

PROOF

STATE OF IOWA

House Journal

TUESDAY, APRIL 15, 2003

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JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 15, 2003

The House met pursuant to adjournment at 8:47 a.m., Speaker Rants in the chair.

Prayer was offered by Bishop Alan Scarfe, Bishop of the Episcopal Church of Iowa, Des Moines. He was the guest of Representative Rob Hogg of Linn County.

The Journal of Monday, April 14, 2003 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

Prior to convening the House was entertained by the singing of Paul Olson, Jeff Kessler, Ayron Hyatt, John Sankey and Zach Edge of the Ankeny High School singers, .Skim Milk.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Gipp of Winneshiek.

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 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 380](#), a bill for an act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 446](#), a bill for an act relating to dealership agreements, and providing for the Act's applicability.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 480](#), a bill for an act relating to the shelter assistance fund.

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 534](#), a bill for an act providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, and providing an effective date.

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

[House File 619](#), a bill for an act relating to health care including reimbursement of health care facilities based on resident program eligibility and providing effective dates and a contingent effective date.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

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

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

The House stood at ease at 8:52 a.m., until the fall of the gavel.

The House resumed session at 11:12 a.m., Roberts of Carroll in the chair.

ADOPTION OF [HOUSE RESOLUTION 9](#)

Bell of Jasper called up for consideration [House Resolution 9](#), a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meetings of the World Health Assembly as an observer, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF [HOUSE CONCURRENT RESOLUTION 19](#)

Bell of Jasper called up for consideration [House Concurrent Resolution 19](#), a concurrent resolution urging a congressional adoption of a free trade agreement between Taiwan and the United States.

Bell of Jasper offered the following amendment [H-1185](#) filed by him as follows:

H-1185

- 1 Amend [House Concurrent Resolution 19](#) as follows:
- 2 1. Page 1, line 15, by striking the word
- 3 "imports" and inserting the following: "exports".

Amendment [H-1185](#) was adopted.

On motion by Bell of Jasper, [House Concurrent Resolution 19](#), as amended, was adopted.

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 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 392](#), a bill for an act relating to economic growth strategic planning.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 557](#), a bill for an act relating to liability for certain health care facilities and health care providers participating in the volunteer health care provider program.

Also: That the Senate has on April 15, 2003, amended and passed the following bill in which the concurrence of the House is asked:

[House File 584](#), a bill for an act providing for exceptions to municipal tort liability for certain activities.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 634](#), a bill for an act relating to the conversion of cooperative associations originally organized as business corporations.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS
Regular Calendar

[Senate File 3](#), a bill for an act relating to the inclusion of certain information in a termination of pregnancy report, with report of committee recommending passage, was taken up for consideration.

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. 3](#))

The ayes were, 93:

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

The nays were, 5:

Fallon	Foege	Mascher	Miller
Taylor, T.			

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.

[Senate File 119](#), a bill for an act relating to real estate appraiser certification, with report of committee recommending passage, was Taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 119](#))

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	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	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.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	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	Roberts, Presiding	

The nays were, none.

Absent or not voting, 1:

Huseman

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House Concurrent Resolution 19](#) and [Senate Files 3 and 119](#).

[Senate File 201](#), a bill for an act relating to a review of statistical information compiled by the board of educational examiners from Praxis II examinations administered to initial, provisional teaching license applicants, with report of committee recommending passage, was taken up for consideration.

Chambers of O'Brien 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. 201](#))

The ayes were, 64:

Alons	Baudler	Bell	Berry
Boal	Boddicker	Boggess	Carroll
Chambers	Dandekar	De Boef	Dennis
Dix	Drake	Eichhorn	Elgin
Freeman	Gaskill	Granzow	Greiner
Hahn	Hansen	Hanson	Heaton
Hoffman	Horbach	Huser	Hutter
Jacobs	Jenkins	Jones	Klemme
Kurtenbach	Lalk	Lukan	Lykam
Maddox	Manternach	Oldson	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Smith	Struyk
Swaim	Thomas	Tjepkes	Tymeson

Upmeyer Watts	Van Engelenhoven Whitaker	Van Fossen, J.K. Wilderdike	Van Fossen, J.R. Roberts, Presiding
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The nays were, 33:

Arnold	Bukta	Cohoon	Connors
Davitt	Dolecheck	Fallon	Foege
Ford	Frevert	Greimann	Heddens
Hogg	Hunter	Jochum	Kuhn
Lensing	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Olson, D.
Osterhaus	Shoultz	Stevens	Taylor, D.
Taylor, T.	Wendt	Whitead	Winckler
Wise			

