

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MARCH 17, 2004

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JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 17, 2004

The House met pursuant to adjournment at 8:51 a.m., Speaker Rants in the chair.

Prior to convening the House was entertained by an Irish band, including the Honorable Ed Fallon, state representative from Polk County.

Prayer was offered by Reverend Steve Ellerbusch, pastor of Bethany Lutheran Church, Emmetsburg. He was the guest of Representative Marcella Frevert from Palo Alto County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 16, 2004 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 2004, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 114](#), a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

[Senate File 2150](#), by committee on human resources, a bill for an act providing for termination of parental rights of a parent convicted of felony physical or sexual abuse of a child in the parent's or child's household.

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

[Senate File 2234](#), by committee on judiciary, a bill for an act relating to child custody and visitation provisions.

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

[Senate File 2284](#), by committee on ways and means, a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

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

SPECIAL PRESENTATION

Frevert of Palo Alto and Jenkins of Black Hawk introduced to the House Pat Breen, T.D., a member of the Irish Parliament representing County Clare. He will represent the Republic of Ireland at the Emmetsburg St. Patrick's Day Association 2004 Celebration. He was accompanied by his wife Anne. He briefly addressed the House, thanking all for the opportunity to visit Iowa and spoke of the relationship between the United States and Ireland.

The House rose and expressed its welcome.

Frevert of Palo Alto introduced to the House the Shamrock Queen, Hillary Hanson, with friend, Rachel Rouse. Mick Conlon and Andy and Kim Joyce were the dignitaries hosting Mr. Breen in Iowa. The House was entertained with the dancing of the "Little Irish Dancers" from Emmetsburg.

The House rose and expressed its welcome.

Boddicker of Cedar, Connors of Polk, Fallon of Polk and Mertz of Kossuth came forward; Connors with the Irish flag, Mertz and Boddicker joined in an Irish jig accompanied by Fallon. Boddicker of Cedar sang "Danny Boy" and "When Irish Eyes Are Smiling" accompanied by Fallon of Polk.

The House rose and expressed its appreciation.

ADOPTION OF [SENATE CONCURRENT RESOLUTION 114](#)

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of [Senate Concurrent Resolution 114](#), a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate Concurrent Resolution 114](#) be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 9:25 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:05 p.m., Roberts of Carroll in the chair.

SENATE MESSAGES CONSIDERED

[Senate Joint Resolution 2009](#), by Iverson, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

Read first time and referred to committee on **administration and rules**.

[Senate File 2154](#), by committee on judiciary, a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

Read first time and referred to committee on **public safety**.

[Senate File 2243](#), by committee on judiciary, a bill for an act relating to the transfer and apportionment of district associate judges

and to the qualifications of magistrates, providing for a study, and providing for an effective date.

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

[Senate File 2280](#), by committee on state government, a bill for an act relating to the awarding of bonuses to appointed state officers and state employees and providing an effective date.

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

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, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2403](#), an act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

Also: That the Senate has on March 17, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2210](#), an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

Also: That the Senate has on March 17, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2237](#), an act relating to the minimum amount of instructional time accredited schools are required to provide.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 3:07 p.m., until the fall of the gavel.

The House resumed session at 3:55 p.m., Roberts of Carroll in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Manternach of Jones, until his return, on request of Gipp of Winneshiek; Foegel of Linn and D. Taylor of Linn on request of T. Taylor of Linn.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

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, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2347](#), an act relating to the uniform limited partnership Act and providing a penalty and effective dates.

Also: That the Senate has on March 17, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2373](#), an act providing for the inapplicability of provisions regulating licensed real estate brokers and salespersons to auctioneers under specified circumstances, and providing penalties.

Also: That the Senate has on March 17, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2070](#), an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and issuance of commercial driver's licenses, and providing effective dates.

Also: That the Senate has on March 17, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2270](#), an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS

Regular Calendar

[House File 2486](#), a bill for an act providing for animal agriculture, including by providing for offenses involving animals and crops and related property, and providing penalties, previously deferred, was taken up for consideration.

Lalk of Fayette 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. 2486](#))

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	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
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, 4:

Foege	Kramer	Manternach	Taylor, D.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[House File 2506](#), a bill for an act relating to electronic and facsimile prescriptions and making penalties applicable, was taken up for consideration.

