

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, FEBRUARY 25, 2004

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JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 25, 2004

The House met pursuant to adjournment at 8:48 a.m., Speaker pro tempore Carroll in the chair.

Prayer was offered by Reverend Claude Jones, pastor of the Douglas Avenue Presbyterian Church. He was the guest of Representative John Connors from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker pro tempore Carroll.

The Journal of Tuesday, February 24, 2004 was approved.

INTRODUCTION OF BILLS

[House File 2359](#), by Kuhn, a bill for an act providing standards for the construction of structures associated with confinement feeding operation structures, making penalties applicable, and providing an effective date.

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

[House File 2360](#), by Heddens, a bill for an act revising terminology used for child in need of assistance proceedings.

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

[House File 2361](#), by committee on human resources, a bill for an act exempting sales made to nonprofit child care centers from the sales and use taxes.

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

[House File 2362](#), by committee on human resources, a bill for an act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

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

[House File 2363](#), by committee on ways and means, a bill for an act providing for an annual tax levy on real property used in gaming operations and providing an effective date.

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

[House File 2364](#), by Smith, a bill for an act relating to the provision of emergency crisis counseling to emergency service personnel at the place of an emergency or an accident by a volunteer critical incident stress management team member.

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

[House File 2365](#), by Carroll, a bill for an act relating to the theft of leased or rented personal property and making penalties applicable.

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

[House File 2366](#), by committee on natural resources, a bill for an act relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty.

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

[House File 2367](#), by committee on public safety, a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund.

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

[House File 2368](#), by Granzow, a bill for an act relating to school reorganization by allowing certain landowners contiguous to a school district to petition to join the other school district.

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

SENATE MESSAGES CONSIDERED

[Senate Joint Resolution 2007](#), by Iverson, 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 **passed on file**.

[Senate File 2118](#), by committee on commerce, a bill for an act regarding public utility rights-of-way and providing an effective date.

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

[Senate File 2121](#), by committee on ways and means, a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes.

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

On motion by Jacobs of Polk, the House was recessed at 8:53 a.m., until 12:45 p.m.

AFTERNOON SESSION

The House reconvened at 12:48 p.m., Speaker Rants in the chair.

ADOPTION OF [HOUSE RESOLUTION 117](#)

Gipp of Winneshiek called up for consideration [House Resolution 117](#), a resolution to recognize and honor the members of the Iowa Army and Air National Guard, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF [HOUSE RESOLUTION 121](#)

Murphy of Dubuque called up for consideration [House Resolution 121](#), a resolution to recognize and honor Iowans serving in all branches and components of the military, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF [HOUSE RESOLUTION 119](#)

Gipp of Winneshiek called up for consideration [House Resolution 119](#), a resolution to honor Representative Jodi S. Tymeson for her promotion to Brigadier General in the Iowa National Guard, and moved its adoption.

The motion prevailed and the resolution was adopted.

COMMITTEE TO NOTIFY THE SENATE

Lukan of Dubuque moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Lukan of Dubuque, Lalk of Fayette and Wendt of Woodbury.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Lukan of Dubuque, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that the committee had performed its duty.

The report was accepted, and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House Chamber.

JOINT CONVENTION

In accordance with law and [House Concurrent Resolution 111](#), duly adopted, the joint convention was called to order at 1:02 p.m., President Lamberti presiding.

Senator Iverson of Wright moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Lamberti announced a quorum present and the joint convention duly organized.

Senator Iverson of Wright moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to escort Governor Thomas J. Vilsack to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Ward of Polk, Shull of Warren and Kibbie of Palo Alto, on the part of the Senate, and Representatives Alons of Sioux, Klemme of Plymouth and Thomas of Clayton, on the part of the House.

Senator Iverson of Wright moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to escort Major General Ron Dardis to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators McKibben of Marshall, Rehberg of Buchanan and Warnstadt of Woodbury, on the part of the Senate, and Representatives Tymeson of Madison, Chambers of O'Brien and Quirk of Chickasaw, on the part of the House.

The Director of the State Emergency Management Division, Ellen Gordon, was escorted into the House Chamber.

Treasurer of State, Michael Fitzgerald; and Attorney General, Tom Miller were escorted into the House chamber.

Mrs. Carmel Dardis, wife of the General and his daughters, Megan, Jamie and Cara were escorted into the House Chamber.

Lieutenant Governor Sally Pederson was escorted into the House chamber.

The committee waited upon Governor Thomas J. Vilsack and escorted him into the House Chamber.

President Lamberti introduced the Kuhlmann Sisters who sang "You are the Ones".