Absent or not voting, 3:

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

Senate File 236, a bill for an act relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 236](#))

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Granzow
Greimann	Greiner	Hahn	Hansen
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kuhn	Kurtenbach

Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	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	Roberts, Presiding	

The nays were, 2:

Eichhorn McCarthy

Absent or not voting, 3:

Gipp Huseman Kramer

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

IMMEDIATE MESSAGES

Klemme of Plymouth asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 201 and 236.**

On motion by Klemme of Plymouth, the House was recessed at 11:45 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Horbach of Tama in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one 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 15, 2003, amended and passed the following bill in which the concurrence of the House was asked:

[House File 529](#), a bill for an act directing the mental health and developmental disabilities commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults and children and providing an effective date.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate is asked:

[House File 551](#), a bill for an act providing for a fee for transporting an inmate for medical or dental care.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 604](#), a bill for an act requiring state government annual reports made to the general assembly to include certain financial information.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 616](#), a bill for an act prohibiting a cancellation penalty upon cancellation of a purchase agreement for cemetery merchandise, funeral merchandise, and funeral services.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 648](#), a bill for an act relating to the consolidation of the management of state archives and records and making conforming changes.

Also: That the Senate has on April 15, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 352](#), a bill for an act relating to the training of an individual who intends to become certified as a law enforcement officer.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS
Regular Calendar

Senate File 303, a bill for an act relating to the contents of certain child abuse assessment reports, with report of committee recommending passage, was taken up for consideration.

Roberts of Carroll in the chair at 1:09 p.m.

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. 303**)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	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	Klemme	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	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
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

Drake	Huseman	Kramer
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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 MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 303](#) be immediately messaged to the Senate.

[Senate File 351](#), a bill for an act relating to child care requirements involving prohibitions against involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Granzow of Hardin offered the following amendment [H-1245](#) filed by the committee on human resources and moved its adoption:

H-1245

- 1 Amend [Senate File 351](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 31, by striking the words "may
- 4 shall" and inserting the following: "may".

The committee amendment [H-1245](#) was adopted.

Granzow of Hardin 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. 351](#))

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	Hansen	Hanson	Heaton

Heddens	Hoffman	Hogg	Horbach
Hunter	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
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	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 Roberts, Presiding			

The nays were, none.

Absent or not voting, 2:

Huseman Kramer

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

[Senate File 379](#), a bill for an act relating to certain agricultural liens, with report of committee recommending amendment and passage, was taken up for consideration.

Rayhons of Hancock offered the following amendment [H-1246](#) filed by the committee on agriculture and moved its adoption:

H-1246

- 1 Amend [Senate File 379](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, line 33, by inserting after the word
- 4 "perfected." the following: "However, a landlord's
- 5 lien that is perfected pursuant to section 570.1 shall
- 6 have priority over a conflicting agricultural supply
- 7 dealer's lien as provided in section 570.1, and a
- 8 harvester's lien that is perfected pursuant to section
- 9 571.3 shall have priority over a conflicting
- 10 agricultural supply dealer's lien as provided in
- 11 section 571.3A."
- 12 2. Page 5, by striking lines 5 through 20.
- 13 3. Page 7, by striking lines 11 through 21, and

14 inserting the following: "is perfected. A perfected
 15 harvester's lien shall have priority over a
 16 conflicting landlord's lien as provided in chapter
 17 570, regardless of when such landlord's lien is
 18 perfected."
 19 4. By striking page 8, line 20, through page 9,
 20 line 1, and inserting the following: "interest or
 21 lien in livestock treated by a veterinarian,
 22 regardless of when such security interest or lien is
 23 perfected."

The committee amendment [H-1246](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 379](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	allon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	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.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	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	Roberts,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Huseman Huser

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 351 and 379.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk, until her return, on request of T. Taylor of Linn.

Senate File 340, a bill for an act relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (**S.F. 340**)

The ayes were, 95:

Arnold	Baudler	Bell	Berry
Boddicker	Bogges	Bukta	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	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.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	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	Roberts,		
	Presiding		

The nays were, 1:

Frevert

Absent or not voting, 4:

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk, until his return, on request of Gipp of Winneshiek.

