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**STATE OF IOWA**

**House Journal**

**THURSDAY, MARCH 6, 2003**

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(The official bound copy will be available after a reasonable time upon adjournment.)

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## JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 6, 2003

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prior to convening John Busbee, currently performing at the Ingersoll Dinner Theater, playing Tevya in the "Fiddler on the Roof" production sang before the House in celebration of Cultural Arts Day. He was introduced by Representative Oldson of Polk County.

Prayer was offered by Reverend Doug Peters, pastor of Walnut Hills United Methodist Church, Urbandale. He was the guest of Representative Watts of Dallas County.

The Journal of Wednesday, March 5, 2003 was approved.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Myers of Johnson on request of Mascher of Johnson; Quirk of Chickasaw on request of T. Taylor of Linn.

### INTRODUCTION OF BILLS

**House File 468**, by Granzow and Hogg, a bill for an act relating to school improvement advisory committee recommendations for foreign language instruction at the elementary school level.

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

**House File 469**, by Paulsen and Raecker, a bill for an act relating to the state fleet administrator by providing for the purchase of vehicles for use of the institutions of the board of regents, providing for the sale of state-owned motor vehicles, and making an appropriation.

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

[House File 470](#), by Davitt and Hogg, a bill for an act relating to urban renewal plans, including the procedures for notification of and consultation with affected taxing entities, agreement on recommendations for certain modifications to a proposed plan, the consequences of failing to reach agreement on certain recommendations for modification of a proposed plan, and providing an effective date.

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

[House File 471](#), by Boggess, a bill for an act relating to providing financing to agricultural processors, providing for bonding authority, and providing an appropriation.

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

[House File 472](#), by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

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

[House File 473](#), by Murphy, a bill for an act creating a pension advocate within the office of the treasurer of state.

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

[House File 474](#), by Alons, a bill for an act expanding the tuition tax credit under the individual income tax to include tuition and textbook expenses at an elementary or secondary school situated outside of Iowa including a retroactive applicability date provision.

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

#### 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 March 5, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 215](#), a bill for an act eliminating certain public disclosure requirements by state banks.

Also: That the Senate has on March 5, 2003, passed the following bill in which the concurrence of the House was asked:

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

Also: That the Senate has on March 5, 2003, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on March 5, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 185](#), a bill for an act relating to criminal law and procedure, including the criminal offenses of arson, communications by an arrested person, and harassment.

Also: That the Senate has on March 5, 2003, passed the following bill in which the concurrence of the House is asked:

[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.

MICHAEL E. MARSHALL, Secretary

#### RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of [House File 306](#).

#### CONSIDERATION OF BILLS Appropriations Calendar

[House File 306](#), a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening, was taken up for consideration.

#### [SENATE FILE 127](#) SUBSTITUTED FOR [HOUSE FILE 306](#)

Jacobs of Polk asked and received unanimous consent to substitute [Senate File 127](#) for [House File 306](#).

**Senate File 127**, a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening, 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. 127**)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	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	Hunter	Huser
Hutter	Jacobs	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	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Boggess	Horbach	Huseman	Myers
Quirk			

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

### Regular Calendar

**House File 387**, a bill for an act relating to mental health and developmental disabilities by revising life safety requirements for intermediate care facilities for persons with mental retardation, expanding an exemption to health care licensing requirements for certain residential programs that receive funding under a medical assistance home and community-based services waiver and approval from the department of human services, and revising membership requirements for the mental health and developmental disabilities commission, and providing an effective date, 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?" ([H.F. 387](#))

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	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	Hunter	Huser
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 1:

Jochum

Absent or not voting, 5:

Boggess  
Quirk

Horbach

Huseman

Myers

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

#### HOUSE FILES 184 and 306 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House Files 184 and 306 from further consideration by the House.

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 387](#) and [Senate File 127](#).

#### [HOUSE FILE 200](#) WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw [House File 200](#) from further consideration by the House.

On motion by Gipp of Winneshiek, the House was recessed at 9:07 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 12:59 p.m., Speaker Rants in the chair.

#### INTRODUCTION OF BILLS

[House File 475](#), by Paulsen, a bill for an act relating to the award of damages in an action alleging medical malpractice.

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

[House File 476](#), by Hogg, a bill for an act relating to retroactive applicability of modifications of child support orders.

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

[House File 477](#), by Fallon, a bill for an act relating to the provision of complementary and alternative health care diagnoses and treatment by unlicensed persons, and making penalties applicable.

