

PROOF

STATE OF IOWA

House Journal

THURSDAY, FEBRUARY 12, 2004

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JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 12, 2004

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

Prayer was offered by Mayor Don Thiltgen, the mayor of DeWitt. He was the guest of Representative Steven Olson from Clinton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, February 11, 2004 was approved.

INTRODUCTION OF BILLS

[House File 2230](#), by committee on judiciary, a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

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

[House File 2231](#), by committee on public safety, a bill for an act relating to the release of sex offender registry records, and providing an effective date.

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

[House File 2232](#), by Thomas, a bill for an act to eliminate the Iowa law enforcement academy and revise the functions of the Iowa law enforcement council.

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

[House File 2233](#), by Carroll, a bill for an act relating to physical and medical qualifications for certain commercial vehicle operators.

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

[House File 2234](#), by Whitaker, Wise, Struyk, and Swaim, a bill for an act temporarily reducing the fee for a nonresident antlerless deer only deer hunting license.

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

[House File 2235](#), by Alons, Chambers, Klemme, Kurtenbach, Dolecheck, J. R. Van Fossen, Elgin, Hahn and Baudler, a bill for an act relating to the redemption of tax credits for equity investments in certain qualifying businesses and community-based seed capital funds and providing effective and retroactive applicability dates.

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

[House File 2236](#), by Whitaker, Wise, Struyk, and Swaim, a bill for an act temporarily providing for an additional free landowner antlerless deer only deer hunting license.

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

[House File 2237](#), by Hogg, a bill for an act relating to the permissible uses of educational and recreational tax levy revenue, and including an applicability provision.

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

[House File 2238](#), by Shultz, a bill for an act relating to the prohibition of state agencies to enter into contracts with retailers, or affiliates of retailers, who do not collect state sales and use taxes.

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

[House File 2239](#), by Lensing and Mascher, a bill for an act relating to residential landlord-tenant law concerning family violence and domestic abuse.

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

[House File 2240](#), by Shultz, a bill for an act relating to the Iowa estate tax and including an applicability date provision.

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

ADOPTION OF [HOUSE RESOLUTION 112](#)

Upmeyer of Hancock called up for consideration [House Resolution 112](#), a resolution recognizing Iowa nursing students and faculty, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF [HOUSE RESOLUTION 110](#)

De Boef of Keokuk called up for consideration [House Resolution 110](#), a resolution declaring February 12, 2004, Marriage and Family Day.

The following amendment filed by Kuhn of Floyd from the floor was adopted by unanimous consent.

[H-8018](#)

- 1 Amend [House Resolution 1](#) as follows:
- 2 1. Page 2, line 2, by striking the word "Army" and
- 3 inserting the following: "Iowa Army National Guard".

De Boef of Keokuk moved the adoption of [House Resolution 110](#), as amended.

The motion prevailed and the resolution, as amended, was adopted.

CONSIDERATION OF BILLS
Regular Calendar

[House File 2146](#), a bill for an act making changes to sex offender registry requirements for persons convicted of incest against a dependent adult, was taken up for consideration.

Smith of Marshall 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. 2146](#))

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	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shultz	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, none.

Absent or not voting, 1:

Van Fossen, J.K.

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

House File 2149, a bill for an act relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 2149](#))

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	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shultz	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, none.

Absent or not voting, 1:

Van Fossen, J.K.

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

House File 2138, a bill for an act relating to payment of legal expenses for indigent persons by the state public defender, was taken up for consideration.

Hutter of Scott offered the following amendment [H-8015](#) filed by him and moved its adoption:

[H-8015](#)

- 1 Amend [House File 2138](#) as follows:
- 2 1. Page 2, line 22, by inserting after the word

3 "person" the following: ", and provide a copy of the
 4 claim to the judge who presided over the case at the
 5 time the claim is submitted".

Amendment [H-8015](#) lost.

Schickel of Cerro Gordo 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. 2138](#))

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	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.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Van Fossen, J.K.

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2138, 2146 and 2149.**

On motion by Gipp of Winneshiek, the House was recessed at 9:35 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:05 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

[House Joint Resolution 2004](#), by Rants, 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.

Read first time and referred to committee on **administration and rules.**

[House File 2241](#), by committee on education, a bill for an act authorizing school districts and nonpublic schools to apply credit under the state education program for successful completion of military basic training.

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

[House File 2242](#), by D. Taylor, Shoultz, Berry, Connors, Kuhn, Greimann, Petersen, Murphy, Bukta, Mascher, D. Olson, Fallon, Osterhaus, Wendt, Hunter, Davitt, T. Taylor, Lensing, Mertz, Miller, Gaskill, Frevert, Jochum, Hogg, J. K. Van Fossen, Tjepkes, Lukan, Schickel, Greiner, Alons, Dolecheck, Kramer, Boal, Jones, Hoffman and S. Olson, a bill for an act relating to the imposition of a tax on the gross receipts derived from activities of adult enterprises.

