

PROOF

STATE OF IOWA

House Journal

MONDAY, APRIL 14, 2003

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JOURNAL OF THE HOUSE

Ninety-second Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 14, 2003

The House met pursuant to adjournment at 1:09 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Douglas B. Haviland, pastor of Saint John's by the Campus Church, Ames. He was the guest of Representative Lisa Heddens of Story County and Representative Jane Greimann of Story County.

The Journal of Friday, April 11, 2003 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by fifty-one Girl Scouts ranging from Daisies to Senior Girl Scouts from Garner, accompanied by their leader, Carmen Ostrem. They were the guests of Representative Henry Rayhons of Hancock County.

ADOPTION OF [HOUSE RESOLUTION 35](#)

Wildurdyke of Harrison, Drake of Pottawattamie and Baudler of Adair called up for consideration [House Resolution 35](#), a resolution honoring Bob and Sheila Everhart for their efforts to preserve and promote folk, country, and bluegrass music in the Midwest, and moved its adoption.

The motion prevailed and the resolution was adopted.

HOUSE FILES REREFERRED TO COMMITTEE

Under the provision of House Rule 45, the following House Files were rereferred to the committees listed:

[House File 8](#)
[House File 22](#)
[House File 156](#)

State Government
Human Resources
Human Resources

House File 213	Economic Growth
House File 259	Judiciary
House File 330	Human Resources
House File 402	State Government
House File 421	Natural Resources
House File 448	Commerce, Regulation and Labor
House File 481	Human Resources
House File 488	Local Government
House File 513	Natural Resources
House File 519	Natural Resources
House File 527	Human Resources
House File 532	Transportation
House File 533	Environmental Protection
House File 552	Public Safety
House File 566	Judiciary
House File 568	Education
House File 573	Judiciary
House File 579	Education
House File 580	Judiciary
House File 581	Judiciary
House File 587	Judiciary
House File 589	State Government
House File 590	State Government
House File 591	Economic Growth
House File 605	State Government
House File 606	State Government
House File 610	Human Resources
House File 611	Economic Growth
House File 621	Economic Growth
House File 627	Human Resources
House File 630	Human Resources
House File 635	Judiciary
House File 638	Public Safety
House File 649	Public Safety

On motion by Gipp of Winneshiek, the House was recessed at 1:19 p.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:05 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Gipp of Winneshiek.

The House stood at ease at 3:05 p.m., until the fall of the gavel.

The House resumed session at 4:09 p.m., Klemme of Plymouth in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

CONSIDERATION OF BILLS

Ways and Means Calendar

[House File 654](#), a bill for an act relating to the exemption of sand handling and core and mold making equipment and materials used in the mold making process from sales and use taxes, providing refunds, and including effective and retroactive applicability date provisions, was taken up for consideration.

Wise of Lee offered the following amendment [H-1281](#) filed by Wise, et al., and moved its adoption:

H-1281

- 1 Amend [House File 654](#) as follows:
- 2 1. Page 1, line 5, by striking the words ", sand,
- 3 and chemicals".
- 4 2. Page 1, by striking lines 15 through 26.
- 5 3. Title page, line 2, by striking the words "and
- 6 materials".

Division was requested as follows:

Page 1 Lines 2 through 3 – Division A.

Page 1 Lines 4 through 6 – Division B.

On motion by Wise of Lee amendment [H-1281A](#) was adopted.

Hogg of Linn offered the following amendment [H-1238](#) filed by him and moved its adoption:

H-1238

- 1 Amend [House File 654](#) as follows:
- 2 1. Page 1, by inserting after line 6 the
- 3 following:
- 4 "This exemption does not apply to a foundry unless
- 5 all of the following conditions are met:
- 6 a. The foundry pays a median wage for hourly,
- 7 nonmanagement employees working at the foundry of at
- 8 least twelve dollars per hour.
- 9 b. The foundry provides at least eighty percent of
- 10 the cost of a standard medical and dental insurance
- 11 plan for all full-time employees working at the
- 12 foundry."

Amendment [H-1238](#) lost.

Jochum of Dubuque offered the following amendment [H-1226](#) filed by her and Shoultz of Black Hawk and moved its adoption:

H-1226

- 1 Amend [House File 654](#) as follows:
- 2 1. Page 1, lines 13 and 14, by striking the words
- 3 and figures "prior to October 1, 2003," and inserting
- 4 the following: "within one hundred twenty days
- 5 following the effective date of this Act".
- 6 2. Page 1, line 21, by striking the words and
- 7 figures "prior to October 1, 2003," and inserting the
- 8 following: "within one hundred twenty days following
- 9 the effective date of this Act".
- 10 3. Page 1, by striking lines 28 through 30 and
- 11 inserting the following: "PROVISION. This Act takes
- 12 effect on the date the general assembly notifies the
- 13 department of revenue and finance of a reduction in or
- 14 the elimination of a specific service or program
- 15 funded by an appropriation from the general fund of
- 16 the state that will at least offset the estimated
- 17 future revenue loss to the general fund of the state
- 18 as a result of the implementation of this Act. If
- 19 this Act takes effect, this Act applies retroactively
- 20 to July 1, 1997."

