

PROOF

STATE OF IOWA

House Journal

THURSDAY, APRIL 1, 2004

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JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 1, 2004

The House met pursuant to adjournment at 8:55 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Vince Homan, pastor of What Cheer United Methodist Church, What Cheer. He was the guest of Representative Betty De Boef from Keokuk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, March 31, 2004 was approved.

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 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2145](#), a bill for an act relating to membership on certain city planning and zoning commissions.

Also: That the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2225](#), a bill for an act relating to the establishment of drainage and levee districts, and providing an effective date.

Also: That the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2315](#), a bill for an act relating to agricultural conservation practices.

Also: That the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2319](#), a bill for an act relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs.

Also: That the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2394](#), a bill for an act relating to driver education by a teaching parent.

Also: That the Senate has on March 31, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2515](#), a bill for an act relating to the keeping of farm deer.

Also: That the Senate has on March 31, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2533](#), a bill for an act relating to protective orders and court-approved consent agreements under the domestic abuse Act.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 9:04 a.m., until the conclusion of the meetings on the committees on appropriations and ways and means.

AFTERNOON SESSION

The House reconvened at 12:55 p.m., Speaker Rants in the chair.

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 1, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2193](#), a bill for an act relating to determining compliance with course of study requirements regarding cosmetology licensure.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2327](#), a bill for an act relating to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2366](#), a bill for an act relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2401](#), a bill for an act relating to the comprehensive petroleum underground storage tank fund and providing an effective date.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2419](#), a bill for an act relating to the number of signatures required on nomination petitions for school board elections.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2432](#), a bill for an act relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2441](#), a bill for an act relating to the statutory duties of the commission of Latino affairs regarding Spanish language interpreter qualifications.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2475](#), a bill for an act relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs and providing an effective date.

Also: That the Senate has on April 1, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2517](#), a bill for an act relating to environmental regulations administered by the department of natural resources regarding the use of recycled oil and the calculation of waste volume reduction measures.

Also: That the Senate has on April 1, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2527](#), a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent.

Also: That the Senate has on April 1, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2295](#), a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 12:55 p.m., until the fall of the gavel.

The House resumed session at 2:24 p.m., Speaker pro tempore Carroll the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Heaton of Henry, on request of Arnold of Lucas.

CONSIDERATION OF BILLS
Unfinished Business Calendar

[House File 2549](#), a bill for an act relating to expenditures from the waste tire management fund, 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. 2549](#))

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Heaton Wise

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

Regular Calendar

[Senate File 2101](#), a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance, with report of committee recommending passage, was taken up for consideration.

Sands of Louisa 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. 2101](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting and 1:

Heaton

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

HOUSE FILE 2349 WITHDRAWN

De Boef of Keokuk asked and received unanimous consent to withdraw [House File 2349](#) from further consideration by the House.

[Senate File 2249](#), a bill for an act regulating contest events involving animals, and providing a penalty and effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Baudler of Adair offered the following amendment [H-8335](#) filed by the committee on public safety and moved its adoption:

[H-8335](#)

- 1 Amend [Senate File 2249](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "designed" the following: "and used".
- 5 2. Page 2, by striking lines 17 and 18.
- 6 3. Page 3, by striking lines 1 through 6 and
- 7 inserting the following:
- 8 "A person who violates a provision of this chapter
- 9 is guilty of ~~a serious~~ an aggravated misdemeanor."
- 10 4. By renumbering as necessary.

The committee amendment [H-8335](#) lost.

Baudler of Adair 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. 2249](#))

The ayes were, 98:

| | | | |
|-----------|-----------|----------|----------|
| Alons | Arnold | Bell | Berry |
| Boal | Boddicker | Bogges | Bukta |
| Chambers | Cohoon | Connors | Dandekar |
| Davitt | De Boef | Dennis | Dix |
| Dolecheck | Drake | Eichhorn | Elgin |
| Fallon | Foege | Ford | Freeman |
| Frevert | Gaskill | Gipp | Granzow |
| Greimann | Greiner | Hahn | Hanson |
| Heddens | Hoffman | Hogg | Horbach |
| Hunter | Huseman | Huser | Hutter |

| | | | |
|------------------|-----------------------|------------|------------------|
| Jacobs | Jacoby | Jenkins | Jochum |
| Jones | Klemme | Kramer | Kuhn |
| Kurtenbach | Lalk | Lensing | Lukan |
| Lykam | Maddox | Manternach | Mascher |
| McCarthy | Mertz | Miller | Murphy |
| Oldson | Olson, D. | Olson, S. | Osterhaus |
| Paulsen | Petersen | Quirk | Raecker |
| Rants, Spkr. | Rasmussen | Rayhons | Reasoner |
| Roberts | Sands | Schickel | Shomshor |
| 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 | Wildurdyke | Winckler |
| Wise | Carroll, Presiding | | |

The nays were, none.