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

[House File 2243](#), by Horbach, a bill for an act regarding notice requirements by customers of and limitations on liability for liquefied

petroleum gas suppliers, retailers, handlers, and transports, and making a penalty applicable.

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

[House File 2244](#), by Horbach, a bill for an act relating to an award of attorney fees in a class action lawsuit.

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

[House File 2245](#), by Hutter, a bill for an act relating to founded child abuse by providing for inclusion of disposition information in the child's permanent student record.

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

[House File 2246](#), by Lukan, a bill for an act relating to the delivery of postsecondary coursework under the postsecondary enrollment options Act via the Iowa communications network.

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

[House File 2247](#), by Mascher, a bill for an act prohibiting reprisals against health care workers for disclosure of specified information, and providing a penalty.

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

[House File 2248](#), by Boal and Huser, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

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

[House File 2249](#), by Schickel, a bill for an act establishing motor vehicle registration fees for certain motor trucks and farm pickup trucks and making an appropriation.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk on request of Gipp of Winneshiek.

CONSIDERATION OF BILLS
Regular Calendar

[House File 2187](#), a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant, was taken up for consideration.

Jochum of Dubuque offered the following amendment [H-8011](#) filed by her and moved its adoption:

[H-8011](#)

- 1 Amend [House File 2187](#) as follows:
- 2 1. Page 1, line 16, by striking the word "may"
- 3 and inserting the following: "shall".
- 4 2. Page 1, line 22, by inserting after the word
- 5 "registration." the following: "Certification by a
- 6 dentist of job equivalency training shall be validated
- 7 through continuing education courses approved by the
- 8 board."

Amendment [H-8011](#) lost.

Roberts of Carroll offered the following amendment [H-8016](#) filed by him and moved its adoption:

[H-8016](#)

- 1 Amend [House File 2187](#) as follows:
- 2 1. Page 1, line 16, by striking the word "may"
- 3 and inserting the following: "shall".

Amendment [H-8016](#) was adopted.

Roberts of Carroll 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. 2187](#))

The ayes were, 82:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Hutter	Jacobs	Jacoby
Jenkins	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Maddox	Manternach	Mascher
Mertz	Miller	Murphy	Olson, S.
Paulsen	Quirk	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Smith	Stevens	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wilderdyke
Wise	Mr. Speaker		
	Rants		

The nays were, 17:

Connors	Ford	Greimann	Hunter
Huser	Jochum	Lykam	McCarthy
Oldson	Olson, D.	Osterhaus	Petersen
Shoultz	Taylor, D.	Taylor, T.	Whitead
Winckler			

Absent or not voting, 1:

Raecker

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

[House File 2180](#), a bill for an act relating to filling the office of county attorney by appointment, was taken up for consideration.

Schickel of Cerro Gordo 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. 2180](#))

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	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Raecker

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

HOUSE FILES 2058 and 2160 WITHDRAWN

Schickel of Cerro Gordo asked and received unanimous consent to withdraw House Files 2058 and 2160 from further consideration by the House.

HOUSE FILE 2006 WITHDRAWN

Smith of Marshall asked and received unanimous consent to withdraw House File 2006 from further consideration by the House.

House File 2150, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or product possession violation occurs and providing a penalty, was taken up for consideration.

J. R. Van Fossen of Scott 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. 2150)

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	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Raecker

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2150, 2180 and 2187.**

HOUSE FILE 2014 WITHDRAWN

J.R. Van Fossen of Scott asked and received unanimous consent to withdraw House File 2014 from further consideration by the House.

House File 2133, a bill for an act requiring the lottery authority to submit budget information to the legislature, was taken up for consideration.

Alons of Sioux 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. 2133)

The ayes were, 99:

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	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson

Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Raecker

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

[House File 2134](#), a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability, was taken up for consideration.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment [H-8010](#) filed by him on February 5, 2004.