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. 2506](#))

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Smith
Stevens	Struyk	Swaim	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, 5:

Foege	Kramer	Manternach	Shultz
Taylor, D.			

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

[HOUSE FILE 2365](#) WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw [House File 2365](#) from further consideration by the House.

House File 2515, a bill for an act relating to the keeping of farm deer, was taken up for consideration.

Mertz of Kossuth 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. 2515](#))

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	Ford
Freeman	Frevort	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shultz
Smith	Stevens	Struyk	Swaim
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, 4:

Foegel	Kramer	Manternach	Taylor D.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2406 WITHDRAWN

Mertz of Kossuth asked and received unanimous consent to withdraw House File 2406 from further consideration by the House.

House File 2518, a bill for an act relating to the duties of the soil and water conservation division of the department of agriculture and land stewardship, was taken up for consideration.

S. Olson of Clinton 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. 2518)

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	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
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, 4:

Foege Kramer Manternach Taylor, D.

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

House File 2522, a bill for an act relating to evidence in a sexual abuse case, was taken up for consideration.

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

On the question "Shall the bill pass?" (**H.F. 2522**)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	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, 5:

Dolecheck	Foege	Kramer	Manternach
Taylor, D.			

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 2486, 2506, 2515, 2518 and 2522.**

House File 2533, a bill for an act relating to protective orders and court-approved consent agreements under the domestic abuse Act, was taken up for consideration.

Boal 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. 2533](#))

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	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, 5:

Dolecheck	Foege	Kramer	Manternach
Taylor, D.			

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

House Joint Resolution 2004, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

SENATE JOINT RESOLUTION 2007 SUBSTITUTED FOR **HOUSE JOINT RESOLUTION 2004**

Jacobs of Polk asked and received unanimous consent to substitute **Senate Joint Resolution 2007** for **House Joint Resolution 2004**.

Senate Joint Resolution 2007, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation, was taken up for consideration.

Jacobs of Polk moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (**S.J.R. 2007**)

The ayes were, 76:

Baudler	Bell	Berry	Boddicker
Bogges	Bukta	Carroll	Cohon
Connors	Dandekar	Davitt	Dennis
Dix	Elgin	Freeman	Frevert

Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Hoffman	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jochum	Jones	Kuhn	Kurtenbach
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shoultz	Stevens
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise

The nays were, 17:

Alons	Arnold	Boal	Chambers
De Boef	Drake	Eichhorn	Fallon
Ford	Heddens	Hogg	Klemme
Lalk	Shomshor	Smith	Van Engelenhoven
Roberts,			
Presiding			

Absent or not voting, 7:

Dolecheck	Foegen	Jenkins	Kramer
Manternach	Paulsen	Taylor, D.	

The joint resolution having received a constitutional majority was declared to be adopted, and agreed to by the House.

House File 22, a bill for an act relating to the awarding of joint physical care of a child, was taken up for consideration.

Boddicker of Cedar offered amendment [H-8154](#) filed by the committee on human resources as follows:

[H-8154](#)

- 1 Amend [House File 22](#) as follows:
- 2 1. Page 1, by striking lines 3 through 14, and
- 3 inserting the following:
- 4 "5. a. ~~Joint physical care may be in the best~~
- 5 ~~interest of the child, but If joint legal custody does~~
- 6 ~~not require is awarded to both parents, the court may~~
- 7 ~~award joint physical care. When the court determines~~
- 8 ~~such action would be in the best interest of the child~~
- 9 ~~and would preserve the relationship between each~~

10 ~~parent and the child, joint physical care may be~~
11 ~~awarded to both joint custodial parents or physical~~
12 ~~care may be awarded to one joint custodial parent upon~~
13 ~~the request of either parent. If the court denies the~~
14 ~~request for joint physical care, the determination~~
15 ~~shall be accompanied by specific findings of fact and~~
16 ~~conclusions of law that the awarding of joint physical~~
17 ~~care is not in the best interest of the child."~~

Jochum of Dubuque offered the following amendment [H-8264](#), to the committee amendment [H-8154](#), filed by her from the floor and moved its adoption:

[H-8264](#)

1 Amend the amendment, [H-8154](#), to [House File 22](#) as
2 follows:
3 1. Page 1, by inserting after line 17, the
4 following:
5 "____. Page 1, by inserting after line 25 the
6 following:
7 "c. If joint physical care is awarded under
8 paragraph "a", the court shall establish one primary
9 residence for the child and order the parents to
10 alternate supervision and occupation of the primary
11 residence, accordingly."
12 2. By renumbering as necessary.