Absent or not voting, 2:

Baudler Heaton

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

Senate File 2119, a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys, with report of committee recommending amendment and passage, was taken up for consideration.

Sands of Louisa offered the following amendment **H-8331** filed by the committee on commerce, regulation and labor and moved its adoption:

H-8331

1 Amend **Senate File 2119**, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 12C.22, subsection 1,
 6 paragraph b, Code 2003, is amended by striking the
 7 paragraph.
 8 Sec. ____ Section 12C.22, subsection 1, paragraph
 9 c, Code 2003, is amended to read as follows:
 10 c. In the event an assessment is paid by a bank to
 11 the treasurer of state pursuant to section 12C.23A, ~~or~~
 12 ~~in the event that collateral pledged by the bank is~~
 13 ~~liquidated pursuant to section 12C.23A, subsection 3,~~
 14 ~~paragraph "e", and the proceeds are used to pay the~~

15 ~~assessment~~, the bank is subrogated to the claim of a
16 public funds depositor to the extent the claim is paid
17 from funds paid by the bank ~~or proceeds of collateral~~
18 ~~pledged by the bank are used to pay the assessment."~~

19 2. Page 1, by inserting after line 5 the
20 following:

21 "Sec. ____ Section 12C.23A, subsection 3,
22 paragraph e, Code Supplement 2003, is amended to read
23 as follows:

24 e. If a bank fails to pay its assessment when due,
25 the treasurer of state shall ~~satisfy the assessment by~~
26 ~~liquidating collateral pledged by the bank upon such~~
27 ~~notice as is required by chapter 554. If the~~
28 ~~collateral pledged by the bank is inadequate to pay~~
29 ~~the assessment, the treasurer of state shall make~~
30 additional assessments as may be necessary against
31 other banks that hold uninsured public funds to
32 satisfy any unpaid assessment. Any additional
33 assessments shall be determined, collected, and
34 satisfied in the same manner as the first assessment
35 except that in calculating the amount of each such
36 additional assessment, the amount of uninsured public
37 funds held by the bank that fails to pay the
38 assessment shall not be counted.

39 Sec. ____ Section 12C.23A, subsection 3, paragraph
40 f, Code Supplement 2003, is amended by striking the
41 paragraph.

42 Sec. ____ Section 12C.23A, subsection 3, paragraph
43 g, Code Supplement 2003, is amended to read as
44 follows:

45 g. If a bank fails to pay its assessment when due
46 ~~and the proceeds from liquidation of the collateral~~
47 ~~pledged by the bank are not sufficient to pay the~~
48 ~~assessment against the bank~~, the treasurer of state
49 shall notify the superintendent or the comptroller of
50 the currency, as applicable, of the failure to pay the

Page 2

1 assessment. If the bank that has failed to pay the
2 assessment is a nationally chartered financial
3 institution, the superintendent shall immediately
4 notify the bank's primary federal regulator. If the
5 assessment is not paid within thirty days after the
6 bank received the notice of assessment, the treasurer
7 of state shall initiate a lawsuit to collect the
8 amount of the assessment. If a bank is found to have
9 failed to pay the assessment as required by this
10 subsection and is ordered to pay the assessment, the
11 court shall also order that the bank pay court costs
12 and reasonable attorney fees based on the amount of
13 time the attorney general's office spent preparing and

14 bringing the action, and reasonable expenses incurred
 15 by the treasurer of state.
 16 Sec. ____ EFFECTIVE DATE. This Act, being deemed
 17 of immediate importance, takes effect upon enactment."
 18 3. Title page, line 1, by inserting before the
 19 word "collateral" the following: "obligations secured
 20 by".
 21 4. Title page, line 3, by inserting after the
 22 word "moneys" the following: ", and providing an
 23 effective date".

The committee amendment [H-8331](#) was adopted.

Sands of Louisa 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. 2119](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Heaton

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 File 2549](#) and [Senate Files 2101, 2119 and 2249](#).

[Senate File 2154](#), a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices, with report of committee recommending passage, 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?" ([S.F. 2154](#))

The ayes were, 96:

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

The nays were, 3:

| | | |
|--------|--------|--------|
| Fallon | Hunter | Shultz |
|--------|--------|--------|

Absent or not voting, 1:

Heaton

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

[Senate File 2174](#), a bill for an act relating to the appointment of the ninth member of the state board of regents, with report of committee recommending passage, was taken up for consideration.

Raecker 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?" ([S.F. 2174](#))

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Heaton

Paulsen

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

[Senate File 2193](#), a bill for an act relating to the civil commitment of sexually violent predators, with report of committee recommending passage, was taken up for consideration.

