures which shall be valued
49 exclusively as provided in subsection 5."
50 6. Page 10, by inserting after line 9, the

Page 2

1 following:

2 "c. Buildings for human habitation that are used
3 as commercial ventures, including but not limited to
4 hotels, motels, rest homes, and structures containing
5 three or more separate living quarters shall not be
6 considered residential property."

7 7. Page 10, line 25, by inserting after the word
8 "assessment." the following: "The notification shall
9 include a supplemental return form for the person to
10 list the person's property and any additions or
11 modifications completed in the prior year to a
12 structure located on the property, as required in
13 section 441.19."

14 8. Page 11, by striking lines 30 through 32, and
15 inserting the following: "the number of structures,
16 and the total square footage of the structures by
17 class of property, and showing the values affixed to
18 agricultural land and the assessed value per square
19 foot affixed to the property the structures by class
20 of property of all".

21 9. Page 15, by inserting after line 21, the
22 following:

23 "Sec. NEW SECTION. 441.47A EQUALIZATION OF
24 INFLATION FACTORS.

25 The director of revenue and finance on or about
26 August 15, 2007, and every two years thereafter, shall
27 order the equalization of the assessed value per
28 square foot resulting from the application of the
29 cumulative inflation factor in the several assessing
30 jurisdictions in each case as may be necessary to
31 bring such values as fixed by the assessor in cases of
32 purchases of property and newly constructed property
33 to the values determined for the assessment year
34 beginning January 1, 2005. In equalizing the effects
35 of the application of the cumulative inflation factor,
36 the department shall make use of reports issued by
37 Iowa state university of science and technology which
38 reports shall more precisely indicate, on a county-by-
39 county basis, annual and cumulative inflation factors
40 for each county. If the cumulative inflation factor
41 for an assessing jurisdiction as reported by Iowa
42 state university of science and technology is five
43 percent above or below the cumulative inflation factor
44 as defined in section 441.21, subsection 7, the
45 director shall notify the assessor by mail of the
46 equalization of the effects of the cumulative
47 inflation factor for the assessing jurisdiction. The
48 assessor shall recompute the assessments made pursuant
49 to section 441.21, subsection 3, paragraph "b",
50 subparagraph (1), subsection 4, paragraph "b",

Page 3

- 1 subparagraph (1), and subsection 5, paragraph "b",
 2 subparagraph (1), by applying the equalized inflation
 3 factor. The assessor shall send notice of the
 4 equalized assessments to all affected property
 5 owners."
 6 10. Page 25, by striking line 3, and inserting
 7 the following: "whether or not maximum square footage
 8 rates and land tax rates should be imposed and, if
 9 such rates are recommended, the imposition of rates".
 10 11. By renumbering as necessary.

Amendment [H-1455](#) was adopted.

Speaker Rants in the chair at 7:56 p.m.

Kurtenbach of Story 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. 692](#))

The ayes were, 81:

Alons	Arnold	Baudler	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Freeman	Frevert
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Hoffman
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Manternach	McCarthy	Murphy
Myers	Oldson	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Stevens	Struyk
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitead	Wilderdyke	Wise
Mr. Speaker			
Rants			

The nays were, 18:

Bell	Cohoon	Ford	Gaskill
Greimann	Heddens	Hogg	Maddox
Mascher	Mertz	Miller	Olson, D.
Smith	Swaim	Taylor, D.	Taylor, T.
Whitaker	Winckler		

Absent or not voting, 1:

Osterhaus

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 April 24, 2003, concurred in the House amendment, to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

[House File 584](#), a bill for an act providing for exceptions to liability for certain activities.

Also: That the Senate has on April 24, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 681](#), a bill for an act relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability.

Also: That the Senate has on April 24, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 444](#), a bill for an act relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision.

Also: That the Senate has on April 24, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 448](#), a bill for an act relating to the department of corrections and its duties regarding treatment and education of inmates at various correctional facilities, release of presentence reports, optional inmate treatment and education provision, expansion of and appeals regarding earned time credits, change to the inmate savings and inmate telephone rebate fund, and payment of supervision fees.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

[House File 693](#), by Gipp and Myers, a bill for an act establishing a new century learning technology initiative, commission, and fund, and providing an effective date and for contingent implementation.

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

[House File 694](#), by committee on appropriations, a bill for an act relating to the judicial branch including by establishing a judicial district and judicial election district redistricting process, making changes to the nomination, appointment, and retention of judges, expanding magistrate courts, eliminating the position of alternate district associate judge, permitting district judgeships to be apportioned or transferred to another judicial district, requiring the county sheriff to serve a summons in certain delinquency proceedings, eliminating the participation of the foster care review board in voluntary foster care placements, waiving the filing fee and court costs in certain contempt actions, changing the duties of and the procedures related to the clerk of the district court, providing that interest on a judgment be calculated upon the one year treasury constant maturity plus two percent, expanding the access of the deferred judgment docket, prohibiting regional litigation centers, modifying the schedule of the probate court, providing for a fee, and providing for a study.

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

SENATE MESSAGE CONSIDERED

[Senate File 444](#), by committee on ways and means, a bill for an act relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision.

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 692](#), [Senate Files 275](#) and [368](#).

