

**PROOF**

---

---

**STATE OF IOWA**

**House Journal**

**WEDNESDAY, JANUARY 29, 2003**

---

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

Seventeenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 29, 2003

The House met pursuant to adjournment at 8:46 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Orris L. Drake, pastor of Shelby United Methodist Church, Shelby. He was the guest of Representative Drake of Pottawattamie County.

The Journal of Tuesday, January 28, 2003 was approved.

### INTRODUCTION OF BILLS

[House File 67](#), by Foege, a bill for an act establishing a children's environmental health and protection advisory council.

Read first time and referred to committee on **human resources**.

[House File 68](#), by Wise, a bill for an act relating to the authority of the county board of supervisors to approve or disapprove certain city zoning ordinances or regulations and providing for the Act's applicability.

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

[House File 69](#), by Foege, a bill for an act relating to children's product safety and providing civil penalties.

Read first time and referred to committee on **human resources**.

[House File 70](#), by Eichhorn, a bill for an act establishing a biennial appropriations process and providing effective and applicability dates.

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

[House File 71](#), by Alons, a bill for an act prohibiting the cancellation or nonrenewal of property and casualty insurance policies due to certain claims involving no fault of the insureds.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 72](#), by Jochum, a bill for an act relating to the classification as commercial property for property taxation of certain animal feeding operation structures and including an applicability date provision.

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

[House File 73](#), by Jochum, a bill for an act providing for the assignment of pension benefits from state-administered retirement systems for the payment of health insurance coverage premiums.

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

[House File 74](#), by Foege, a bill for an act providing for a study of mental health treatment in correctional settings.

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

[House File 75](#), by Jochum, a bill for an act relating to mandatory disclosures in certain political telephone communications, and applying a penalty.

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

[House File 76](#), by Hansen, a bill for an act relating to the protection of animals from injury or torment in contest events, and providing penalties.

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

[House File 77](#), by Jochum, a bill for an act relating to bingo games and games using pull-tab tickets conducted by qualified organizations.

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

[House File 78](#), by Eichhorn, a bill for an act relating to failure-to-warn claims in product liability actions.

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

[House File 79](#), by Jochum, a bill for an act relating to the jurisdiction of the utilities board to regulate rates and services of water distributed from a privately owned water well.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 80](#), by Wendt and Whitead, a bill for an act transferring the powers and duties of the Missouri river preservation and land use authority to the loess hills development and conservation authority and providing effective dates.

Read first time and referred to committee on **natural resources**.

[House File 81](#), by Jochum, a bill for an act relating to disclosure of information on use of tax revenues for economic development purposes.

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

[House File 82](#), by Jochum, a bill for an act creating an energy conservation program, tax credits, and an energy conservation program revolving fund and including effective and retroactive applicability date provisions.

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

#### RULE 39 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 39, relating to the House Calendar, for the immediate consideration of [Senate File 36](#).

CONSIDERATION OF BILL  
Appropriations Calendar

[Senate File 36](#), a bill for an act supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting division of the department of education, and providing effective date and applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Dix of Butler offered the amendment [H-1004](#) filed by the committee on appropriations as follows:

H-1004

- 1 Amend [Senate File 36](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 8, by striking lines 7 through 19.
- 4 2. Title page, by striking lines 4 and 5 and
- 5 inserting the following: "defender, and providing
- 6 effective date and".
- 7 3. By renumbering as necessary.

The House stood at ease at 8:58 a.m., until the fall of the gavel.

The House resumed session and consideration of [Senate File 36](#) and the committee amendment [H-1004](#), at 9:17 a.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterhaus of Jackson on request of Mascher of Johnson.

On motion by Dix of Butler, the committee amendment [H-1004](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 36](#))

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	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 1:

Van Fossen, J.K.

Absent or not voting, 1:

Osterhaus

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

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 36](#) be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 9:25 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Carroll in the chair.

## INTRODUCTION OF BILLS

[House File 83](#), by Drake and Baudler, a bill for an act relating to the number of controlled burns of demolished buildings conducted by certain cities.

Read first time and referred to committee on **environmental protection**.

[House File 84](#), by Wendt and Whitead, a bill for an act allowing cities and counties to create enterprise zones near modes of transportation.

Read first time and referred to committee on **economic growth**.

[House File 85](#), by Whitead, Wendt, Kuhn, and Miller, a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty.

Read first time and referred to committee on **natural resources**.