Maddox 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?" ([S.F. 2193](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Heaton

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

[Senate File 2208](#), a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Huseman of Cherokee offered amendment [H-8275](#) filed by the committee on agriculture as follows:

[H-8275](#)

1 Amend [Senate File 2208](#), as passed by the Senate, as
 2 follows:
 3 1. Page 4, by inserting after line 3 the
 4 following:
 5 "DIVISION
 6 MILK REGULATION
 7 Sec. _____. Section 192.101A, unnumbered paragraph
 8 1, Code Supplement 2003, is amended to read as
 9 follows:
 10 As used in this chapter, all terms shall have the
 11 same meaning as defined in the "Grade 'A' Pasteurized
 12 Milk Ordinance, ~~2001 Revision~~ Ordinance" as provided
 13 in section 192.102. However, notwithstanding the
 14 ordinance, the following definitions shall apply:
 15 Sec. _____. Section 192.102, Code Supplement 2003,
 16 is amended to read as follows:
 17 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.
 18 The department shall adopt, by rule, the "Grade 'A'
 19 Pasteurized Milk Ordinance, ~~2001~~ 2003 Revision",
 20 including a subsequent revision of the ordinance. If
 21 the ordinance specifies that compliance with a
 22 provision of the ordinance's appendices is mandatory,
 23 the department shall also adopt that provision. The
 24 department shall not amend the ordinance, unless the
 25 department explains each amendment and reasons for the
 26 amendment in the Iowa administrative bulletin when the
 27 rules are required to be published pursuant to chapter
 28 17A. The department shall administer this chapter
 29 consistent with the provisions of the ordinance.
 30 Sec. _____. Section 192.110, subsection 1, Code
 31 Supplement 2003, is amended to read as follows:
 32 1. The person has a pasteurized milk and milk
 33 products sanitation compliance rating of ninety
 34 percent or more as calculated according to the rating
 35 system as contained in the federal public health
 36 service publications, "Procedures Governing the
 37 Cooperative State-Public Health Service/Food and Drug
 38 Administration Program for Certification of Interstate
 39 Milk Shippers ~~2001~~ 2003" and "Method of Making
 40 Sanitation Ratings of Milk Supplies, ~~2001~~ 2003
 41 Revision". The applicable provisions of these

42 publications are incorporated into this section by
43 this reference. A copy of each publication shall be
44 on file with the department or in the office of the
45 person subject to an inspection contract as provided
46 in section 192.108."
47 2. By renumbering as necessary.

Huseman of Cherokee offered the following amendment [H-8362](#),
to the committee amendment [H-8275](#), filed by him from the floor and
moved its adoption:

[H-8362](#)

1 Amend the amendment, [H-8275](#), to [Senate File 2208](#),
2 as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 2, the
4 following:
5 "____. Page 1, by striking lines 6 and 7.
6 _____. Page 1, by striking lines 10 and 11."
7 2. By renumbering as necessary.

Roberts of Carroll in the chair at 3:20 p.m.

Amendment [H-8362](#) was adopted.

On motion by Huseman of Cherokee, the committee amendment
[H-8272](#), as amended, was adopted.

Huser of Polk asked and received unanimous consent to withdraw
amendment [H-8308](#) filed by her on March 23, 2004.

Huseman of Cherokee offered the following amendment [H-8313](#)
filed by him and moved its adoption:

[H-8313](#)

1 Amend [Senate File 2208](#), as passed by the Senate, as
2 follows:
3 1. Page 4, by inserting after line 3, the
4 following:
5 "DIVISION
6 ACCOUNTABLE GOVERNMENT ACT
7 Sec.____. Section 8E.103, subsection 1, Code 2003,
8 is amended to read as follows:
9 1. "Agency" means a principal central department
10 enumerated in section 7E.5. ~~For~~ However, for purposes
11 of this chapter, ~~each~~ all of the following apply:
12 a. The department of agriculture and land
13 stewardship is not considered an agency.
14 b. Each division within the department of commerce

15 ~~shall be~~ is considered an agency, and each bureau
 16 within a division of the department of commerce ~~shall~~
 17 be is considered a division, as otherwise provided in
 18 chapter 7E."
 19 2. By renumbering as necessary.

Amendment [H-8313](#) was adopted.

Huseman of Cherokee 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. 2208](#))

The ayes were, 99:

| | | | |
|------------------|------------------|------------------|------------|
| 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 | Hanson | Heddens | Hoffman |
| Hogg | Horbach | Hunter | Huseman |
| Huser | Hutter | Jacobs | Jacoby |
| Jenkins | Jochum | Jones | Klemme |
| Kramer | Kuhn | Kurtenbach | Lalk |
| Lensing | Lukan | Lykam | Maddox |
| Manternach | 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, 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:

Heaton

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 2566](#), by committee on government oversight, a bill for an act relating to farm mediation, by providing for participation by foreign business entities.