Carroll of Poweshiek offered amendment [H-8012](#) filed by him as follows:

[H-8012](#)

- 1 Amend [House File 2134](#) as follows:
- 2 1. Page 1, by striking lines 17 through 19, and
- 3 inserting the following: "community-based services,
- 4 other than nursing care, as defined by this chapter
- 5 and departmental rule, are provided. For the purposes
- 6 of this definition, the home and community-based
- 7 services to be provided are limited to the type
- 8 included under the medical assistance program provided
- 9 pursuant to chapter 249A, are subject to cost
- 10 limitations established by the department of human
- 11 services under the medical assistance program, and
- 12 except as otherwise provided by the department of
- 13 inspections and appeals with the concurrence of the
- 14 department of human services are limited in capacity
- 15 to the number of residents admitted to a residential

16 care facility on or before December 1, 2003."
17 2. By striking page 1, line 34, through page 2,
18 line 1, and inserting the following: "than nursing
19 care, as defined by this chapter and departmental
20 rule, are provided. For the purposes of this section,
21 the home and community-based services to be provided
22 shall be limited to the type included under the
23 medical assistance program provided pursuant to
24 chapter 249A, shall be subject to cost limitations
25 established by the department of human services under
26 the medical assistance program, and except as
27 otherwise provided by the department of inspections
28 and appeals with the concurrence of the department of
29 human services shall be limited in capacity to the
30 number of residents admitted to a residential care
31 facility on or before December 1, 2003."

Heddens of Story offered the following amendment [H-8019](#), to amendment [H-8012](#), filed by her from the floor and moved its adoption:

[H-8019](#)

1 Amend the amendment, [H-8012](#), to [House File 2134](#) as
2 follows:
3 1. Page 1, line 11, by inserting after the word
4 "program," the following: "are limited to payment
5 through expenditure of waiver funds for a maximum of
6 one hundred eighty days, are provided only if the
7 individual receiving the services participates in a
8 transition plan intended to result in a less
9 restrictive community-based placement."
10 2. Page 1, line 26, by inserting after the word
11 "program," the following: "shall be limited to
12 payment through expenditure of waiver funds for a
13 maximum of one hundred eighty days, shall be provided
14 only if the individual receiving the services
15 participates in a transition plan intended to result
16 in a less restrictive community-based placement."

Amendment [H-8019](#) lost.

Carroll of Poweshiek offered the following amendment [H-8021](#), to amendment [H-8012](#), filed by him from the floor and moved its adoption:

[H-8021](#)

1 Amend the amendment, [H-8012](#), to [House File 2134](#), as
2 follows:

- 3 1. Page 1, lines 15 and 16, by striking the words
 4 "residents admitted to a residential care facility on
 5 or before" and inserting the following: "licensed
 6 residential care facility beds in the state as of".
 7 2. Page 1, lines 30 and 31, by striking the words
 8 "residents admitted to a residential care facility on
 9 or before" and inserting the following: "licensed
 10 residential care facility beds in the state as of".

Amendment [H-8021](#) was adopted.

On motion by Carroll of Poweshiek amendment [H-8012](#), as amended, 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?" ([H.F. 2134](#))

The ayes were, 76:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Frevert
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Hogg
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Manternach	Mertz
Olson, D.	Olson, S.	Osterhaus	Paulsen
Quirk	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Smith	Stevens	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitead	Wilderdyke	Winckler	Mr. Speaker
			Rants

The nays were, 22:

Cohoon	Fallon	Ford	Gaskill
Greimann	Heddens	Huser	Jacoby
Jochum	Lensing	Mascher	McCarthy
Miller	Murphy	Oldson	Petersen

Shoultz
Whitaker

Swaim
Wise

Taylor, D.

Taylor, T.

Absent or not voting and 2:

Hunter

Raecker

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2133 and 2134.**

[HOUSE FILE 2035](#) WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw [House File 2035](#) from further consideration by the House.

[HOUSE FILE 2219](#) REREFERRED

The Speaker announced that [House File 2219](#), previously referred to committee on **state government** was rereferred to committee on **appropriations**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, February 12, 2004. Had I been present, I would have voted aye on House Files 2138, 2146 and 2149.

J.K. VAN FOSSEN of Scott

GOVERNOR'S ITEM VETO MESSAGE

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

February 12, 2004

Dear Speaker Rants:

I hereby transmit [House File 2039](#), an Act relating to state budget provisions involving the ending balance in the general fund of the state and the state general fund expenditure limitation by transferring funds from the cash reserve fund and by

revising the percentage amount used for the limitation, providing for a standing limited appropriation to the senior living trust fund, and including effective date and applicability provisions.

[House File 2039](#) is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the item designated as Section 2 in its entirety. This section establishes a 98 percent expenditure limitation for the state general fund, which will compromise the state's ability to protect Iowan's priorities and fund essential services. Putting an additional 1 percent of the state's budget in a savings account will shortchange our commitment to excellence in education, impede our ability to provide basic health care for seniors and veterans, and jeopardize efforts to ensure the safety and security of all Iowans. Furthermore, the state currently maintains healthy reserve accounts with over \$160 million in reserves following the appropriation of \$45.8 million from the cash reserve fund. I am disappointed the legislative leadership rejected my efforts to find a compromise on this issue. I am more than willing to work with you on establishing a 98 percent expenditure limitation if it applies to a larger budget where priority services would not be compromised and if the income generated from the interest on the one percent were devoted to early childhood education.