Amendment [H-8264](#) lost.

On motion by Boddicker of Cedar, the committee amendment [H-8154](#) was adopted, placing out of order amendments [H-1098](#) and [H-1099](#) filed by Jochum of Dubuque on March 19, 2003.

Stevens of Dickinson offered amendment [H-8240](#) filed by him as follows:

[H-8240](#)

1 Amend [House File 22](#) as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 232.102, Code Supplement 2003,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 13. Unless prohibited by the
7 court order transferring custody of the child for
8 placement or other court order or the department or
9 unless the agency that received the custody transfer
10 finds that allowing the visitation would not be in the
11 child's best interest, the department or agency may

12 authorize reasonable visitation with the child by the
 13 child's grandparent, great-grandparent, or other adult
 14 relative who has established a substantial
 15 relationship with the child. The visitation shall not
 16 be authorized for a grandparent or great-grandparent
 17 whose petition for visitation under section 598.35 has
 18 been denied. If visitation with the grandparent,
 19 great-grandparent, or other relative was authorized by
 20 court order prior to removal of the child, a
 21 visitation authorization under this subsection shall
 22 comply with the court order."
 23 2. Title page, line 1, by inserting after the
 24 word "to" the following: "custody and visitation
 25 including relative visitation and".
 26 3. By renumbering as necessary.

Boddicker of Cedar rose on a point of order that amendment [H-8240](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8240](#) not germane.

Boddicker of Cedar 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. 22](#))

The ayes were, 59:

Alons	Arnold	Boal	Boddicker
Boggess	Carroll	Chambers	Connors
Dandekar	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Freeman	Gipp	Greiner
Hahn	Hanson	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Maddox
McCarthy	Olson, S.	Paulsen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Stevens
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Whitaker	Wilderdyke	Roberts,	
		Presiding	

The nays were, 37:

Baudler	Bell	Berry	Bukta
Cohoon	Davitt	Ford	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kuhn	Lensing	Lykam	Mascher
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Shomshor
Shoultz	Smith	Struyk	Swaim
Taylor, T.	Wendt	Whitead	Winckler
Wise			

Absent or not voting, 4:

Foegel	Granzow	Manternach	Taylor, D.
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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, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2153](#), an act relating to the funding of efforts to alleviate a public health emergency or disaster.

Also: That the Senate has on March 17, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2257](#), an act relating to the use of credit information for underwriting or rating risks for personal lines of property and casualty insurance and providing an applicability date.

Also: That the Senate has on March 17, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2274](#), an act relating to the revised Iowa non profit corporation Act and providing penalties and effective and applicability dates.

Also: That the Senate has on March 17, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2275](#), an act relating to criminal sentencing practice and procedure.

MICHAEL E. MARSHALL, Secretary

[House File 2357](#), a bill for an act relating to the prevention and control of certain aquatic invasive plant and animal species and providing penalties, was taken up for consideration.

Frevert of Palo Alto offered the following amendment [H-8238](#) filed by her and moved its adoption:

[H-8238](#)

- 1 Amend [House File 2357](#) as follows:
- 2 1. Page 1, line 30, by striking the figure "2004"
- 3 and inserting the following: "2005".

Amendment [H-8238](#) was adopted.

Frevert of Palo Alto 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. 2357](#))

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	Ford
Freeman	Frevert	Gaskill	Gipp
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shultz
Smith	Stevens	Struyk	Swaim
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, 4:

Foegen Granzow Manternach Taylor, D.

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

INTRODUCTION OF BILL

[House File 2543](#), by committee on ways and means, a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

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

SENATE MESSAGES CONSIDERED

[Senate File 2210](#), by committee on agriculture, a bill for an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

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

[Senate File 2237](#), by committee on education, a bill for an act relating to the minimum amount of instructional time accredited schools are required to provide.

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

[Senate File 2270](#), by committee on local government, a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder.

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

HOUSE FILE 618 WITHDRAWN

Frevert of Palo Alto asked and received unanimous consent to withdraw House File 618 from further consideration by the House.

House File 2381, a bill for an act changing the budget certification deadline for county hospital budgets, 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. 2381)

The ayes were, 93:

Alons	Arnold	Baudler	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Swaim	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, 7:

Bell	Foege	Granzow	Manternach
Murphy	Struyk	Taylor, D.	