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

SENATE MESSAGE CONSIDERED

[Senate File 2295](#), by committee on ways and means, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2154, 2174, 2193 and 2208**.

[Senate File 2272](#), a bill for an act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous, with report of committee recommending passage, 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?" ([S.F. 2272](#))

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 | Foegen |
| Ford | Freeman | Frevert | Gaskill |
| Gipp | Granzow | Greimann | Greiner |
| Hahn | Hanson | Heddens | Hoffman |
| Hogg | Horbach | Hunter | Huseman |
| Huser | Hutter | Jacobs | Jacoby |

| | | | |
|------------------|------------------|------------------|------------|
| Jenkins | Jochum | Jones | Klemme |
| Kramer | Kuhn | Kurtenbach | Lalk |
| Lensing | Lukan | Lykam | Maddox |
| Manternach | 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, 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:

Heaton

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk on request of Gipp of Winneshiek.

SENATE AMENDMENT CONSIDERED

J.R. Van Fossen of Scott called up for consideration [House File 2281](#), a bill for an act relating to licensing of nonresident bait dealers, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8333](#):

[H-8333](#)

- 1 Amend [House File 2281](#), as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "Sec. ____ EFFECTIVE DATE. This Act takes effect
- 6 upon enactment."
- 7 2. Title page, line 1, by inserting after the
- 8 word "dealers" the following: "and providing an
- 9 effective date".

The motion prevailed and the House concurred in the Senate amendment [H-8333](#).

J.R. Van Fossen of Scott 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. 2281](#))

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 | Fallon | Foege |
| Ford | Freeman | Frevert | Gaskill |
| Gipp | Granzow | Greimann | Greiner |
| Hahn | Hanson | Heddens | Hoffman |
| Hogg | Horbach | Hunter | Huseman |
| Huser | Hutter | Jacobs | Jacoby |
| Jenkins | Jochum | Jones | Klemme |
| Kramer | Kuhn | Kurtenbach | Lalk |
| Lensing | Lukan | Lykam | Maddox |
| Manternach | Mascher | McCarthy | Mertz |
| Miller | Murphy | Oldson | Olson, D. |
| Olson, S. | Osterhaus | Paulsen | Petersen |
| Quirk | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Sands | Schickel | Shomshor |
| 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 | Wilderdye | Winckler |
| Roberts, | | | |
| Presiding | | | |

The nays were, none.

Absent or not voting, 3:

| | | |
|--------|---------|------|
| Heaton | Raecker | Wise |
|--------|---------|------|

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

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration [House File 2134](#), a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and

providing for retroactive applicability, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8337](#):

[H-8337](#)

1 Amend [House File 2134](#), as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 27, by inserting after the word
 4 "[licensed](#)" the following: "[residential care](#)
 5 [facilities and the number of licensed](#)".
 6 2. Page 2, line 18, by inserting after the word
 7 "[licensed](#)" the following: "[residential care](#)
 8 [facilities and the number of licensed](#)".
 9 3. Page 4, by inserting after line 25 the
 10 following:
 11 "Sec.____. WAIVER PAYMENT SLOTS. The department
 12 of human services shall provide an opportunity for
 13 counties to request an expansion of the county's home
 14 and community-based waiver payment slots under the
 15 medical assistance program in order to add slots to
 16 address the changes in the definition of "residential
 17 care facility" under chapter 135C made by this Act.
 18 Any expansion in the number of waiver payment slots as
 19 described in this section shall be implemented on July
 20 1, 2004, or the date authorized in the federal
 21 approval of the expansion of the waiver slots,
 22 whichever is later."

The motion prevailed and the House concurred in the Senate amendment [H-8337](#).

Carroll of Poweshiek 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. 2134](#))

The ayes were, 77:

| | | | |
|-----------|-----------|----------|----------|
| Alons | Arnold | Baudler | Bell |
| Boal | Boddicker | Boggess | Carroll |
| Chambers | Cohoon | Connors | Dandekar |
| Davitt | De Boef | Dennis | Dix |
| Dolecheck | Drake | Eichhorn | Elgin |
| Foege | Freeman | Frevert | Gipp |
| Granzow | Greimann | Greiner | Hahn |
| Hanson | Hoffman | Hogg | Horbach |
| Huseman | Hutter | Jacobs | Jacoby |
| Jenkins | Jones | Klemme | Kramer |

| | | | |
|-----------------------|------------------|-----------|------------------|
| Kuhn | Kurtenbach | Lalk | Lensing |
| Lukan | Lykam | Maddox | Manternach |
| Mertz | Olson, D. | Olson, S. | Paulsen |
| Quirk | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Sands | Schickel | Shomshor |
| Smith | Stevens | Struyk | Thomas |
| Tjepkes | Tymeson | Upmeyer | Van Engelenhoven |
| Van Fossen, J.K. | Van Fossen, J.R. | Watts | Wendt |
| Whitead | Wilderdyke | Winckler | Wise |
| Roberts, Presiding | | | |

