

**PROOF**

---

---

**STATE OF IOWA**

**House Journal**

**WEDNESDAY, APRIL 14, 2004**

---

Printed daily by the State of Iowa during the sessions of the General Assembly.  
An official corrected copy is available for reference in the office of the Chief Clerk.  
(The official bound copy will be available after a reasonable time upon adjournment.)

---

---

# JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 14, 2004

The House met pursuant to adjournment at 9:06 a.m., Speaker Rants in the chair.

Prayer and song were offered by Reverend Robert E Connors, pastor of the Union Park Independent Christian Church, Des Moines. He was the guest and is the brother of Representative John Connors from Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, April 13, 2004 was approved.

## INTRODUCTION OF BILLS

**House File 2577**, by committee on appropriations, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

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

**House File 2578**, by committee on appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, state general fund, road use tax fund, and primary road fund, and making related and corrective changes and providing effective dates.

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

**House File 2579**, by Gipp, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal

of the award to district court and the award of interest earned on the damages.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2306**, by Iverson and Gronstal, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

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

#### ADOPTION OF HOUSE RESOLUTION 164

J.K. Van Fossen of Scott called up for consideration **House Resolution 164**, a resolution requesting the United States Congress to expand the physical presence standard for the imposition of state and local business activity taxes, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:28 a.m., until the fall of the gavel.

On motion by Jacobs of Polk, the House was recessed at 11:20 a.m., until the conclusion of the committee on ways and means.

#### AFTERNOON SESSION

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

#### SPECIAL PRESENTATION

S. Olson of Clinton introduced to the House the Honorable Bob Johnson, former state representative from Clinton County.

The House rose and expressed its welcome.

#### SENATE AMENDMENT CONSIDERED

Bogges of Page called up for consideration **Senate File 2282**, a bill for an act requiring a study of the archaeological and

paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8516 to the House amendment:

H-8516

- 1 Amend the House amendment, S-5236, to Senate File
- 2 2282, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 12 through 16 and
- 4 inserting the following:
- 5 "\_\_\_\_. Page 1, line 7, by inserting after the word
- 6 "preserve" the following: "and of other various uses
- 7 of the loess hills."
- 8 2. Page 1, by striking lines 32 through 34 and
- 9 inserting the following:
- 10 "\_\_\_\_. Title page, line 4, by inserting after the
- 11 word "hills" the following: "and of other various
- 12 uses of the loess hills".
- 13 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8516, to the House amendment.

Boggess of Page moved that the bill, as amended by the House, further 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?" (S.F. 2282)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
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	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Kramer	Lalk
Lensing	Lukan	Lykam	Maddox

Manternach	Mascher	McCarthy	Mertz
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	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	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Berry	Miller	Wilderdyke
-------	--------	------------

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

#### SENATE AMENDMENT CONSIDERED

Boal of Polk called up for consideration **House File 2560**, a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-8515:

H-8515

1 Amend House File 2560, as passed by the House, as  
 2 follows:  
 3 1. Page 2, by inserting after line 16 the  
 4 following:  
 5 "c. This subsection does not apply to a chapter  
 6 28E agreement entered into by three or more townships  
 7 if such agreement provides for the creation of one  
 8 fire department to provide fire protection services  
 9 jointly to the townships that are parties to the  
 10 agreement."

The motion prevailed and the House concurred in the Senate amendment H-8515.

Boal 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. 2560)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
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	Heaton	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
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	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	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Berry	Miller	Wilderdyke
-------	--------	------------

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 **Senate File 443**, a bill for an act relating to criteria for community-based seed capital

funds and providing a retroactive applicability date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8518 to the House amendment:

H-8518

1 Amend the House amendment, S-5293, to Senate File  
2 443, as passed by the Senate, as follows:  
3 1. Page 2, by striking lines 27 and 28 and  
4 inserting the following:  
5 "Sec. 5. Section 15E.45, subsection 2, paragraphs  
6 b and c, Code Supplement".  
7 2. Page 2, by inserting before line 29 the  
8 following:  
9 " \_\_\_\_\_. Page 1, line 5, by striking the words "five  
10 hundred" and inserting the following: "~~five~~ one  
11 hundred twenty-five".  
12 \_\_\_\_\_. Page 1, by inserting after line 12 the  
13 following:  
14 "c. The fund has no fewer than ~~ten~~ five investors  
15 who are not affiliates, with no single investor and  
16 affiliates of that investor together owning a total of  
17 more than twenty-five percent of the ownership  
18 interests outstanding in the fund.  
19 Sec. 501. Section 15E.45, subsection 6, Code  
20 Supplement 2003, is amended to read as follows:  
21 6. In the event that a community-based seed  
22 capital fund fails to meet or maintain any requirement  
23 set forth in this section, or in the event that the  
24 community-based seed capital fund has not invested at  
25 least thirty-three percent of its invested capital in  
26 ~~no fewer than two~~ one or more separate qualifying  
27 businesses, measured at the end of the thirty-sixth  
28 month after commencing the fund's investing  
29 activities, the board shall rescind any tax credit  
30 certificates issued to limited partners or members and  
31 shall notify the department of revenue that it has  
32 done so, and the tax credit certificates shall be null  
33 and void. However, a community-based seed capital  
34 fund may apply to the board for a one-year waiver of  
35 the requirements of this subsection."  
36 3. Page 2, line 35, by striking the words and  
37 figure "Section 5 of this Act applies" and inserting  
38 the following: "Sections 5 and 501 of this Act  
39 apply".  
40 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8518, to the House amendment.