[Senate File 395](#), a bill for an act relating to assistance services provided to the department of agriculture and land stewardship, including for the filing of documents and the payment of fees and civil penalties, and the authorization to assess additional charges, 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. 395](#))

The ayes were, 94:

Arnold	Baudler	Bell	Berry
Boddicker	Bogges	Bukta	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	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.	Osterhaus	Paulsen
Petersen	Quirk	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	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	Wilderdye	Winckler
Wise	Roberts, Presiding		

The nays were, 1:

Fallon

Absent or not voting, 5:

Alons	Boal	Huseman	Huser
Raecker			

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [Senate File 395](#) be immediately messaged to the Senate.

[Senate File 394](#), a bill for an act relating to the regulation of the grain industry, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 394](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	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.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	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	Roberts,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Huseman Huser

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

[Senate File 396](#), a bill for an act providing for the animal unit capacity of pullets for purposes of regulation under the animal agriculture compliance Act, with report of committee recommending amendment and passage, was taken up for consideration.

Lalk of Fayette offered the following amendment [H-1247](#) filed by the committee on agriculture and moved its adoption:

H-1247

- 1 Amend [Senate File 396](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 7, the
- 4 following:
- 5 "Sec. . EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. Title page, line 1, by striking the word
- 8 "pullets" and inserting the following: "fowl".
- 9 3. Title page, line 3, by inserting after the
- 10 word "Act" the following: ", and providing an
- 11 effective date".
- 12 4. By renumbering as necessary.

The committee amendment [H-1247](#) was adopted.

Lalk of Fayette offered the following amendment [H-1331](#) filed by him and moved its adoption:

H-1331

- 1 Amend [Senate File 396](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the word "sixty-
- 4 eight" and inserting the following: "one hundred
- 5 twelve".
- 6 2. Page 1, line 4, by striking the word "sixty-
- 7 eight" and inserting the following: "one hundred
- 8 twelve".
- 9 3. Page 1, line 6, by striking the word "twenty"
- 10 and inserting the following: "forty-eight".
- 11 4. Page 1, line 7, by striking the word "twenty"
- 12 and inserting the following: "forty-eight".

Amendment [H-1331](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 396](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	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.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	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	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Huseman Huser

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

[Senate File 416](#), a bill for an act relating to an emergency shelter and support services demonstration project relating to dependent adults, with report of committee recommending amendment and passage, was taken up for consideration.

Upmeyer of Hancock offered the following amendment **[H-1300](#)** filed by the committee on human resources and moved its adoption:

H-1300

- 1 Amend **[Senate File 416](#)**, as amended, passed, and
- 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 231.56A ELDER ABUSE
6 EMERGENCY SHELTER AND SUPPORT SERVICES PROJECTS.
7 1. Through the state's service contract process
8 adopted pursuant to section 8.47, the department shall
9 identify area agencies on aging that have demonstrated
10 the ability to provide a collaborative response to the
11 immediate needs of elders in the area agency on aging
12 service area for the purpose of implementing elder
13 abuse emergency shelter and support services projects.
14 The projects shall be implemented only in the counties
15 within an area agency on aging service area that have
16 a multidisciplinary team established pursuant to
17 section 235B.1.
18 2. The target population of the projects shall be
19 any elder residing in the service area of an area
20 agency on aging who meets both of the following
21 conditions:
22 a. Is the subject of a report of suspected
23 dependent adult abuse pursuant to chapter 235B.
24 b. Is not receiving assistance under a county
25 management plan approved pursuant to section 331.439.
26 3. The area agencies on aging implementing the
27 projects shall identify allowable emergency shelter
28 and support services, state funding, outcomes,
29 reporting requirements, and approved community
30 resources from which services may be obtained under
31 the projects. The area agency on aging shall identify
32 at least one provider of case management services for
33 the project area.
34 4. The area agencies on aging shall implement the
35 projects and shall coordinate the provider network
36 through the use of referrals or other engagement of
37 community resources to provide services to elders.
38 5. The department shall award funds to the area
39 agencies on aging in accordance with the state's
40 service contract process. Receipt and expenditures of
41 moneys under the projects are subject to examination,
42 including audit, by the department.
43 6. This section shall not be construed and is not
44 intended as, and shall not imply, a grant of
45 entitlement for services to individuals who are not
46 otherwise eligible for the services or for utilization
47 of services that do not currently exist or are not
48 otherwise available.
49 Sec. 2. Section 235B.3, subsection 5, Code 2003,
50 is amended to read as follows:

Page 2

1 5. Following the reporting of suspected dependent

2 adult abuse, the department of human services or an
3 agency approved by the department shall complete an
4 assessment of necessary services and shall make
5 appropriate referrals for receipt of these services.
6 The assessment shall include interviews with the
7 dependent adult, and, if appropriate, with the alleged
8 perpetrator of the dependent adult abuse and with any
9 person believed to have knowledge of the circumstances
10 of the case. The department may provide necessary
11 protective services and may establish a sliding fee
12 schedule for those persons able to pay a portion of
13 the protective services.