The nays were, 21:

| | | | |
|----------|---------|------------|------------|
| Berry | Bukta | Fallon | Ford |
| Gaskill | Heddens | Hunter | Huser |
| Jochum | Mascher | McCarthy | Miller |
| Murphy | Oldson | Osterhaus | Petersen |
| Shoultz | Swaim | Taylor, D. | Taylor, T. |
| Whitaker | | | |

Absent or not voting, 2:

| | |
|--------|---------|
| Heaton | Raecker |
|--------|---------|

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

SENATE AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration [House File 2186](#), a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer, amended by the Senate amendment [H-8344](#) as follows:

[H-8344](#)

1 Amend [House File 2186](#), as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 8 through 25, and
 4 inserting the following:
 5 "(1) 150 points or less: A minimum of two
 6 thousand dollars and not more than five thousand
 7 dollars, in an amount that is deemed reasonable by the
 8 court.
 9 (2) More than 150 points: A minimum of five
 10 thousand dollars and not more than ten thousand
 11 dollars, in an amount that is deemed reasonable by the
 12 court."

Whitaker of Van Buren offered amendment [H-8355](#) to the Senate amendment [H-8344](#) filed by him and Lukan of Dubuque.

[H-8355](#)

- 1 Amend the Senate amendment, [H-8344](#), to House File
 2 2186, as passed by the House as follows:
 3 1. Page 1, line 7, by inserting after the word
 4 "dollars," the following: "and eighty hours of
 5 community service or, in lieu of the community
 6 service, a minimum of four thousand dollars and not
 7 more than ten thousand dollars,".
 8 2. Page 1, line 11, by inserting after the word
 9 "dollars," the following: "and eighty hours of
 10 community service or, in lieu of the community
 11 service, a minimum of ten thousand dollars and not
 12 more than twenty thousand dollars,".

Amendment [H-8355](#) was adopted.

On motion by Lukan of Dubuque the House concurred in the Senate amendment [H-8344](#), as amended.

Lukan of Dubuque moved that the bill, as amended by the Senate, further amended, 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. 2186](#))

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 | Hanson | Heddens | Hoffman |
| Hogg | Horbach | Hunter | Huseman |
| Huser | Hutter | Jacobs | Jacoby |
| Jenkins | Jochum | Jones | Klemme |
| Kramer | Kuhn | Kurtenbach | Lalk |
| Lensing | Lukan | Lykam | Maddox |
| Manternach | Mascher | McCarthy | Mertz |
| Miller | Murphy | Oldson | Olson, D. |
| Olson, S. | Osterhaus | Paulsen | Petersen |
| Quirk | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Sands | Schickel | Shomshor |
| 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, 2:

| | |
|--------|---------|
| Heaton | Raecker |
|--------|---------|

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

SENATE AMENDMENT CONSIDERED

Manternach of Jones called up for consideration [House File 2243](#), a bill for an act regarding notice requirements by customers of and limitations on liability for liquefied petroleum gas suppliers, retailers, handlers, and transports, and making a penalty applicable, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8340](#):

[H-8340](#)

1 Amend [House File 2243](#), as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 1 through 21 and
4 inserting the following:
5 "Section 1. NEW SECTION. 101.14 USER
6 RESPONSIBILITY.
7 1. In any action or claim seeking damages for
8 personal injuries or damage to property arising out of
9 injuries or loss due to defects in a liquefied
10 petroleum gas system, or arising out of the condition
11 of any portion of that system, the negligence or other
12 fault of the customer, owner, or other person in
13 possession of or making use of that system relating to
14 the installation, modification, maintenance, or repair
15 of the system or damage incurred to the system, shall
16 be admissible in evidence and considered by the finder
17 of fact if such conduct was a cause in fact of the
18 accident or condition leading to the injuries or
19 damages."
20 2. Page 1, line 22, by striking the figure "4."
21 and inserting the following: "2."
22 3. Page 1, lines 23 and 24, by striking the words
23 "more than twenty pounds of".
24 4. Title page, by striking lines 1 through 4 and
25 inserting the following: "An Act regarding user
26 responsibility and liability with respect to liquefied
27 petroleum gas systems."

The motion prevailed and the House concurred in the Senate amendment [H-8340](#).