Lukan of Dubuque moved that the bill, as amended by the House, further 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?" (S.F. 443)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Boal	Bogges	Bukta	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	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	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	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
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, 1:

Fallon

Absent or not voting, 4:

Berry	Boddicker	Ford	Wilderdyke
-------	-----------	------	------------

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



## SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **House File 593**, a bill for an act relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes, amended by the Senate, and moved that the House concur in the following Senate amendment H-8528:

H-8528

1 Amend House File 593, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 16, by inserting after the word  
4 "Code" the following: "Supplement".  
5 3. Page 3, by inserting after line 33, the  
6 following:  
7 "Sec. \_\_\_\_ Section 49.73, subsection 2, Code 2003,  
8 is amended to read as follows:  
9 2. The commissioner shall not shorten voting hours  
10 for any election if there is filed in the  
11 commissioner's office, at least twenty-five days  
12 before the election, a petition signed by at least  
13 fifty eligible electors of the school district or  
14 city, as the case may be, requesting that the polls be  
15 opened not later than seven o'clock a.m. All polling  
16 places where the candidates of or any public question  
17 submitted by any one political subdivision are being  
18 voted upon shall be opened at the same hour, except  
19 that this requirement shall not apply to merged areas  
20 established under chapter 260C. The hours at which the  
21 respective precinct polling places are to open shall  
22 not be changed after publication of the notice  
23 required by section 49.53. The polling places shall be  
24 closed at ~~nine o'clock~~ eight p.m. for ~~state primary~~  
25 ~~and general elections and other partisan elections,~~

26 ~~and for any other election held concurrently~~  
 27 ~~therewith, and at eight o'clock p.m. for all other~~  
 28 ~~elections."~~  
 29 4. Page 5, by striking lines 13 and 14, and  
 30 inserting the following: "information from the ballot  
 31 identifying the voter before the ballot is recorded  
 32 and counted."  
 33 5. Title page, line 7, by inserting after the  
 34 word "opening" the following: "and closing".  
 35 6. By renumbering, relettering, or redesignating  
 36 and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 49, nays 44.

The motion prevailed and the House concurred in the Senate amendment H-8528.

Jacobs 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.

Roberts of Carroll in the chair at 1:49 p.m.

On the question "Shall the bill pass?" (H.F. 593)

The ayes were, 53:

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

The nays were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon

Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

Absent or not voting, 1:

Wilderdyke

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

#### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 593, 2560, and Senate Files 443 and 2282.**

#### SENATE AMENDMENT CONSIDERED

Mertz of Kossuth called up for consideration **House File 2515**, a bill for an act relating to the keeping of farm deer, amended by the Senate, and moved that the House concur in the following Senate amendment H-8359:

H-8359

1 Amend House File 2515, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 170.3, subsection 1, Code  
 6 Supplement 2003, is amended to read as follows:  
 7 1. Farm deer are livestock as provided in this  
 8 title and are principally subject to regulation by the  
 9 department of agriculture and land stewardship, and  
 10 also the department of natural resources as  
 11 specifically provided in this chapter. The  
 12 regulations adopted by the department of agriculture  
 13 and land stewardship may include but are not limited  
 14 to providing for the importation, transportation, and  
 15 disease control of farm deer. The department of

16 agriculture and land stewardship and the department of  
 17 natural resources shall not require that the landowner  
 18 be issued a license ~~or permit~~ for keeping farm deer  
 19 ~~or~~. The department of natural resources shall not  
 20 require that the landowner be issued a certificate for  
 21 the construction of a fence for keeping farm deer."

22 2. Page 1, line 5, by inserting before the words

23 "A landowner" the following: "1."

24 3. Page 1, by inserting after line 19 the

25 following:

26 "2. Any person may take farm deer which are kept  
 27 within a certified fence, subject to consent of the  
 28 landowner. The department of agriculture and land  
 29 stewardship shall not regulate the taking of farm deer  
 30 unless regulation is to prevent the outbreak of a  
 31 transmissible disease including but not limited to  
 32 chronic wasting disease."

33 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8359.