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
SUBMITTED TO THE 80TH GENERAL ASSEMBLY
April 2003

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G011403	Martin Luther Homes of Iowa, Inc.	Clive	Medical Care	\$4,628.26
G011404	Martin Luther Homes of Iowa, Inc.	Clive	Medical Care	\$2,433.20
G011405	Martin Luther Homes of Iowa, Inc.	Clive	Medical Care	\$3,650.08
G011444	Martin Luther Homes of Iowa	Des Moines	Credit	\$881.22
G030066	Mitchell Wesley Munson	Lenexa	License Refund	\$189.00
G030126	Karen Ann Co. Inc.	Des Moines	IRP Refund	Unspecified
G030226	Gary Robert Hartman	Olathe	License Refund	\$18.00
G030232	Linn Co. Dept. of Human Resources Mgmt.	Cedar Rapids	Committal	\$7,164.80
G030358	K & R Express, Ltd.	Waterloo	IRP Refund	\$8,475.00
G030372	Thomas Allen Caldwell	Mount Pleasant	Refund Penalty	\$12.00
G030429	Judy Ellis Worley	Cedar Rapids	Refund Penalty	\$35.00
G030511	Christine Lynn Sepulveda	Cedar Rapids	Refund Penalty	\$557.00
G030512	Cynthia A. Hall	Monticello	Refund Penalty	Unspecified

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

House File 319

1. Page 1, line 10 – Take out extra space after (3).
2. Page 1, line 16 – Underscore first parenthesis of (a)

MARGARET A. THOMSON
Chief Clerk of the House

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24th day of April, 2003: House Files 547, 548, 551, 557, 617, 647 and 648.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 22, 2003, he approved and transmitted to the Secretary of State the following bills:

[House File 446](#), an Act relating to dealership agreements, and providing for the Act's applicability.

[House File 502](#), an Act relating to damage disclosure statements required for transfer of ownership of motor vehicles and providing a penalty.

[House File 604](#), an Act requiring state government annual reports made to the General Assembly to include certain financial information.

[House File 616](#), an Act prohibiting a cancellation penalty upon cancellation of a purchase agreement for cemetery merchandise, funeral merchandise, and funeral services.

[House File 634](#), an Act relating to the conversion of cooperative associations originally as business corporations.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

OFFICE OF AUDITOR OF STATE

Single audit report for fiscal year ended June 30, 2002, pursuant to Chapter 11.4, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

[House File 183](#)

Ways and Means: Paulsen, Chair; K. Kramer and Shoultz.

[Senate File 371](#)

Ways and Means: Kurtenbach, Chair; Frevert and Sands.

[Senate File 441](#)

Ways and Means: Boal, Chair; Jochum and Kurtenbach.

[Senate File 442](#)

Ways and Means: Paulsen, Chair; K. Kramer and Winckler.

[Senate File 451](#)

Appropriations: Horbach, Chair; Dix and Thomas.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 316 Ways and Means

Relating to Iowa individual income tax checkoffs, providing an income tax checkoff to fund grants relating to veterans and Sullivan brothers historic preservation, relating to the limitation on income tax checkoffs, making an appropriation, and including effective and applicability date provisions.

H.S.B. 317 Ways and Means

Relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, sales, property, motor fuel, special fuel, cigarette,

tobacco, inheritance taxes, and local hotel and motel taxes, and the premiums tax on mutual insurance associations, and including effective and retroactive applicability date provisions.

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 643](#)), concerning procedures, duties, and fees related to the judicial branch.

Fiscal note is not required.

Recommended **Amend and Do Pass** April 23, 2003.

[House File 676](#), a bill for an act establishing a veterans trust fund under the control of the commission of veterans affairs and making an appropriation.

Fiscal note is required.

Recommended **Amend and Do Pass with amendment [H-1454](#)** April 23, 2003.

COMMITTEE ON WAYS AND MEANS

[Senate File 384](#), a bill for an act relating to the Iowa education savings plan trust and to the taxation of activities involving out-of-state qualified state tuition programs and including effective and retroactive applicability date provisions.

Fiscal note is not required.

Recommended **Amend and Do Pass with amendment [H-1465](#)** April 23, 2003.

RESOLUTION FILED

[HR 56](#), by Boddicker, a resolution honoring Iowa musicians Don Daugherty and Glenn Dean Goodwin.

Laid over under **Rule 25**.

AMENDMENTS FILED

<u>H-1451</u>	<u>S.F. 390</u>	Mertz of Kossuth
<u>H-1454</u>	<u>H.F. 676</u>	Committee on Appropriations
<u>H-1457</u>	<u>H.F. 686</u>	Kramer of Polk
<u>H-1463</u>	<u>H.F. 686</u>	Ford of Polk
<u>H-1465</u>	<u>S.F. 384</u>	Committee on Ways and Means
<u>H-1467</u>	<u>H.F. 686</u>	Fallon of Polk
<u>H-1468</u>	<u>H.F. 683</u>	Fallon of Polk
<u>H-1469</u>	<u>H.F. 686</u>	Kramer of Polk

On motion by Gipp of Winneshiek the House adjourned at 8:02 p.m., until 8:45 a.m., Friday, April 25, 2003.