14 Sec. 3. Section 235B.6, subsection 2, paragraph c,
15 Code 2003, is amended by adding the following new
16 subparagraph:

17 NEW SUBPARAGRAPH. (8) An employee of an agency
18 requested by the department to provide case management
19 or other services to the dependent adult.

20 Sec. 4. Section 235B.6, subsection 2, paragraph e,
21 Code 2003, is amended by adding the following new
22 subparagraph:

23 NEW SUBPARAGRAPH. (10) The long-term care
24 resident's advocate if the victim resides in a long-
25 term care facility or the alleged perpetrator is an
26 employee of a long-term care facility.

27 Sec. 5. Section 235B.6, subsection 3, Code 2003,
28 is amended to read as follows:

29 3. Access to unfounded dependent adult abuse
30 information is authorized only to those persons
31 identified in subsection 2, paragraph "a", paragraph
32 "b", subparagraphs (2), (5), and (6), and paragraph
33 "e", subparagraph subparagraphs (2) and (10).

34 Sec. 6. Section 235B.9, subsections 1, 2, and 3,
35 Code 2003, are amended to read as follows:

36 1. Dependent adult abuse information relating to a
37 particular case of suspected dependent adult abuse
38 which is determined by a preponderance of the evidence
39 to be founded, shall be sealed ten years after the
40 receipt of the initial report of such abuse by the
41 registry unless good cause is shown why the
42 information should remain open to authorized access.
43 If a subsequent report of a suspected case of founded
44 dependent adult abuse involving the adult named in the
45 initial report as the victim of abuse or a person
46 named in such report as having abused an adult is
47 received by the registry within the ten-year period,
48 the information shall be sealed ten years after
49 receipt of the subsequent report unless good cause is
50 shown why the information should remain open to

Page 3

1 authorized access.
 2 2. Dependent adult abuse information which cannot
 3 be determined by a preponderance of the evidence to be
 4 founded or unfounded shall be expunged one year after
 5 the receipt of the initial report of abuse and
 6 dependent adult abuse information which is determined
 7 by a preponderance of the evidence to be unfounded
 8 shall be expunged immediately when one year from the
 9 date it is determined to be unfounded.
 10 3. However, if a correction of dependent adult
 11 abuse information is requested under section 235B.10
 12 and the issue is not resolved at the end of one year
 13 the information shall be retained until the issue is
 14 resolved and if the dependent adult abuse information
 15 is not determined to be founded, the information shall
 16 be expunged immediately when one year from the date it
 17 is determined to be unfounded."
 18 2. Title page, line 1, by striking the words "to
 19 an" and inserting the following: "to dependent adult
 20 abuse including elder abuse".
 21 3. Title page, by striking line 2 and inserting
 22 the following: "projects".

The committee amendment [H-1300](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 416](#))

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	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.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	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	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Huseman Huser

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: **Senate Files 394, 396 and 416.**

[Senate File 393](#), a bill for an act relating to the agricultural development authority by providing for its organization and administration, with report of committee recommending passage, was taken up for consideration.

Stevens of Dickinson offered amendment [H-1332](#) filed by him and Greiner of Washington as follows:

H-1332

- 1 Amend [Senate File 393](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 23, by striking the word "eleven"
- 4 and inserting the following: "eleven ten".

Greiner of Washington offered the following amendment [H-1344](#), to amendment [H-1332](#), filed by Greiner, Stevens of Dickinson, Drake of Pottawattamie, Mertz of Kossuth and Kuhn of Floyd from the floor and moved its adoption:

H-1344

1 Amend the amendment [H-1332](#), to [Senate File 393](#), as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 2, the
 5 following:
 6 " . Page 1, by striking lines 1 and 2, and
 7 inserting the following:
 8 "Sec. . Section 7E.7, subsection 2, Code 2003,
 9 is amended to read as follows:
 10 2. The agricultural development authority as
 11 established in section 175.3 shall be considered part
 12 of the department of agriculture and land stewardship.
 13 The department of agriculture and land stewardship
 14 office of treasurer of state. The office may provide
 15 staff assistance and administrative support to the
 16 authority."
 17 . Page 1, by striking lines 5 through 7, and
 18 inserting the following:
 19 "1. a. The agricultural development authority is
 20 established within the department of agriculture and
 21 land stewardship office of treasurer of state. The
 22 authority is constituted as a public."
 23 2. By renumbering as necessary.