The joint convention rose and expressed their appreciation.

The committee waited upon Major General Dardis and escorted him to the Speaker's station.

President Lamberti presented Major General Dardis, Adjutant General of the Iowa National Guard. General Dardis began his military career by enlisting in the Iowa Air National Guard in March 1966. He is a command pilot with more than 3,600 flying hours.

General Dardis was appointed as the Adjutant General of Iowa in June 1999. He provides command and control for 105 Army and Air National Guard Units and over 9,600 Army and Air National Guard members in the state of Iowa.

Major General Dardis delivered the following Condition of the Iowa National Guard Message:

Good afternoon – Thank you for the warm welcome!

Thank you Speaker Rants, President Lamberti and members of the General Assembly for your kind invitation to speak to the Iowa Assembly this afternoon.

On behalf of the men and women of the Iowa Guard, we want to thank all of you for your support over the years especially during the recent mobilization of our soldiers and airmen

Governor Vilsack, our Commander-in-Chief, and Lieutenant Governor Pederson, we thank you for your support. You have been with us every step of the way, especially during our recent mobilizations. You have participated in the send-offs and welcome home ceremonies for our soldiers and airmen. You were also there to offer your deepest sympathy to our families who lost loved ones during this war on terror! We thank you for your caring leadership and strong support.

- A special thanks to the Kuhlmann Sisters for being here. They have performed at our sendoffs and welcome home ceremonies, and today. We thank them for their strong support of the men and women in uniform!

I am very honored to be with you this afternoon and present a state of the Guard address! I am very proud of the men and women of the Iowa Guard and always take advantage of an opportunity to tell our team story - the Iowa Team story!

I hope at the conclusion of my presentation – you will share the same feelings as I have for our quality young men and women in uniform today.

The vision we have in the Iowa Guard is one of being a world class team committed to excellence and to one another.

- Little did we know at the inception of this vision statement this world class team would be deployed around the world like we are today in the global war on terror.

The members of the Iowa team live by a set of values. These values are the standard we embrace on a daily basis at our places of employment, within our communities and while we are deployed to fight the war on terror.

- Loyalty, duty, respect, selfless service, honor, integrity, personal courage, and excellence in all we do

Your Iowa Guard today is being recognized as one of the top states in this nation. We have broken out of the pack!

I will review with you today, steps taken by the leadership team to position the Iowa Guard for future success and take us to the next level.

A special thanks to the leadership team for their hard work and dedication and commitment to continuously improve the Iowa Guard.

I would like to take this opportunity to congratulate Brigadier General, Representative Jodi Tymeson for the honor bestowed upon her today and to thank her for her participation in the Iowa National Guard.

We have transformed your Iowa Guard!

- We don't look like we did 5 years ago!
- We are at 100% personnel strength.
- We have new and more relevant missions.
- We have new equipment.
 - Flying units – army and air

We have re-engineered and reorganized your National Guard.

We have provided in your handout the locations of our units and details of our budget and its economic impact.

- These transformational efforts have resulted in an increase of \$124 million in annual federal funding from 1998 levels.

Iowa is one of 26 states that have Homeland Security Emergency Management under the military division. Due to our participation in state emergencies and new requirements of Homeland Security, this is the right alignment. Iowa has it right!

- Other states are moving to this model.
- Ellen Gordon, Homeland Security advisor to the Governor, is providing outstanding leadership to the Homeland Security Emergency Management department as they accomplish the homeland security initiatives for the state of Iowa. Ellen we thank you for your leadership.

Your Iowa National Guard has both a federal and state mission. Your Iowa National Guard is the only military organization in Iowa where members take both a federal and state oath!

- What does this mean?
- The Governor can only activate the Guard for state emergencies as the Commander-in-Chief.

Your Iowa Guard is a combat ready Guard prepared to respond to real world contingencies all over the world.

- We are doing this today as we participate in the global war on terror.

We are also prepared to respond to state emergencies and come to the aid of Iowans in a time of need. Floods, winter storms, tornadoes and homeland security missions are examples.

We also participate in community programs, become role models for our youth and make our communities a safer and better place to raise our families.

- Our Counterdrug program is a good example of a community mission.

Let me share with you our commitment to excellence in the Iowa Guard. We have had a goal of being the strongest joint team possible (Army and Air Guard) for the last five years

The joint Iowa team!

States that come together as a joint team sharing benchmark programs, ideas and resources will be the states that lead the way and prevent loss of force structure and a reduction in federal funding.