Mertz of Kossuth 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. 2515)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
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	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	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	Whitead	Winckler	Wise
Roberts, Presiding			

The nays were, 2:

Lukan                      Whitaker

Absent or not voting, 1:

Wilderdyke

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

#### SENATE AMENDMENT CONSIDERED

Hutter of Scott called up for consideration **House File 2481**, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order, amended by the Senate amendment H-8514:

H-8514

- 1 Amend House File 2481, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 232.103, subsection 3, Code
- 6 Supplement 2003, is amended to read as follows:
- 7 3. A change in the level of care for a child who
- 8 is subject to a dispositional order for out-of-home
- 9 placement requires modification of the dispositional
- 10 order. A hearing shall be held on a motion to
- 11 terminate or modify a dispositional order except that
- 12 a hearing on a motion to terminate or modify an order
- 13 may be waived upon agreement by all parties.
- 14 Reasonable notice of the hearing shall be given to the
- 15 parties. The hearing shall be conducted in accordance
- 16 with the provisions of section 232.50."
- 17 2. By renumbering as necessary.

Heddens of Story offered the following amendment H-8539, to the Senate amendment H-8514, filed by her from the floor and moved its adoption:

H-8539

- 1 Amend the Senate amendment, H-8514, to House File
- 2 2481, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "\_\_\_\_. Page 1, line 11, by inserting after the
- 6 word "accomplished" the following: "and the child is
- 7 no longer in need of supervision, care, or treatment".
- 8 \_\_\_\_\_. Page 1, line 14, by inserting after the word
- 9 "available" the following: ", and the child is no
- 10 longer in need of supervision, care, or treatment".
- 11 \_\_\_\_\_. Page 1, line 17, by inserting after the word
- 12 "unwarranted" the following: "because the child is no
- 13 longer in need of supervision, care, or treatment"."
- 14 2. By renumbering as necessary.

Amendment H-8539 lost.

Heddens of Story offered the following amendment H-8541, to the Senate amendment H-8514, filed by her from the floor and moved its adoption:

H-8541

- 1 Amend the Senate amendment, H-8514, to House File
- 2 2481, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "\_\_\_\_. Page 1, by striking lines 10 through 17 and
- 6 inserting the following:
- 7 "b. The efforts made to effect the purposes of the
- 8 order have been unsuccessful and all reasonably
- 9 appropriate services for the child were provided over
- 10 the immediately preceding two-year period."
- 11 2. By renumbering as necessary.

Amendment H-8541 lost.

Heddens of Story offered the following amendment H-8542, to the Senate amendment H-8514, filed by her from the floor and moved its adoption:

H-8542

- 1 Amend the Senate amendment, H-8514, to House File
- 2 2481, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "\_\_\_\_. Page 1, line 3, by striking the word "The"
- 6 and inserting the following: "~~The~~ Unless the child's
- 7 guardian ad litem objects, the."
- 8 2. By renumbering as necessary.

Amendment H-8542 lost.

Heddens of Story offered the following amendment H-8540, to the Senate amendment H-8514, filed by her from the floor and moved its adoption:

H-8540

- 1 Amend the Senate amendment, H-8514, to House File
- 2 2481, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "\_\_\_\_. Page 1, by inserting after line 17 the
- 6 following:
- 7 "If the purposes of a dispositional order have not
- 8 been accomplished due to the failure of the state to
- 9 fully fund necessary services for the child, the court
- 10 shall not terminate the order under this subsection."
- 11 2. By renumbering as necessary.

Amendment H-8540 lost.

On motion by Hutter of Scott the House concurred in the Senate amendment H-8514.

Hutter 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. 2481)

The ayes were, 58:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin

Fallon	Freeman	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Hoffman	Hogg	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, D.
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Sands	Schickel
Struyk	Taylor, D.	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Roberts, Presiding		

The nays were, 41:

Berry	Bukta	Cphoon	Connors
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Greimann	Heddens
Hunter	Huser	Jacoby	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

Absent or not voting, 1:

Wilderdyke

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

#### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2481 and 2515.**

The House stood at ease at 2:29 p.m., until the fall of the gavel.

The House resumed session at 4:17 p.m., Roberts of Carroll in the chair.

#### QUORUM CALL



A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-four members present, twenty-six 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 April 14, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2390, a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, providing for retroactive applicability.

Also: That the Senate has on April 14, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2418, a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

Also: That the Senate has on April 14, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2549, a bill for an act relating to expenditures from the waste tire management fund.

Also: That the Senate has on April 14, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2555, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

Also: That the Senate has on April 14, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2026, a bill for an act relating to the reduction of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers and the setting aside of sales and use tax revenues for an alternative energy program.

Also: That the Senate has on April 14, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2153, a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster.

Also: That the Senate has on April 14, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2209, a bill for an act relating to the content of immunizations, and making a penalty applicable.

Also: That the Senate has on April 14, 2004, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2269, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date.

Also: That the Senate has on April 14, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2270, 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.

Also: That the Senate has on April 14, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2288, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Also: That the Senate has on April 14, 2004, amended the House amendment, concurred in the House amendment as 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

#### COMMITTEE RECOMMENDATION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

**House File 2579**, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 2004.

### RULES SUSPENDED

Jacobs of Polk asked and received unanimous consent for the immediate consideration of House File 2579.

### CONSIDERATION OF BILLS Regular Calendar

**House File 2579**, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages, 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?" (H.F. 2579)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	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	Shultz	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
Winckler	Wise	Roberts, Presiding	

The nays were, none.