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

#### SENATE MESSAGES CONSIDERED

[Senate File 134](#), by committee on local government, a bill for an act relating to the various duties of the county treasurer and providing an effective date.

Read first time and **passed on file**.

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

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

[Senate File 185](#), by committee on judiciary, a bill for an act relating to criminal law and procedure, including the criminal offenses of arson, communications by an arrested person, and harassment.

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

[Senate File 201](#), by committee on education, 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.

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

**SPECIAL PRESENTATION TO HOUSE PAGES**

Speaker Rants invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the First Regular Session of the Eightieth General Assembly were presented to the following Pages by Speaker Rants, Majority Leader Chuck Gipp of Winneshiek and Representative Mascher of Johnson:

Justin Ehrecke  
Tyler Goings  
Megan Page

John Pilkington  
Sarah Skoog  
Kelsey Veach

**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 5, 2003, he approved and transmitted to the Secretary of State the following bill:

[House File 66](#), an Act requiring motor vehicle operators to take certain precautions when passing stationary utility maintenance or municipal maintenance vehicles and making a penalty applicable.

**CERTIFICATES OF RECOGNITION**

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

**MARGARET A. THOMSON**  
Chief Clerk of the House

- |          |   |
|----------|---|
| 2003\631 | Collin Nelson, McGregor – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2003\632 | Jeff Bickel, McGregor – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.   |
| 2003\633 | Laurence Martin, Marion – For celebrating his 80 <sup>th</sup> birthday.  |
| 2003\634 | Laurence and Marjory Martin, Marion – For celebrating their 55 <sup>th</sup> wedding anniversary.               |

- 2003\635 Colin Frescoln, Eldon – For receiving 2<sup>nd</sup> place in the 140 lb. weight class in the Class 1-A Division of the 2003 State Wrestling Tournament.
- 2003\636 Don and Darlene Fagen, Keota – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\637 Indianola High School Jazz 1, Indianola – For their performance at the Iowa State Capitol.
- 2003\638 Indianola High School Thespian Society, Indianola – For their performance at the Iowa State Capitol.
- 2003\639 Arlene and Elmer Dinkla, Casey – For celebrating their 61<sup>st</sup> wedding anniversary.
- 2003\640 Evan Holt, Stratford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

[House File 251](#)

Environmental Protection: Wilderdyke, Chair; D. Hanson and D. Olson.

[House File 313](#)

Transportation: Rasmussen, Chair; H. Miller and S. Olson

[House File 372](#)

Economic Growth: Granzow, Chair; D. Hanson and H. Miller.

[House File 378](#)

Commerce, Regulation and Labor: B. Hansen, Chair; Osterhaus and Sands.

[House File 414](#)

Commerce, Regulation and Labor: Hoffman, Chair; B. Hansen and T. Taylor.

[House File 418](#)

Education: Schickel, Chair; Foege and Paulsen.

[House File 425](#)

Education: Carroll, Chair; Roberts and Stevens.

[House File 439](#)

Education: Tymeson, Chair; Chambers and Wise.

[House File 441](#)

Commerce, Regulation and Labor: Horbach, Chair; B. Hansen and Osterhaus.

[House File 442](#)

Commerce, Regulation and Labor: B. Hansen, Chair; Ford and Horbach.

[House File 444](#)

Commerce, Regulation and Labor: B. Hansen, Chair; Hoffman and Petersen.

[House File 447](#)

Commerce, Regulation and Labor: Horbach, Chair; Petersen and Watts.

[House File 461](#)

Natural Resources: Boggess, Chair; Granzow and McCarthy.

[House File 465](#)

Education: Boal, Chair; Mascher and Paulsen.

[House File 468](#)

Education: K. Kramer, Chair; Dandekar and Dolecheck.

[House File 474](#)

Education: Tjepkes, Chair; Berry and B. Hansen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 241](#)

State Government: Greiner, Chair; Jochum and Watts.

[House Study Bill 242](#)

State Government: Greiner, Chair; Jones and Whitead.

[House Study Bill 243](#)

Ethics: Raecker, Chair; Bukta, Dennis, Huseman, Mascher and McCarthy.

[House Study Bill 244](#)

Environmental Protection: Klemme, Chair; Ford and Greiner.

[House Study Bill 245](#)

Public Safety: Baudler, Chair; McCarthy and Sands.

[House Study Bill 246](#)

Public Safety: Baudler, Chair; Chambers and McCarthy.

[House Study Bill 247](#)

State Government: Raecker, Chair; Lykam and Rasmussen.

[House Study Bill 248](#)

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

[House Study Bill 249](#)

Agriculture: Alons, Chair; Lalk and Whitaker.