Manternach of Jones 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. 2243](#))

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 | Hanson | Heddens | Hoffman |
| Hogg | Horbach | Hunter | Huseman |
| Huser | Hutter | Jacobs | Jacoby |
| Jenkins | Jochum | Jones | Klemme |
| Kramer | Kuhn | Kurtenbach | Lalk |
| Lensing | Lukan | Lykam | Maddox |
| Manternach | Mascher | McCarthy | Mertz |
| Miller | Murphy | Oldson | Olson, D. |
| Olson, S. | Osterhaus | Paulsen | Petersen |
| Quirk | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Sands | Schickel | Shomshor |
| 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, 2:

Heaton Raecker

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

SENATE AMENDMENT CONSIDERED

Kramer of Polk called up for consideration [House File 2460](#), a

bill for an act relating to school district enrollment of students listed on the sex offender registry, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8346](#):

[H-8346](#)

1 Amend [House File 2460](#), as passed by the House, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 282.9 ENROLLMENT OF
6 PERSON LISTED ON REGISTRY.
7 1. Notwithstanding sections 275.55A, 256F.4, and
8 282.18, or any other provision to the contrary, prior
9 to knowingly enrolling an individual who is required
10 to register as a sex offender under chapter 692A, but
11 who is otherwise eligible to enroll in a public
12 school, the board of directors of a school district
13 shall determine the educational placement of the
14 individual. Upon receipt of notice that a student who
15 is enrolled in the district is required to register as
16 a sex offender under chapter 692A, the board shall
17 determine the educational placement of the student.
18 The tentative agenda for the meeting of the board of
19 directors at which the board will consider such
20 enrollment or educational placement shall specifically
21 state that the board is considering the enrollment or
22 educational placement of an individual who is required
23 to register as a sex offender under chapter 692A. If
24 the individual is denied enrollment in a school
25 district under this section, the school district of
26 residence shall provide the individual with
27 educational services in an alternative setting.
28 2. Notwithstanding section 692A.13, or any other
29 provision of law to the contrary, the county sheriff
30 shall provide to the boards of directors of the school
31 districts located within the county the name of any
32 individual under the age of twenty-one who is required
33 to register as a sex offender under chapter 692A."

The motion prevailed and the House concurred in the Senate amendment [H-8346](#).

Kramer of Polk 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. 2460](#))

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 | Hanson | Heddens | Hoffman |
| Hogg | Horbach | Hunter | Huseman |
| Huser | Hutter | Jacobs | Jacoby |
| Jenkins | Jochum | Jones | Klemme |
| Kramer | Kuhn | Kurtenbach | Lalk |
| Lensing | Lukan | Lykam | Maddox |
| Manternach | Mascher | McCarthy | Mertz |
| Miller | Murphy | Oldson | Olson, D. |
| Olson, S. | Osterhaus | Paulsen | Petersen |
| Quirk | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Sands | Schickel | Shomshor |
| 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, 2:

Heaton Raecker

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

SENATE AMENDMENT CONSIDERED

Hoffman of Crawford called up for consideration [House File 2269](#), a bill for an act providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8339](#):

[H-8339](#)

1 Amend [House File 2269](#), as passed by the House, as

- 2 follows:
 3 1. By striking page 1, line 27, through page 2,
 4 line 2.
 5 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8339](#).

Hoffman of Crawford 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. 2269](#))

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 | Fallon | Foege |
| Ford | Freeman | Frevert | Gaskill |
| Gipp | Granzow | Greimann | Greiner |
| Hahn | Hanson | Heddens | Hoffman |
| Hogg | Horbach | Hunter | Huseman |
| Huser | Hutter | Jacobs | Jacoby |
| Jenkins | Jochum | Jones | Klemme |
| Kramer | Kuhn | Kurtenbach | Lalk |
| Lensing | Lukan | Lykam | Maddox |
| Manternach | Mascher | McCarthy | Mertz |
| Miller | Murphy | Oldson | Olson, D. |
| Olson, S. | Osterhaus | Paulsen | Petersen |
| Quirk | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Sands | Schickel | Shomshor |
| Shoultz | Smith | Stevens | Struyk |
| Swaim | Taylor, D. | Taylor, T. | Thomas |
| Tjepkes | Tymeson | Upmeyer | Van Engelenhoven |
| Van Fossen, J.R. | Watts | Wendt | Whitaker |
| Whitead | Wilderdyke | Winckler | Wise |
| Roberts, | | | |
| Presiding | | | |

The nays were, none.

Absent or not voting, 3:

Heaton Raecker Van Fossen, J.K.

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 2134, 2186, 2243, 2269, 2281, 2460** and [Senate File 2272](#).

SENATE FILES PLACED ON THE
UNFINISHED BUSINESS CALENDAR

Gipp of Winneshiek asked and received unanimous consent to place the following Senate Files on the Unfinished Business Calendar.