Absent or not voting, 1:

Wilderdyke

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

Jacobs of Polk asked and received unanimous consent for the immediate consideration of House File 2577.

### Appropriations Calendar

**House File 2577**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date, was taken up for consideration.

Heaton of Henry offered the following amendment H-8545 filed by him from the floor and moved its adoption:

H-8545

1 Amend House File 2577 as follows:  
 2 1. Page 3, by inserting after line 19 the  
 3 following:  
 4 "\_\_\_\_. To the department of human services for  
 5 general administration of health-related programs:  
 6 ..... \$ 274,000"  
 7 2. Page 4, by striking lines 13 through 17.  
 8 3. Page 6, by inserting after line 9 the  
 9 following:  
 10 "\_\_\_\_. For the center for congenital and inherited  
 11 disorders:  
 12 ..... \$ 26,000"  
 13 4. Page 7, by striking lines 33 and 34 and  
 14 inserting the following: "correctional facility:"  
 15 5. Page 8, by striking line 1.  
 16 6. Page 8, line 5, by striking the figure

- 17 "6,500,000" and inserting the following: "6,316,077".  
18 7. Page 8, by inserting after line 16, the  
19 following:  
20 "(1) The program described in this paragraph "b"  
21 shall meet all of the following requirements:  
22 (a) The program shall be a statewide mentoring  
23 program that is an alternative to mentoring programs  
24 that utilize the standards of effective practice.  
25 (b) The program shall contract with a university  
26 to assist in curriculum development and performance  
27 evaluation.  
28 (c) The program shall provide for some level of  
29 public-private partnership.  
30 (d) The program shall obtain the assistance of the  
31 Iowa department of public health in the development of  
32 the performance evaluation design.  
33 (e) The program shall demonstrate improvement in  
34 meeting the current standards.  
35 (2) The Iowa department of public health may use  
36 up to \$50,000 of the moneys appropriated under this  
37 paragraph "b" to provide technical assistance to and  
38 monitoring of the program."  
39 8. Page 8, line 17, by striking the word  
40 "Notwithstanding" and inserting the following: "(3)  
41 Notwithstanding".  
42 9 Page 8, line 18, by inserting after the word  
43 "paragraph" the following: "b".  
44 10. By renumbering as necessary.

Amendment H-8545 was adopted.

D. Olson of Boone offered amendment H-8555 filed by him from the floor and requested division as follows:

H-8555

- 1 Amend House File 2577 as follows:

H-8555 A

- 2 1. Page 4, by striking lines 13 through 17.

H-8555 B

- 3 2. Page 4, line 30, by striking the figure  
4 "11,800,000" and inserting the following:  
5 "12,200,000".  
  
6 3. Page 8, by striking lines 12 though 15, and  
7 inserting the following:

8 ~~"b. For a grant to a program that utilizes high~~  
9 ~~school mentors to teach life skills, violence~~  
10 ~~prevention, and character education in an effort to~~  
11 ~~reduce the illegal use of alcohol, tobacco, and other~~  
12 ~~substances~~ substance abuse prevention grants to local  
13 programs:"

H-8555

14 4. By renumbering as necessary.

With the adoption of amendment H-8545, amendment H-8555A is placed out of order.

D. Olson of Boone moved the adoption of amendment H-8555B.

A non-record roll call was requested.

The ayes were 41, nays 47.

Amendment H-8555B lost.

Smith of Marshall offered amendment H-8556 filed by him from the floor as follows:

H-8556

1 Amend House File 2577 as follows:  
2 1. Page 6, by inserting after line 9, the  
3 following:  
4 "Any funds appropriated to the Iowa department of  
5 public health from the healthy Iowans tobacco trust  
6 that are distributed as grants are subject to a  
7 request for proposals process developed by the  
8 department that includes specifications regarding  
9 budget line items, project goals and objectives, and  
10 outcome measurements."

Amendment H-8556 lost.

Heaton of Henry offered the following amendment H-8543 filed by him, Wise of Lee, Petersen of Polk and Dolecheck of Ringgold from the floor and moved its adoption:

H-8543

1 Amend House File 2577 as follows:  
2 1. Page 6, by striking lines 29 through 32, and  
3 inserting the following: "based treatment program.  
4 Of the funds allocated in this paragraph, \$60,000

5 shall be used to operate a similar value-based  
6 treatment program at the Iowa correctional institution  
7 for women at Mitchellville. Moneys allocated for the  
8 program at Mitchellville that remain unencumbered or  
9 unobligated for that purpose at the close of the  
10 fiscal year shall revert."

Amendment H-8543 was adopted.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-8549 filed by him from the floor.