I am unable to approve the item designated as Section 4, subsection 2 in its entirety. This subsection establishes the effective date for Section 2 of this Act. By vetoing Section 2, this subsection is no longer relevant.

For the above reasons, I respectfully disapprove these items in accordance with Article 3 Section 16 of the Constitution of the State of Iowa. All other items in [House File 2039](#) are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

2004\399	Harriet Gray, Spencer – For celebrating her 75 th birthday.
2004\400	Bob and Shirley Higley, Spencer – For celebrating their 50 th wedding anniversary.
2004\401	Jim and Pearl Trebbien, Milford – For celebrating their 60 th wedding anniversary.

- 2004\402 Harry and Margaret Horne, Spirit Lake – For celebrating their 70th wedding anniversary.
- 2004\403 Faynella Templeton, New London – For celebrating her 102nd birthday.
- 2004\404 Melva McClure, Bloomfield – For celebrating her 90th birthday.
- 2004\405 Larry and Lois Anderson, Keota – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House Joint Resolution 2003](#) Reassigned

Judiciary: Kramer, Chair; Boal and Lensing.

[House File 83](#) Reassigned

Environmental Protection: Drake, Chair; Hogg and Watts.

[House File 336](#) Reassigned

Environmental Protection: Klemme, Chair; Greimann and Watts.

[House File 2183](#) Reassigned

Local Government: Tjepkes, Chair; Hahn and Whitead.

[House File 2212](#)

Local Government: Tjepkes, Chair; Fallon and Hanson.

[House File 2217](#)

Local Government: Hanson, Chair; Hoffman and Lensing.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 624](#)

Human Resources: Granzow, Chair; Smith and Upmeyer.

[House Study Bill 625](#)

Human Resources: Heaton, Chair; Carroll and Heddens.

[House Study Bill 626](#)

Human Resources: Upmeyer, Chair; Granzow and Smith.

[House Study Bill 627](#)

Natural Resources: Rasmussen, Chair; Granzow and Taylor, D.

[House Study Bill 628](#)

Natural Resources: Rayhons, Chair; Boggess and Whitaker.

[House Study Bill 629](#)

Public Safety: Horbach, Chair; Chambers and Hogg.

[House Study Bill 630](#)

Commerce, Regulation and Labor: Hoffman, Chair; Ford and Wilderdyke.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

[H.S.B. 631](#) Agriculture

Relating to animal agriculture by providing for offenses involving animal facilities and crop operation property and providing penalties.

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 COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly [House Study Bill 544](#)), regarding public utility rights-of-way and providing an effective date.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 12, 2004.

Committee Bill (Formerly [House Study Bill 547](#)), providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties.

Fiscal Note is not required.

Recommendation **Do Pass** February 12, 2004.

Committee Bill (Formerly [House Study Bill 593](#)), relating to certain notice requirements for cooperative associations retaining abandoned property.

Fiscal Note is not required.

Recommendation **Do Pass** February 12, 2004.

COMMITTEE ON JUDICIARY

Senate File 399, a bill for an act establishing a criminalistics laboratory surcharge and creating a criminalistics laboratory fund, making an appropriation of surcharge moneys, and making related changes.

Fiscal Note is required.

Recommendation **Amend and Do Pass with amendment [H-8022](#)** February 12, 2004.

Pursuant to Rule 31.7, **[Senate File 399](#) was referred to the committee on appropriations.**

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly [House Study Bill 606](#)), relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 12, 2004.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly [House Study Bill 574](#)), relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the state wide fire and police retirement system, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommendation **Amend and Do Pass** February 12, 2004.

RESOLUTIONS FILED

[HR 113](#), by Mascher, a resolution honoring the Iowa Democratic Party and the Republican Party of Iowa for outstanding achievements in bringing about nationwide recognition for the 2004 presidential precinct caucuses.

Laid over under **Rule 25**.

[HR 114](#), by Shoultz, Berry, Thomas, Jochum, Jenkins, Dennis, Murphy, Rasmussen, Manternach, Lukan, Lalk and Gipp, a

resolution to the First Judicial District Department of Correctional Services for receiving the exemplary offender program award.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8020	H.F. 2241	Mascher of Johnson
H-8022	S.F. 399	Committee on Judiciary

On motion by Gipp of Winneshiek the House adjourned at 5:04 p.m., until 1:00 p.m., Monday, February 16, 2004.