[Senate File 2066](#)
[Senate File 2175](#)
[Senate File 2183](#)
[Senate File 2190](#)
[Senate File 2209](#)
[Senate File 2213](#)
[Senate File 2225](#)
[Senate File 2233](#)

[Senate File 2264](#)
[Senate File 2266](#)
[Senate File 2268](#)
[Senate File 2269](#)
[Senate File 2275](#)
[Senate File 2278](#)
[Senate File 2279](#)

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 2351](#)

1. Page 1, line 12 – Delete “2.”

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 1st day of April, 2004: House Files 2167, 2270, 2351, 2362, 2383 and 2497.

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 March 31, 2004, he approved and transmitted to the Secretary of State the following bills:

[House File 2347](#), an Act relating to the Uniform Limited Partnership Act and providing a penalty and effective dates.

[Senate File 2188](#), an Act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the Department of Human Rights.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

March 31, 2004

The Honorable Jeff Lamberti
President of the Senate
State Capitol Building
L O C A L

Dear President Lamberti:

[Senate File 2230](#) is a bill which seeks to improve the marketability of contaminated property. The thought behind the bill is that in many instances there is a better chance of contaminated land being cleaned up and put to a higher purpose if the land could be more easily sold to a new owner, and therefore we should take steps to improve the marketability of contaminated property. The aim of cleaning up contaminated property and putting the land to a higher use clearly merits consideration.

The bill's proponents contend that lenders currently are reluctant to foreclose on contaminated property if they perceive that there is even the slightest chance that they could be held liable for environmental contamination caused by their borrowers. Likewise, the bill's proponents contend that buyers will not purchase contaminated property if they perceive that there is even the slightest chance that they could be held liable for environmental contamination caused by the previous owner:

The bill's proponents would, therefore, improve the marketability of contaminated property by immunizing lenders and buyers, *who satisfy all of the conditions set forth in bill*, from any conceivable "liability or obligation arising out of or resulting from contamination of property by a hazardous substance, hazardous waste, or a regulated substance, including without limitation, claims for illness personal injury, death" and other claims including property damage.

The "conditions" that are set forth in the bill are an attempt to ensure that the immunity provisions only benefit lenders and buyers who had no part in causing the property to be contaminated-in other words, to only immunize those that lack any

responsibility for causing any property damage, personal injury or death that arises out of the contamination.

I am concerned that the "conditions" set forth in the bill do not go far enough to adequately ensure that this bill only immunizes those buyers who truly lack any responsibility for causing property damage, personal injury or death that arises out of contaminated property. I do not want to sign a bill into law that would immunize from any accountability those who bear some or all responsibility for causing injury or death.

A buyer of land who had nothing to do with causing the property to become environmentally contaminated, could nonetheless be fully and knowingly responsible for causing completely innocent Iowans to become exposed to and injured or killed by the contaminants that already existed on the land at the time of purchase.

For instance, under this bill an out-of-state childcare center developer who did not cause any contamination, could nonetheless knowingly buy contaminated property at a bargain price, make no attempt to clean up the contaminants, conceal any knowledge of the contamination, and then encourage unknowing Iowans to send their children to this childcare center where they would be continually exposed to high levels of known carcinogens-and yet the developer would be completely immune from any accountability to the families of those innocent Iowa children who fall ill or die.

The childcare center developer did not cause the contamination, but was responsible for the injuries. This is not the type of conduct that anyone, including the supporters of this bill, wish to immunize from accountability-nonetheless the language of this bill would allow it to happen.

Similarly, a buyer who did not cause the contamination, could nonetheless be completely responsible for causing an injury or death by making a conscious decision to place employees or others in harm's way in order to save a few dollars by removing the existing safety measures which were installed by the previous owner to protect innocent Iowans from any harm arising out of the contamination. Again, this is not the type of conduct that anyone, including the supporters of this bill, wish to immunize from accountability-nonetheless the language of this bill would allow it to happen.

I am also concerned that under the language of this bill, the lenders and buyers would also be immunized from any accountability in regard to any property damage to state lands.

For the above reasons, I hereby respectfully disapprove [Senate File 2230](#). However, I stand ready to work with legislators to establish protections yet improve the marketability of contaminated property.

Sincerely,
Thomas J. Vilsack
Governor

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\1080 Beth and Ervin Madden, St. Ansgar – For celebrating their 50th wedding anniversary.
- 2004\1081 Erlin and Lilly Womeldorf, Decorah – For celebrating their 50th wedding anniversary.
- 2004\1082 Louise Pauley Croskey, Iowa City – For celebrating her 90th birthday.
- 2004\1083 Gregory Altmaier, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1084 Ilse Bendorf, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1085 Benjamin Berman, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1086 Virginia Dreier, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1087 Andrew Ketterer, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1088 Kelli Paul, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1089 Timothy Porter, Regina High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1090 Lindsey Ringham, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1091 Allison Schmidt, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1092 Morgan Walter, City High School - Iowa City – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1093 Alexander M. Abbe, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1094 Christopher T. Soseman, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1095 Phoebe Rose, Mapleton – For celebrating her 90th birthday.
- 2004\1096 Lonie Neimeier, Holstein – For celebrating his 80th birthday.
- 2004\1097 Winola Wienert, Holstein – For celebrating her 80th birthday.
- 2004\1098 Ardis Meeves, Denison – For celebrating her 85th birthday.