Carroll of Poweshiek offered the following amendment H-8550 filed by him from the floor and moved its adoption:

H-8550

1 Amend House File 2577 as follows:  
2 1. Page 8, by inserting after line 9 the  
3 following:  
4 "Sec.\_\_\_\_. Section 216B.3, Code Supplement 2003,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 18. Plan, establish, administer,  
7 and promote a statewide program to provide audio news  
8 and information services to blind or visually impaired  
9 persons residing in this state.  
10 a. The commission may enter into necessary  
11 contracts and arrangements with the national  
12 federation for the blind to provide for the delivery  
13 of newspapers over the telephone, furnished by the  
14 national federation for the blind.  
15 b. The commission may enter into necessary  
16 contracts and arrangements with the Iowa radio reading  
17 information service for the blind and print  
18 handicapped to provide for the delivery of newspapers,  
19 magazines, and other printed materials over the radio,  
20 furnished by the Iowa radio reading information  
21 service for the blind and print handicapped.  
22 Sec.\_\_\_\_. Section 216B.4, unnumbered paragraph 1,  
23 Code 2003, is amended to read as follows:  
24 The director may accept financial aid from the  
25 government of the United States for carrying out  
26 rehabilitation and physical restoration of the blind  
27 and for providing library, news, and information  
28 services to persons who are blind and persons with  
29 physical disabilities."

Amendment H-8550 was adopted.

Smith of Marshall offered the following amendment H-8558 filed by him, D. Olson of Boone, Lensing of Johnson, Foege of Linn, Wendt of Woodbury and Berry of Black Hawk from the floor and moved its adoption:

H-8558

- 1 Amend House File 2577 as follows:
- 2 1. Page 4, by inserting after line 12, the
- 3 following:
- 4 " \_\_\_\_\_. For the just eliminate lies program under
- 5 the tobacco use prevention and control initiative, in
- 6 addition to any other funds appropriated for that
- 7 purpose:
- 8 ..... \$ 60,000"
- 9 2. Page 6, line 11, by striking the figure
- 10 "980,000" and inserting the following: "920,000".
- 11 3. Page 6, line 27, by striking the figure
- 12 "370,000" and inserting the following: "310,000".
- 13 4. By renumbering, redesignating, and correcting
- 14 internal references as necessary.

Amendment H-8558 lost.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8560 filed by him, D. Olson of Boone, Lensing of Johnson and Foege of Linn from the floor.

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

On the question "Shall the bill pass?" (H.F. 2577)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter



Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	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	Winckler
Wise	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Kramer                      Wilderdyke

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

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2514, a bill for an act relating to a pilot project for dementia-specific care alternatives.

Also: That the Senate has on April 14, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2561, a bill for an act creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates.

Also: That the Senate has on April 14, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2569, a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff.

MICHAEL E. MARSHALL, Secretary

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2577 and 2579.**

### SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **Senate File 2269**, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to voting machines, making changes related to absentee voting, providing penalties, and providing effective and applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-8552:

H-8552

1 Amend the House amendment, S-5292, to Senate File  
 2 2269, as passed by the Senate, as follows:  
 3 1. Page 1, by inserting before line 9, the  
 4 following:  
 5 "\_\_\_\_. Page 1, by inserting after line 14 the  
 6 following:  
 7 "Sec.\_\_\_\_. Section 46.21, unnumbered paragraph 1,  
 8 Code 2003, is amended to read as follows:  
 9 At least sixty-nine days before each judicial  
 10 election, the state commissioner of elections shall  
 11 certify to the county commissioner of elections of  
 12 each county a list of the judges of the supreme court,  
 13 court of appeals, and district court including  
 14 district associate judges, full-time associate  
 15 juvenile judges, and full-time associate probate  
 16 judges, and clerks of the district court to be voted  
 17 on in each county at that election. The county  
 18 commissioner of elections shall place the names upon  
 19 the ballot in the order in which they appear in the  
 20 certificate, ~~unless only one county is voting thereon.~~  
 21 The state commissioner of elections shall rotate the  
 22 names in the certificate by county, ~~or the county~~  
 23 ~~commissioner of elections shall rotate them upon the~~  
 24 ~~ballot by precinct if only one county is voting~~  
 25 ~~thereon.~~ The names of all judges and clerks to be  
 26 voted on shall be placed upon one ballot, which shall

27 be in substantially the following form:"  
28 2. Page 2, by inserting after line 17, the  
29 following:  
30 "\_\_\_\_. Page 13, line 26, by striking the words  
31 "commissioner, or" and inserting the following:  
32 "~~commissioner, or. A registered voter may~~".  
33 \_\_\_\_\_. Page 13, line 28, by inserting after the  
34 word "ballot." the following: "A written application  
35 for an absentee ballot must be received by the  
36 commissioner no later than five p.m. on the Friday  
37 before the election."  
38 \_\_\_\_\_. Page 14, line 17, by inserting after the  
39 word "applicant" the following: "or no later than  
40 five p.m. on the Friday before the election, whichever  
41 is earlier".  
42 \_\_\_\_\_. Page 15, line 4, by inserting after the word  
43 "applicant" the following: "or no later than five  
44 p.m. on the Friday before the election, whichever is  
45 earlier".  
46 3. Page 2, by striking lines 22 and 23, and  
47 inserting the following: "the office of the  
48 commissioner within seventy-two hours of retrieving  
49 the completed ballot or before the closing of the  
50 polls on election day, whichever is earlier."