[House File 86](#), by Murphy, a bill for an act specifying that health insurance benefits for retirees are included within the topic of insurance as a mandatory subject of bargaining for public employees.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 87](#), by Murphy, a bill for an act relating to the determination of time of death and signing of the death certificate by an advanced registered nurse practitioner.

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

[House File 88](#), by Murphy, a bill for an act relating to the appointment and compensation of the administrator of the state racing and gaming commission.

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

**House File 89**, by Murphy, a bill for an act relating to city or county civil service commissions.

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

**House File 90**, by Raecker, a bill for an act providing a tax credit under the individual income tax for an individual who provides household services and care for certain dependents and including a retroactive applicability date provision.

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

#### ADOPTION OF HOUSE RESOLUTION 5

Klemme of Plymouth asked and received unanimous consent for the immediate consideration of **House Resolution 5**, a resolution designating January 29, 2003, as Iowa Insurance Day.

Hoffman of Crawford moved the adoption of House Resolution 5.

The motion prevailed and the resolution was adopted.

#### CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON  
Chief Clerk of the House

- |          |  |
|----------|--|
| 2003\195 | Robert and Barbara Davin, Charles City – For celebrating their 60 <sup>th</sup> wedding anniversary. |
| 2003\196 | Larry and Donna Stewart, Charles City – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2003\197 | Shane DeBord, Atlantic – For receiving the Promotion Award at the 2003 Iowa Pork Congress.           |
| 2003\198 | Donnie Dreager, Atlantic – For receiving the Hog Wild Award at the 2003 Iowa Pork Congress.          |
| 2003\199 | Dawn Dreager, Atlantic – For receiving the Bell Ringer Award at the 2003 Iowa Pork Congress.         |



- 2003\200 Nelsine Schroeder, Sheffield – For celebrating her 80<sup>th</sup> birthday.
- 2003\201 John and Frances Schwichtenberg, Clear Lake – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\202 Mark Miller, Johnston – For being named Johnston Business Person of the Year.
- 2003\203 Dave Moody, Nevada – For receiving the 2002 Iowa Pork All-American Award from the Iowa Pork Producers Association.
- 2003\204 Dave and Becky Struthers, Collins – For being named a 2002 Iowa Master Pork Producer by the Iowa Pork Producers Association.

SUBCOMMITTEE ASSIGNMENTS

[House File 4](#)

Appropriations: Dix, Chair; Jenkins and Wise.

[House File 13](#)

Education: Carroll, Chair; K. Kramer and Wise.

[House File 28](#)

Ways and Means: Boal, Chair; Lukan and Shultz.

[House File 30](#)

Appropriations: Dix, Chair; Jenkins and Murphy.

[House File 39](#)

Ways and Means: Tymeson, Chair; Sands and D. Taylor.

[House File 44](#)

Appropriations: Dix, Chair; Jenkins and Murphy.

[House File 47](#)

Appropriations: Dix, Chair; Jenkins and Murphy.

[House File 55](#)

Appropriations: Dix, Chair; Jenkins and Murphy.

[House File 56](#)

Education: Boal, Chair; Schickel and Wise.

[House File 58](#)

Education: Dolecheck, Chair; Paulsen and Winckler.

[House File 61](#)

Ways and Means: Tymeson, Chair; Lukan and D. Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 34](#)

Economic Growth: K. Kramer, Chair; Lalk and Swaim.

[House Study Bill 35](#)

Economic Growth: Lukan, Chair; Dix and Stevens.

[House Study Bill 36](#)

Natural Resources: Baudler, Chair; Frevert and Lukan.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 38 Economic Growth**

Relating to the enterprise zone program and including effective date and applicability provisions.

**H.S.B. 39 Economic Growth**

Limiting damages for noneconomic losses arising out of the personal injury or death of a resident of a health care facility.

**H.S.B. 40 Education**

Relating to school district transportation of students participating in open enrollment.

**H.S.B. 41 Judiciary**

Relating to the commutation procedure for a class "A" felon.

## 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

**Committee Bill** (Formerly [House File 2](#)), relating to the percentage of property valuation in each county and city that is subject to the ad valorem property tax and providing for the Act's applicability.

Fiscal note is not required.

Recommended **Amend and Do Pass** January 29, 2003.

On motion by Klemme of Plymouth the House adjourned at 1:10 p.m., until 8:45 a.m., Thursday, January 30, 2003.