- 2004\1099 Clyde Cain, Salix – For celebrating his 85th birthday.
- 2004\1100 Larry Untiet, Spencer – For receiving the Outstanding Speech, Theatre, and Debate Educator Award.
- 2004\1101 Aaron Prestemon, Waukon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1102 Carter Angell, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1103 Adam Audino, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1104 Thomas Drahos, Belle Plaine Jr.-Sr. High School – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1105 Sarah Brandt, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1106 Jaclyn Nielsen, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1107 Anthony Brantner, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1108 Robert Clough, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1109 Kelly Harbacheck, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1110 Mary Debartolo, Newman Catholic High School – For being named a State of Iowa Scholar.
- 2004\1111 Mark Dummett, Newman Catholic High School – For being named a State of Iowa Scholar.
- 2004\1112 Alyse Hurd, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1113 Ellen Johnson, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1114 Nicholas Koren, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1115 Wade Johanns, Newman Catholic High School – For being named a State of Iowa Scholar.
- 2004\1116 Kristin Mariner, Mason City High School – For being named a State of Iowa Scholar.
- 2004\1117 Sara Van Hemert, Mason City High School – For being named a State of Iowa Scholar.

2004\1118 James McKone, Mason City High School – For being named a State of Iowa Scholar.

SUBCOMMITTEE ASSIGNMENTS

[House File 2442](#)

Ways and Means: Boal, Chair; Oldson and Paulsen.

[House File 2546](#)

Ways and Means: Boal, Chair; Frevert and Tymeson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 728](#)

Ways and Means: Kramer, Chair; Drake and Shoultz.

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

[Senate File 2298](#), a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment [H-8365](#)** April 1, 2004.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly [House File 2536](#)), providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2004.

Committee Bill (Formerly [House Study Bill 719](#)), relating to farm mediation, by providing for participation by foreign business entities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2004.

COMMITTEE ON JUDICIARY

[House File 2558](#), a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 31, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly [House File 2456](#)), establishing a county enforcement surcharge for citations issued by the county sheriff.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2004.

Committee Bill (Formerly [House File 2474](#)), regulating the transportation of animal carcasses, and providing for fees and penalties.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2004.

Committee Bill (Formerly [House File 2487](#)), relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2004.

RESOLUTION FILED

[HR 155](#), by Boddicker, Drake, Boggess, Eichhorn, Granzow, Maddox, and Carroll, a resolution urging the federal government to establish a National Center for Rural and Agricultural Behavioral Health in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

| | | |
|------------------------|---------------------------|----------------------|
| H-8359 | H.F. 2515 | Senate Amendment |
| H-8360 | S.F. 2213 | Lukan of Dubuque |
| H-8361 | H.F. 2455 | Carroll of Poweshiek |
| H-8363 | H.F. 2527 | Senate Amendment |

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|-------------------------------|-------------------------------|-----------------------------|---|
| <u>H-8364</u> | <u>S.F.</u> | <u>449</u> | Freeman of Buena Vista Shoultz of Black Hawk |
| <u>H-8365</u> | <u>S.F.</u> | <u>2298</u> | Committee on Appropriations |
| <u>H-8366</u> | <u>S.F.</u> | <u>2269</u> | Jacobs of Polk |
| <u>H-8367</u> | <u>H.F.</u> | <u>2193</u> | Senate Amendment |
| <u>H-8368</u> | <u>H.F.</u> | <u>2562</u> | Kramer of Polk |
| <u>H-8369</u> | <u>S.F.</u> | <u>2066</u> | Chambers of O'Brien McCarthy of Polk |
| <u>H-8370</u> | <u>H.J.R.</u> | <u>2002</u> | Wise of Lee Connors of Polk Reasoner of Union Hunter of Polk Dandekar of Linn Stevens of Dickinson Greimann of Story Shoultz of Black Hawk Fallon of Polk Huser of Polk Bukta of Clinton |
| | | | Foege of Linn Smith of Marshall T. Taylor of Linn Oldson of Polk Jacoby of Johnson Wendt of Woodbury Bell of Jasper Cohoon of Des Moines Swaim of Davis Winckler of Scott D. Olson of Boone |

On motion by Gipp of Winneshiek the House adjourned at 3:58 p.m., until 9:00 a.m., Friday, April 2, 2004.