Page 2

1 4. Page 3, line 30, by striking the word  
2 "register" and inserting the following: "be  
3 registered".  
4 5. Page 3, lines 34 and 35, by striking the words  
5 "allowed to register" and inserting the following:  
6 "registered".  
7 6. Page 3, line 36, by striking the word "The"  
8 and inserting the following: "Absentee ballot  
9 couriers shall be registered with the commissioner by  
10 the person providing the training required in  
11 paragraph "c". The".  
12 7. Page 3, line 40, by striking the word  
13 "register" and inserting the following: "be  
14 registered".  
15 8. Page 3, line 43, by inserting after the word  
16 "commissioner." the following: "However, if a person  
17 has completed training as an absentee ballot courier  
18 and the trainer is unable to register the person  
19 because the commissioner's office is closed, the  
20 person may retrieve completed absentee ballots if the  
21 trainer registers the courier with the commissioner by  
22 facsimile transmission within twenty-four hours of  
23 completion of training or by personally delivering the  
24 registration information to the commissioner's office  
25 by the close of the next business day following

26 completion of training or by mailing the registration  
27 information to the commissioner, in which case the  
28 mailing must be postmarked no later than the next  
29 business day following completion of training."  
30 9. Page 3, line 45, by inserting after the word  
31 "have" the following: "been".  
32 10. Page 3, line 46, by striking the word  
33 "register" and inserting the following: "be  
34 registered".  
35 11. Page 4, by striking line 2, and inserting the  
36 following: "the respective state or county central  
37 committees, or a member of the paid staff of such  
38 committees, or by the county party or the state party,  
39 or a member of the paid staff of such parties. The".  
40 12. Page 4, line 22, by striking the words "by  
41 five p.m." and inserting the following: "before the  
42 closing of the polls".  
43 13. Page 4, line 23, by striking the word  
44 "sooner" and inserting the following: "earlier".  
45 14. Page 4, by inserting after line 23, the  
46 following:  
47 "(6) A statement informing the voter that the  
48 voter may verify that the person retrieving the  
49 completed ballot is a registered absentee ballot  
50 courier by contacting the county auditor's office."

Page 3

1 15. Page 4, line 27, by inserting after the word  
2 "office." the following: "A completed ballot and  
3 cover sheet shall only be delivered to the  
4 commissioner's office by the absentee ballot courier  
5 who retrieved the ballot or by one other absentee  
6 ballot courier designated by the political party,  
7 candidate, or committee for which the absentee ballot  
8 couriers are acting as actual or implied agents. The  
9 cover sheet shall include space for the name and  
10 signature of the absentee ballot courier who retrieved  
11 the ballot and the name and signature of any second  
12 absentee ballot courier designated to deliver the  
13 ballot and cover sheet to the commissioner's office."  
14 16. Page 4, by inserting after line 35, the  
15 following:  
16 "\_\_\_. Page 18, line 6, by inserting after the  
17 word "enactment" the following: "and applies to  
18 elections held on or after September 15, 2004."  
19 17. Page 4, by inserting after line 38 the  
20 following:  
21 "\_\_\_. Title page, lines 4 and 5, by striking the  
22 words "an effective date" and inserting the following:  
23 "effective and applicability dates".  
24 18. By renumbering, relettering, or redesignating

25 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8552.

Jacobs 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?" (S.F. 2269)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dolecheck	Drake	Eichhorn
Elgin	Foege	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	Manternach	Mascher
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
Winckler	Wise	Roberts,	
		Presiding	

The nays were, 2:

Fallon                      McCarthy

Absent or not voting, 3:

Dix                          Kramer                      Wilderdyke

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

The House stood at ease at 5:54 p.m., until the fall of the gavel.

The House resumed session at 6:04 p.m., Manternach of Jones in the chair.

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2269** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 6:04 p.m., until 6:45 p.m.

#### EVENING SESSION

The House reconvened at 6:58 p.m., Roberts of Carroll in the chair.

#### QUORUM CALL

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

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2572, a bill for an act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

Also: That the Senate has on April 14, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2574, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and including effective date and retroactive applicability date provisions.

Also: That the Senate has on April 14, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2307, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

MICHAEL E. MARSHALL, Secretary

### SENATE AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8553 to the House amendment:

H-8553

1 Amend the House amendment, S-5366, to Senate File  
2 2295, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by striking lines 10 through 15.  
5 2. Page 1, by striking lines 19 through 43.  
6 3. Page 1, by inserting before line 44 the  
7 following:  
8 "\_\_\_\_. Page 2, by striking lines 3 through 9 and  
9 inserting the following:  
10 "a. "Disabled student" means a child requiring  
11 special education, as defined in section 256B.2,  
12 subsection 1."

The House stood at ease at 7:33 p.m., until the fall of the gavel.

The House resumed session at 8:36 p.m., Roberts of Carroll in the chair.