Amendment [H-1344](#) was adopted.

On motion by Stevens of Dickinson, amendment [H-1332](#), as amended, was adopted.

Greiner of Washington 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. 393](#))

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cphoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Hahn
Hansen	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hutter
Jacobs	Jenkins	Jochum	Jones

Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	Mertz
Miller	Murphy	Myers	Oldson
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	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	Wilderdyke	Wise	Roberts, Presiding

The nays were, 3:

McCarthy	Olson, D.	Reasoner
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Absent or not voting, 5:

Greimann	Hunter	Huseman	Huser
Winckler			

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [Senate File 393](#) be immediately messaged to the Senate.

MOTIONS TO RECONSIDER ([Senate File 340](#))

I move to reconsider the vote by which [Senate File 340](#) passed the House on April 15, 2003.

RAECKER of Polk

I move to reconsider the vote by which [Senate File 340](#) passed the House on April 15, 2003.

KUHN of Floyd

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 15, 2003. Had I been present, I would have voted "aye" on Senate Files 340 and 395.

ALONS of Sioux

I was necessarily absent from the House chamber on April 15, 2003. Had I been present, I would have voted "aye" on Senate Files 340 and 395.

BOAL of Polk

I was necessarily absent from the House chamber on April 10 and April 14, 2003. Had I been present, I would have voted "aye" on [House File 541](#), Senate Files 155 and 397 and "nay" on House Files 654, 667 and [Senate File 172](#).

BUKTA of Clinton

I was necessarily absent from the House chamber on April 15, 2003. Had I been present, I would have voted "aye" on Senate Files 340, 79, 394, 395, 396 and 416 and "nay" on [Senate File 393](#).

HUSER of Polk

I was necessarily absent from the House chamber on April 15, 2003. Had I been present, I would have voted "aye" on [Senate File 395](#).

RAECKER of Polk

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 15th day of April, 2003: House Files 411 and 412.

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 14, 2003, he approved and transmitted to the Secretary of State the following bills:

[House File 85](#), an Act relating to the tip-up fishing in the waters of the Missouri and Big Sioux Rivers and subjecting violators to an existing penalty.

[House File 381](#), an Act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the Anatomical Gift Public Awareness and Transplantation Fund.

[House File 396](#), an Act relating to disaster preparedness and providing an effective date.

[House File 472](#), 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.

[House File 612](#), an Act relating to the exemption from land ownership restrictions for nonresident aliens under the New Jobs and Income Program.

[House File 636](#), an Act relating to legislative branch consolidation of functions by combining the Legislative Service Bureau, Legislative Fiscal Bureau, and Legislative Computer Support Bureau into a single central legislative staff agency, providing for legislative publications procedures, modifying the sales tax exemption for items sold or services provided by the new agency, including related matters, and providing an effective date.

[Senate File 237](#), an Act relating to fees charged to certain private water supply contractors, establishing a private water supply system account within the Water Quality Protection Fund, and appropriating moneys in the account.

PRESENTATION OF VISITORS

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

Students from Hubbard/Radcliffe School, Radcliffe, Iowa, accompanied by Ona Mae Lettow and Brett Comyges. By Granzow of Hardin.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA COMMUNICATIONS NETWORK

The fiscal year 2002 annual report, pursuant to Chapter 8D.3, Code of Iowa.

AMENDMENTS FILED

H-1336	H.F. 534	Senate Amendment
H-1337	H.F. 584	Senate Amendment
H-1338	S.F. 313	Wise of Lee
H-1339	S.F. 439	Horbach of Tama Lukan of Dubuque
H-1340	H.F. 677	Jochum of Dubuque
H-1341	H.F. 679	Jochum of Dubuque
H-1342	H.F. 529	Senate Amendment
H-1343	S.F. 439	Horbach of Tama Lukan of Dubuque
H-1345	H.F. 534	Elgin of Linn
H-1346	S.F. 392	Manternach of Jones
H-1347	S.F. 392	Kuhn of Floyd
H-1348	S.F. 392	Kuhn of Floyd

On motion by Jacobs of Polk the House adjourned at 2:48 p.m., until 8:45 a.m., Wednesday, April 16, 2003.