Amendment [H-1226](#) lost.

Jochum of Dubuque offered the following amendment [H-1222](#) filed by her and moved its adoption:

H-1222

- 1 Amend [House File 654](#) as follows:
- 2 1. Page 1, by striking lines 8 through 14.
- 3 2. Page 1, line 15, by striking the figure "2."
- 4 3. Page 1, lines 17 and 18, by striking the words
- 5 "of sand and chemicals".

Amendment [H-1222](#) lost.

On motion by Wise of Lee amendment [H-1281B](#) was adopted.

Hahn of Muscatine 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. 654](#))

The ayes were, 67:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Cohon	Dandekar
De Boef	Dennis	Dolecheck	Drake
Eichhorn	Elgin	Gipp	Granzow
Greiner	Hahn	Hansen	Hanson
Heaton	Hoffman	Horbach	Huser
Hutter	Jacobs	Jenkins	Jones
Kramer	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Manternach	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Smith	Stevens	Struyk	Swaim
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Wilderdyke	Wise	Klemme, Presiding	

The nays were, 31:

Connors	Davitt	Dix	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Jochum	Kuhn	Lensing
Mascher	McCarthy	Mertz	Miller

Murphy	Myers	Oldson	Osterhaus
Shoultz	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitead	Winckler	

Absent or not voting, 2:

Bukta Huseman

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

[HOUSE FILE 26](#) WITHDRAWN

Hahn of Muscatine asked and received unanimous consent to withdraw [House File 26](#) from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 654](#) be immediately messaged to the Senate.

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, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 170](#), a bill for an act relating to the criminal offense of identity theft by making changes in the elements of the offense.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 344](#), a bill for an act allowing a refund of motor fuel taxes paid by a benefited fire district.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 349](#), a bill for an act relating to the representation of indigent persons and indigent defense claims.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 440](#), a bill for an act providing for an annual increase in specified state aid to nonpublic schools under prescribed circumstances.

MICHAEL E. MARSHALL, Secretary

Regular Calendar

[Senate File 155](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Struyk of Pottawattamie 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. 155](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
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
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt

8 ~~the fiscal year beginning not later than July 1, 2002~~
 9 2004, for purposes of ~~receiving~~ distributing federal
 10 planning funds".

Amendment [H-1304](#) was adopted.

Carroll of Poweshiek 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. 172](#))

The ayes were, 71:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gaskill
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Hoffman
Hogg	Horbach	Hutter	Jacobs
Jenkins	Jones	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
McCarthy	Myers	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Stevens	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Wilderdyke	Wise	Klemme, Presiding	

The nays were, 27:

Berry	Cohoon	Connors	Fallon
Foege	Ford	Frevert	Greimann
Heddens	Hunter	Huser	Jochum
Kuhn	Lensing	Lykam	Mascher
Mertz	Miller	Murphy	Osterhaus
Shoultz	Smith	Taylor, D.	Taylor, T.
Wendt	Whitead	Winckler	

Absent or not voting, 2:

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 389](#), a bill for an act providing for miscellaneous technical and substantive changes relating to controlled and precursor substances.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 397](#), a bill for an act relating to community development block grants to the department of economic development and including effective and retroactive applicability dates.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 509](#), a bill for an act relating to deer and elk chronic wasting disease by establishing a task force and requiring departmental cooperation in the implementation of a chronic wasting disease administrative strategy, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

[Senate File 397](#), a bill for an act relating to the issuance of hunting licenses for antlerless deer, providing for the disposition of harvested deer meat to public institutions, requiring a report, and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Baudler of Adair offered amendment [H-1287](#) filed by the committee on natural resources as follows:

H-1287

- 1 Amend [Senate File 397](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:

5 "Section 1. Section 483A.8, Code 2003, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 6. The commission shall provide,
8 by rule, for the issuance to a nonresident, of a
9 nonresident antlerless deer hunting license that is
10 valid for use only during the period beginning on
11 December 24, 2003, and ending at sunset on January 2,
12 2004, and costs fifty dollars. A nonresident hunting
13 deer with a license issued under this subsection shall
14 be otherwise qualified to hunt deer in this state and
15 shall have a nonresident hunting license and pay the
16 wildlife habitat fee. Pursuant to this subsection,
17 the commission shall make available for issuance only
18 the remaining nonresident antlerless deer hunting
19 licenses allocated under subsection 3 that have not
20 yet been issued for the 2003-2004 antlerless deer
21 hunting seasons."
22 2. By renumbering as necessary.

Alons of Sioux offered the following amendment [H-1328](#), to the committee amendment [H-1287](#), filed by him from the floor and moved its adoption:

H-1328

1 Amend the amendment, H-1287, to [Senate File 397](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting before line 3, the
5 following:
6 "___ Page 1, by inserting before line 1 the
7 following:
8 "Section 1. Section 481A.38, Code 2003, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 4. The commission shall not adopt
11 a rule which restricts a person who has been issued an
12 early muzzleloader season license for deer, and does
13 not take a deer during that season, from eligibility
14 to purchase a deer hunting license for the second
15 regular gun season."
16 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 28, nays 50.