On motion by Lukan of Dubuque, the House concurred in the Senate amendment H-8553, to the House amendment.

Lukan of Dubuque moved that the bill, as amended by the House, further 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?" (S.F. 2295)

The ayes were, 59:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
Dandekar	De Boef	Dix	Drake
Eichhorn	Elgin	Freeman	Gipp
Greiner	Hahn	Hanson	Heaton
Hoffman	Hogg	Horbach	Huseman
Hutter	Jacobs	Jochum	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Lykam	Maddox	Manternach
McCarthy	Mertz	Murphy	Olson, S.
Osterhaus	Paulsen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Struyk	Taylor, D.
Thomas	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Roberts, Presiding	

The nays were, 39:

Bell	Berry	Bukta	Cohoon
Connors	Davitt	Dennis	Dolecheck
Fallon	Foege	Ford	Frevert
Gaskill	Granzow	Heddens	Hunter
Huser	Jacoby	Jenkins	Kuhn
Lensing	Mascher	Miller	Oldson
Olson, D.	Petersen	Shomshor	Shultz
Smith	Stevens	Swaim	Taylor, T.
Tjepkes	Upmeyer	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 2:

Greimann	Wilderdyke
----------	------------

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

#### 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 April 14, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2302, A bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and



gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2295** be immediately messaged to the Senate.

#### SENATE MESSAGE CONSIDERED

**Senate File 2307**, by committee on ways and means, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

#### 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 2530

1. Page 1, line 22 – Should read “as follows”. Add “s” to make it the word “as”.

MARGARET A. THOMSON  
Chief Clerk of the House

#### BILL 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 bill has 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 14<sup>th</sup> day of April, 2004: House File 2553.

MARGARET A. THOMSON

**Chief Clerk of the House**

**Report adopted.**

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 13, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 2146, an Act making changes to sex offender registry requirements for persons convicted of incest against a dependent adult.

House File 2201, an Act providing for exemptions from massage therapy licensure requirements.

House File 2404, an Act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, making changes related to multicounty consolidation, and including effective and retroactive applicability date provisions.

House File 2490, an Act relating to the Uniform Electronic Transactions Act.

House File 2496, an Act relating to the use of title pertaining to physical therapy and providing a penalty.

Senate File 2044, an Act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

**Also: that on April 14, 2004, he approved and transmitted to the Secretary of State the following bills:**

House File 2145, an Act relating to membership on certain city planning and zoning commissions.

House File 2225, an Act relating to the establishment of drainage and levee districts, and providing an effective date.

House File 2340, an Act relating to the temporary absence of an elected local government official on active military duty and the appointment of a temporary replacement and providing an effective date.

House File 2397, an Act relating to the act or property of a public utility with respect to the definition of nuisance.

House File 2517, 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.

Senate File 371, an Act relating to formatting standards for recording documents of instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date.

Senate File 2213, an Act regarding the cancellation of fishing and hunting licenses by the Department of Natural Resources for nonpayment of the license fee.

Senate File 2266, an Act relating to landlord disclosure requirements regarding the environmental status of rental property.

Senate File 2284, 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.

Senate File 2296, an Act relating to the policy administration of the tax and related laws by the Department of Revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

#### GOVERNOR'S VETO MESSAGE

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

April 13, 2004

The Honorable Christopher Rants  
Speaker of the House  
State Capitol Building  
L O C A L

Dear Speaker Rants:

I hereby transmit House File 2523, an Act providing for the regulation of air quality, and making penalties applicable.

Although House File 2523 was touted as the "air quality bill" by legislators, the fact is that the Minimal Risk Levels established in this bill fail to adequately protect the health of Iowans. The levels established in the bill misrepresent the Center for Disease Control's recommendations by allowing exposures for longer time periods than recommended and by failing to required immediate responses to exceedences of those standards.

The health levels in this bill for hydrogen sulfide and ammonia are many times less protective of health than those imposed in surrounding states where livestock agriculture continues to thrive. Missouri, Minnesota, and Nebraska all have standards that allow violations at most for two days out of any five, and generally not more than twice a year. This bill would require fourteen consecutive days of violations under one provision before exceeding the standard. Setting such a lenient standard, as designated in this bill, does not address the problem and threatens to undermine the credibility of the livestock industry in Iowa.

This bill would also relinquish authority for establishing and amending ambient air quality standards to the federal government. This approach is problematic because it prevents the Environmental Protection Commission from developing an ambient standard to address issues that may be unique to Iowa and may not compel the Environmental Protection Agency (EPA) to take action. It is appropriate for states to maintain this authority given the unique circumstances states face and given the problems with a one-size-fits-all approach that is often pursued by the EPA. Without ambient standards, it is impossible to appropriately balance the need to protect public health with the practical and financial burdens of requiring emissions controls.

Just two years ago, the legislature worked with my administration on a balanced policy regulating livestock confinements, including air quality. I am disappointed in the legislature's unwillingness to continue that consensus work this year by refusing my offer to develop a regulatory standard that protects human health. At a time when Iowans should be coming together to solve difficult problems, majority legislators have chosen to drive a political wedge in this already divisive issue.