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 22, 2357, 2381, 2533** and **Senate Joint Resolution 2007**.

House File 2433, a bill for an act relating to fees retained by county treasurers for the issuance of driver's licenses and nonoperator identification cards, was taken up for consideration.

Rayhons of Hancock offered the following amendment **H-8210** filed by him and Whitaker of Van Buren and moved its adoption:

H-8210

- 1 Amend **House File 2433** as follows:
- 2 1. Page 1, line 17, by striking the word
- 3 "biennially".
- 4 2. Page 1, line 18, by inserting after the word
- 5 "program" the following: "and report its findings and
- 6 recommendations to the general assembly prior to
- 7 January 1, 2006, and repeat the study and reporting
- 8 every four years thereafter. The auditor of state's
- 9 costs for conducting the study shall be paid by the
- 10 department".
- 11 3. Page 1, by striking lines 27 through 30 and
- 12 inserting the following: "time and cost during the
- 13 study. The findings and recommendations submitted by
- 14 the auditor of state shall be considered by the
- 15 general assembly in adjusting the amount of the fees
- 16 retained by the county treasurers for issuance of
- 17 driver's licenses and nonoperator's identification
- 18 cards."

Amendment **H-8210** was adopted.

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. 2433](#))

The ayes were, 95:

Alons	Arnold	Baudler	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	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, 5:

Bell	Foege	Granzow	Manternach
Taylor, D.			

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

[HOUSE FILE 2086](#) WITHDRAWN

Rayhons of Hancock asked and received unanimous consent to withdraw [House File 2086](#) from further consideration by the House.

[House File 2471](#), a bill for an act relating to a prisoner from another state being detained or committed to a county jail in this state, was taken up for consideration.

Hanson of Benton offered the following amendment [H-8247](#) filed by him and moved its adoption:

[H-8247](#)

- 1 Amend [House File 2471](#) as follows:
- 2 1. Page 1, line 23, by striking the words "other
- 3 state" and inserting the following: "governmental
- 4 entity from the other state sending the prisoners".
- 5 2. Page 1, by inserting after line 23, the
- 6 following:
- 7 "Sec. ___. EFFECTIVE DATE. This Act, being deemed
- 8 of immediate importance, takes effect upon enactment."
- 9 3. Title page, line 2, by inserting after the
- 10 word "state" the following: ", and providing an
- 11 effective date".
- 12 4. By renumbering as necessary.

Amendment [H-8247](#) was adopted.

Hanson of Benton 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. 2471](#))

The ayes were, 95:

Alons	Arnold	Baudler	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	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, 5:

Bell	Foege	Granzow	Manternach
Taylor, D.			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, 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 2433 and 2471.**

[HOUSE FILE 421](#) REREFERRED

The Speaker announced that [House File 421](#), previously placed on **calendar** was rereferred to committee on **ways and means**.

[HOUSE FILE 2489](#) REREFERRED

The Speaker announced that [House File 2489](#), previously referred to committee on **ways and means** was placed on **calendar**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 17, 2004. Had I been present, I would have voted "aye" on House Files 2522 and 2533 and on [Senate Joint Resolution 2007](#).

DOLECHECK of Ringgold

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 17th day of March, 2004: House Files 2133, 2176, 2306 and 2343.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 17, 2004, he approved and transmitted to the Secretary of State the following bill:

[Senate File 2290](#), an Act relating to economic development incentives under the New Jobs and Income Program, the new Capital Investment Program, and the Enterprise Zone Program and providing an effective date.

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

- 2004\760 Bob Posegate, Nevada – For celebrating his 80th birthday.
- 2004\761 Tena Johnson, Jewell – For celebrating her 102th birthday.
- 2004\762 Dalton and Marjorie Kowalsky, La Porte City – For celebrating their 50th wedding anniversary.
- 2004\763 Glen and Louise Seberg, Olds – For celebrating their 60th wedding anniversary.
- 2004\764 Coach David Birks, Staff and the Rockwell City-Lytton Girls Basketball Team, Rockwell City – For winning the class 1-A division of the Girls State Basketball Tournament.