Amendment [H-1328](#) lost.

On motion by Baudler of Adair the committee amendment [H-1287](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 397](#))

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Klemme, Presiding			

The nays were, none.

Absent or not voting, 3:

Berry	Bukta	Huseman
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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: **Senate Files 155, 172 and 397.**

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, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 390](#), a bill for an act relating to economic development programs for targeted small businesses.

Also: That the Senate has on April 14, 2003, amended and passed the following bill in which the concurrence of the House is asked:

[House File 391](#), a bill for an act establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal.

Also: That the Senate has on April 14, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 395](#), a bill for an act relating to the extension of credit without discrimination under the consumer credit code.

Also: That the Senate has on April 14, 2003, amended and passed the following bill in which the concurrence of the House is asked:

[House File 547](#), a bill for an act providing for evidence of financial responsibility filed by commercial pesticide applicators.

MICHAEL E. MARSHALL, Secretary

[HOUSE FILE 678](#) REREFERRED

The Speaker announced that [House File 678](#), previously referred to committee on **appropriations** was rereferred to committee on **ways and means**.

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 14th day of April, 2003 : House Files 456, 601, 623 and 652.

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 11, 2003, he approved and transmitted to the Secretary of State the following bills:

[House File 180](#), an Act relating to character education and service learning in Iowa's elementary and secondary schools.

[House File 339](#), an Act relating to snowmobile franchises by requiring the repurchase of certain inventory upon termination of a franchise and providing effective and retroactive applicability dates.

[House File 659](#), an Act relating to ownership of alternate energy production facilities by public utilities, making related changes, and providing an effective date.

[Senate Joint Resolution 1](#), a Joint Resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

[Senate File 134](#), an Act relating to the various duties of the county treasurer and providing an effective date.

[Senate File 224](#), an Act relating to appeals filed in child in need of assistance and termination of parental rights proceedings.

[Senate File 401](#), an Act relating to tobacco retailers and providing penalties and providing applicability provisions and an effective date.

[Senate File 436](#), an Act making a supplemental appropriation to the Environment First Fund from the cash reserve fund and including an effective date.

SUBCOMMITTEE ASSIGNMENT

[Senate File 375](#)

Appropriations: Horbach, Chair; Heaton and Smith.

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 439](#), a bill for an act relating to and making appropriations to the justice system and providing an effective date.

Fiscal note is not required.

Recommended **Do Pass** April 14, 2003.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

[Senate File 180](#), a bill for an act relating to the procedures for handling abandoned property and property presumed to be abandoned.

Fiscal note is not required.

Recommended **Do Pass** April 8, 2003.

[Senate File 313](#), a bill for an act concerning public employee collective bargaining.

Fiscal note is not required.

Recommended **Amend and Do Pass with Amendment** [H-1326](#) April 10, 2003.

[Senate File 368](#), a bill for an act relating to advanced telecommunications services, including modification of rate provisions, economic development promotional certification, and a study of competition and access charges by the utilities board.

Fiscal note is not required.

Recommended **Amend and Do Pass with Amendment** [H-1327](#) April 10, 2003.

[Senate File 372](#), a bill for an act relating to the licensing of persons providing money transmission and currency exchange services, providing penalties, and providing an effective date.

Fiscal note is not required.

Recommended **Do Pass** April 10, 2003.

[Senate File 386](#), a bill for an act requiring the insurance division of the department of commerce to establish a school health insurance reform team study and to make recommendations to the general assembly.

Fiscal note is not required.

Recommended **Amend and Do Pass with Amendment [H-1325](#)** April 10, 2003.

Senate File 405, a bill for an act relating to the authority of a city to acquire equity interest in business entities for the purpose of participating in electric energy transmission service.

Fiscal note is not required.

Recommended **Do Pass** April 10, 2003.

COMMITTEE ON WAYS AND MEANS

Senate File 275, a bill for an act relating to the taxation of utilities, including establishment of a natural gas delivery tax rate for new electric power generating plants, establishment of a replacement transmission tax for certain municipal utilities, methods of allocation of replacement generation tax incurred by certain new stand-alone electric power generating plants, a formula for determining taxable value for property generating replacement tax annually, extending the task force, and providing for applicability.

Fiscal note is not required.

Recommended **Do Pass** April 14, 2003.

AMENDMENTS FILED

H-1324	H.F.	674	Boddicker of Cedar Tymeson of Madison
H-1325	S.F.	386	Committee on Commerce, Regulation and Labor
H-1326	S.F.	313	Committee on Commerce, Regulation and Labor
H-1327	S.F.	368	Committee on Commerce, Regulating and Labor
H-1329	H.F.	677	Lukan of Dubuque
H-1330	S.F.	366	Eichhorn of Hamilton
H-1331	S.F.	396	Lalk of Fayette
H-1332	S.F.	393	Stevens of Dickinson Greiner of Washington
H-1333	S.F.	275	Baudler of Adair
H-1334	H.F.	547	Senate Amendment
H-1335	H.F.	391	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned at 6:04 p.m., until 8:45 a.m., Tuesday, April 15, 2003.