[House Study Bill 250](#)

Agriculture: Dolecheck, Chair; Rayhons and Struyk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 251 Local Government**

Relating to the procedure for reducing the number of members of a city council from five to three in certain cities.

**H.S.B. 252 Judiciary**

Relating to real property, including acknowledgements of real property conveyances and limitations on causes of action concerning real property.

**H.S.B. 253 Economic Growth**

Creating workforce training and economic development funds for community colleges, making related appropriations, and providing an effective date.

**H.S.B. 254 Economic Growth**

Creating workforce training and economic development funds for community colleges, creating a workforce training and economic

development levy, making related appropriations, and providing an effective date.

**H.S.B. 255 Economic Growth**

Creating workforce training and economic development funds for community colleges, increasing the excise tax on cigarettes, making related appropriations, and providing effective dates.

**H.S.B. 256 Judiciary**

Relating to the prosecution of certain criminal offenses committed in a city located in two or more counties.

**H.S.B. 257 Judiciary**

Requiring a valid driver's license for issuance or renewal of a motor vehicle registration.

**H.S.B. 258 Judiciary**

Relating to agreements to arbitrate and providing remedies.

**H.S.B. 259 Judiciary**

Relating to the construction, size, location, and accessibility of storm shelters located in mobile home parks or manufactured home communities and the resolution of conflicting ordinances between a county and city.

**H.S.B. 260 Judiciary**

Relating to the uniform athlete agents Act and providing penalties.

**H.S.B. 261 Judiciary**

To legalize the proceedings of the City Council of the City of Urbandale relating to the approval of a partial exemption from property taxation of actual value added to industrial real estate, and providing for effective and applicability dates.

**H.S.B. 262 Judiciary**

Relating to landlords, tenants, and actions for forcible entry or detention.

**H.S.B. 263 Judiciary**

Relating to electronic communication, providing for restrictions on unsolicited advertisements via e-mail or facsimile, restrictions on unauthorized access to or disruption of computer data and systems, and providing penalties.

**H.S.B. 264 Commerce, Regulation and Labor**

Relating to exempt transactions of unauthorized insurers.

**H.S.B. 265 Natural Resources**

Relating to deer venison abandoned at certain establishments and providing penalties.

**H.S.B. 266 Commerce, Regulation and Labor**

Relating to cemeteries and cemetery regulation; establishing requirements for interment rights agreements, reporting, and permits; establishing and appropriating fees; and providing administration and enforcement procedures and penalties.

**H.S.B. 267 Agriculture**

Relating to biodiesel fuel, including biodiesel fuel tax credits and providing an applicability date.

**H.S.B. 268 Human Resources**

Relating to certain health care provisions including authority for the department of human services to contract for managed care of adult mental health or substance abuse services under the medical assistance program under certain circumstances and providing an effective date.

## 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 50](#)), increasing the surcharge for certain dishonored negotiable instruments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

## COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly [House Study Bill 60](#)), relating to the shelter assistance fund.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

**Committee Bill** (Formerly [House Study Bill 181](#)), renaming the department of economic development and the Iowa economic development board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly [House File 60](#)), designating advanced registered nurse practitioners as providers of health care services pursuant to managed care or prepaid services contracts under the medical assistance program.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

**Committee Bill** (Formerly [House Study Bill 145](#)), relating to programs and services under the purview of the department of human services, and providing for retroactive applicability and effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

**Committee Bill** (Formerly [House Study Bill 146](#)), relating to family investment program eligibility requirements involving motor vehicle equity and providing an applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2003.

**Committee Bill** (Formerly [House Study Bill 168](#)), relating to the authorization of podiatrists to administer anesthesia.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

#### COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly [House File 131](#)), relating to fraudulent use of a credit card and providing a penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 6, 2003.

**Committee Bill** (Formerly [House Study Bill 72](#)), to prohibit unauthorized computer access to operational or support data of a rural water district and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

**Committee Bill** (Formerly [House Study Bill 75](#)), relating to appeals filed in child in need of assistance proceedings.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly [House Study Bill 192](#)), providing for the reorganization of certain state departments by establishing a department of administrative services, making related changes, providing penalties, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

## COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly [House File 222](#)), relating to fees charged for special fire fighter motor vehicle registration plates and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2003.

## AMENDMENT FILED

[H-1037](#)      [H.F. 349](#)      Kramer of Polk

On motion by Gipp of Winneshiek the House adjourned at 1:05 p.m., until 8:45 a.m., Friday, March 7, 2003.