- 2004\765 Coach Brian O'Neill and the English Valley Girls Basketball Team, North English – For receiving 2nd place in the class 1-A division of the Girls State Basketball Tournament.
- 2004\766 Mr. and Mrs. Peter Hermanson, Story City – For receiving the Lifetime Achievement Award from the National Turkey Federation.
- 2004\767 Hills Bank and Trust Company, Hills – For celebrating their 100th anniversary.
- 2004\768 Underwood Community School District, Underwood – For winning the Class 2-A division of the Girls State Basketball Tournament.
- 2004\769 MFL MarMac Girls Basketball Team, Monona – For winning the Upper Iowa Conference Championship.
- 2004\770 Kathryn M. Skilton, Nashua – For receiving 1st place in the 8-9th grade category for Best Essay in the “Write Women Back Into History” Essay Contest.
- 2004\771 Ernest Schiller, Donnellson – For being named the 2004 Iowa Teacher of the Year.
- 2004\772 Dorothy Miller, Dysart – For celebrating her 99th birthday.
- 2004\773 Robert McWilliams, Marshalltown – For celebrating his 80th birthday.
- 2004\774 Elmer Mussig, Gladbrook – For celebrating his 90th birthday.
- 2004\775 Ludmilla Dvorak, Traer – For celebrating her 88th birthday.
- 2004\776 Nicky Wieben, Ankeny – For being named Captain of the 4A All-Tournament 2004 Team for the second consecutive year.
- 2004\777 Kristina Voss, Ankeny – For being selected to the 2004 All-Tournament 4A Basketball Team for the second consecutive year.
- 2004\778 Coach Scott De Jong and the Ankeny Hawkettes, Ankeny – For winning a third consecutive 4A State Basketball Championship.
- 2004\779 Megan Srinivas, Fort Dodge – For winning 1st place in the 42nd Annual Regional Iowa Junior Science and Humanities Symposium.

SUBCOMMITTEE ASSIGNMENTS

[House File 2345](#)

Ways and Means: Carroll, Chair; Hogg and Tymeson.

[House File 2456](#)

Ways and Means: Sands, Chair; Jones and Shoultz.

[House File 2487](#)

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

[House File 2491](#)

Ways and Means: Lukan, Chair; Hogg and Olson, S.

[Senate File 443](#)

Ways and Means: Lukan, Chair; Paulsen and Winckler.

[Senate File 2173](#)

Commerce, Regulation and Labor: Hoffman, Chair; Ford and Freeman.

[Senate File 2175](#)

Commerce, Regulation and Labor: Horbach, Chair; Jacobs and Wise.

[Senate File 2183](#)

Commerce, Regulation and Labor: Sands, Chair; Manternach, Oldson, Osterhaus and Van Fossen, J.K.

[Senate File 2244](#)

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

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 718](#)

Ways and Means: Kurtenbach, Chair; Carroll and Shoultz.

[House Study Bill 719](#)

Government Oversight: Alons, Chair; Baudler and Wendt.

[House Study Bill 720](#)

Ways and Means: Paulsen, Chair; Carroll, Kramer, Shomshor and Shoultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 721](#) **Ways and Means**

Relating to the use of a certain transaction fee collected by the county recorder and providing for a future reduction in the amount of the fee.

H.S.B. 722 Ways and Means

Providing for an income tax checkoff for anatomical gift public awareness and transplantation, relating to the limitation on income tax checkoffs, and providing an effective date and a retroactive applicability date.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly [House Study Bill 698](#)), relating to state budget requirements involving the state general fund expenditure limitation and the Iowa economic emergency fund, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly [House File 2329](#)), requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2004.

Committee Bill (Formerly [House File 2448](#)), relating to municipal utilities that provide local exchange services the confidentiality and audits of certain accounting records, and exemption from sales and use taxes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 2004.

[Senate File 371](#), a bill for an act relating to formatting standards for recording documents or instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2004.

RESOLUTION FILED

[SCR 114](#), by Putney, a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year.

Passed on File.

AMENDMENTS FILED

H-8265	H.F.	2537	Heaton of Henry
H-8266	H.F.	2470	Wise of Lee
			Dandekar of Linn
			Petersen of Polk
H-8267	H.F.	2532	Elgin of Linn
H-8268	H.F.	2450	J.R. Van Fossen of Scott

On motion by Gipp of Winneshiek the House adjourned at 6:13 p.m., until 8:45 a.m., Thursday, March 18, 2004.