For the above reasons, I hereby respectfully disapprove House File 2523. I remain confident that we can develop air quality standards that maintain a strong livestock industry and protect the health of all Iowans, including those most susceptible to respiratory problems. I commit my administration to striking that balance.

I direct the Department of Natural Resources to move forward with establishing an administrative standard, monitoring, and developing best management practices. I believe the Department of Public Health has developed a balanced recommendation for hydrogen sulfide at 30 ppb over a 60-minute average, allowing for seven exceedences on an annual basis. An air quality standard at this level will protect the health of Iowans and maintain a healthy livestock industry, and I urge the Environmental Protection Commission to give serious consideration to this recommendation.

Sincerely,  
Thomas J. Vilsack  
Governor

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty fifth grade students from Perkins Elementary School, Des Moines, Iowa, accompanied by Sandi Dubbs. By Petersen of Polk.

#### 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\1462 Gene, Todd and Shawn Flynn, Nevada – For receiving the “Iowa Good Neighbor Award.”
- 2004\1463 Ella Abbas, Hampton – For celebrating her 85<sup>th</sup> birthday.
- 2004\1464 Howard J. Cooley, Adair – For celebrating his 102<sup>nd</sup> birthday.
- 2004\1465 Lois Stone, Newton – For celebrating her 80<sup>th</sup> birthday.
- 2004\1466 Margaret Van Baale, Newton – For celebrating her 90<sup>th</sup> birthday.
- 2004\1467 Al and Ginny Roberts, Newton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2004\1468 Charles and Lorene Gile, Albia – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2004\1469 Bernice Bettis, Albia – For celebrating her 90<sup>th</sup> birthday.
- 2004\1470 Adaline Hushak, Clutier – For celebrating her 90<sup>th</sup> birthday.
- 2004\1471 Genevieve Redlinger, Keota – For celebrating her 90<sup>th</sup> birthday.
- 2004\1472 Bessie Ruggles, Keswick – For celebrating her 90<sup>th</sup> birthday.
- 2004\1473 Nellie Meacham, Richland – For celebrating her 95<sup>th</sup> birthday.
- 2004\1474 Mary Duesler, Brooklyn – For celebrating her 100<sup>th</sup> birthday.
- 2004\1475 Martin Rehborg, Sibley – For celebrating his 100<sup>th</sup> birthday.
- 2004\1476 Donald P.J. Andersen Jr., Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### 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 WAYS AND MEANS

**Senate File 2303**, a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 13, 2004.

**Senate File 2305**, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8570** April 14, 2004.

**Senate File 2306**, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 2004.

AMENDMENTS FILED

H—8536	H.F.	2578	Watts of Dallas Tymeson of Madison Jenkins of Black Hawk
H—8537	H.F.	2578	Hoffman of Crawford
H—8538	H.F.	2578	Raecker of Polk
H—8544	H.F.	2578	Freeman of Buena Vista Rayhons of Hancock Upmeyer of Hancock Dolecheck of Ringgold
H—8546	H.F.	2578	Hoffman of Crawford
H—8547	H.F.	2455	Smith of Marshall Upmeyer of Hancock
H—8548	H.F.	2578	Raecker of Polk

H—8551	H.F.	2578	Freeman of Buena Vista
H—8554	H.F.	2390	Eichhorn of Hamilton
H—8557	H.F.	2455	Senate Amendment
			Smith of Marshall
			Upmeyer of Hancock
H—8559	H.F.	2578	Rayhons of Hancock
			Huseman of Cherokee
			Freeman of Buena Vista
			Watts of Dallas
			Jacoby of Johnson
H—8561	H.F.	2555	Senate Amendment
H—8562	H.F.	2418	Senate Amendment
H—8563	H.F.	2578	Eichhorn of Hamilton
H—8564	H.F.	2578	Dix of Butler
			Cohoon of Des Moines
			Huseman of Cherokee
			Quirk of Chickasaw.
H—8565	S.F.	449	Kurtenbach of Story
H—8566	H.F.	2574	Senate Amendment
H—8568	H.F.	2302	Senate Amendment
H—8569	H.F.	2578	Thomas of Clayton
			Kuhn of Floyd
			Fallon of Polk
			Whitead of Woodbury
			Foege of Linn
			Cohoon of Des Moines
			Jacoby of Johnson
			D. Taylor of Linn
			Jochum of Dubuque
			Berry of Black Hawk
			Gaskill of Wapello
			Shoultz of Black Hawk
			Lensing of Johnson
			D. Olson of Boone
			Stevens of Dickinson
			T. Taylor of Linn
			Connors of Polk
			Davitt of Warren
			Quirk of Chickasaw
H—8570	S.F.	2305	Committee on Ways and Means

On motion by Gipp of Winneshiek the House adjourned at 8:49 p.m., until 8:45 a.m., Thursday, April 15, 2004.