- We were directed by the Chief, National Guard Bureau, in October 2003 and have become a Joint Forces Headquarters.
- The Adjutant General may be the commanding general over homeland security and active duty tasking, Army, Army Reserves, Air Guard, Air Force Reserve, Navy and Marines.
- We are prepared for this change as we already have been implementing this concept.

We also have had a goal of getting the Iowa Guard to 100% of personnel strength and also take the necessary steps to prepare the Iowa Guard for the upcoming Federal Quadrennial Defense Review and Base Realignment and Closure Committees.

A review of the Air National Guard.

We are clearly in an expeditionary age. We are re-engineering the flying wings to fit into the air expeditionary force.

- 185th Air Refueling Wing – Sioux city
 - Transitioned from F-16 Fighters to KC-135E air refueling tankers.
- 132d Fighter Wing – Des Moines
 - Put new engines in F-16s (Pratt and Whitney 229) providing more capability for future missions
- 133d Test Squadron – Fort Dodge
 - Transitioned from an Air Control Squadron to a test and evaluation mission providing alignment with our Iowa Guard technology initiatives
 - Only test mission in the National Guard in the nation.

All of these transformational efforts for the Air National Guard have resulted in an increase in federal dollars of approximately \$100 million and provided longevity and viability and more relevant missions to our Air National Guard units.

An example of the relevancy I speak of is the 133d Test Squadron in Fort Dodge.

- On 11 September 01, the National Guard and U.S. Air Force came to Iowa for the solution to the modernization of the radar contingency suite for North American Air Defense Command (NORAD).
 - Provided internal radar picture.
- Today – testing leading edge technology initiatives for the U.S. Air Force!
 - Battlefield Control Center
 - Allows control of airspace in multiple areas of operation from any one location in the world. Recently, a Battle Manager (Major Robin Hosch, who is with us today) from the 133d controlled the airspace over Baghdad and sent real-time radar images to a command center in Massachusetts. They also monitored air space over Afghanistan and Puerto Rico at the same time (Congressman Latham talked to pilot flying over Baghdad).
 - Capability to control air war in Iraq and Afghanistan from Fort Dodge, Iowa – imagine that!
 - What is the significance? – allows for reachback capability, can provide command and control capability from remote locations. You don't have to forward deploy as many soldiers and airmen to the battlefield.

The Army National Guard:

We are redesigning the army division and transforming the army to a future force.

- Established a new troop command headquarters (O-6) in Iowa City when other states were downsizing.
- Re-established the 185th Corps Support Battalion, which was recently deployed to the Middle East!
- Aviation modernization.
 - Retired Vietnam Era Cobra helicopters and replaced with Kiowa Warriors as interim until cascading of Apache attack helicopters.
 - Retiring Hueys – replaced the Huey with 8 Blackhawks for utility requirements.
 - Heavy lift Chinook helicopters will be upgraded over 10 year period. We lost one on 2 November 03 Iraq.
 - We also received two extra Kiowa Warrior helicopters for Counterdrug mission.
 - Example: marijuana eradication
- Because Iowa's demographics are changing we have closed five armories and consolidated those units (previously no closings in 25 years).
 - Where we cannot sustain membership, nor afford to rehab, we made the difficult decision to close these armories.
- Building three new armories.
 - Estherville, Iowa City and Burlington.
 - Estherville joint readiness center (a first for Iowa), \$16 million collaborative project with Iowa Guard, City of Estherville and Iowa Lakes Community College
 - An armory.
 - A wellness center.

- A liberal arts community center.
- Drill floor is two large basketball courts.
- Across road from high school and Iowa lakes community college.
- A new concept and a win, win for the Iowa Guard, Estherville community and state of Iowa.
- Ribbon cutting ceremony slated for April.
- Our second strategy is to rehab armories where we can sustain membership.
 - Boone, Fort Dodge, Waterloo, Red Oak, Sheldon and the list goes on.
- Our strategic plan calls for a large amount of federal construction dollars to be spent in Iowa. We have provided that information to you in the handout.
 - Total for fiscal years 2002-2005 is \$101 million federal and \$8.2 million state dollars.
 - A 12 to 1 federal to state ratio.
 - Federal dollars being spent in Iowa – have a large impact for communities throughout the state!
 - We are very proud of this program.

Allow me to review with you recent accomplishments and successes enjoyed by your Iowa Guard:

- Personnel strength.
 - The biggest accomplishment of all! Also the one we are most proud of!
 - At 100% in Iowa Guard.
 - Critical to readiness and combat ready units in the Iowa Guard.
 - State educational assistance program has helped! Our goal has always been to get our state educational assistance program to 100% so as to be competitive with border states that have 100% programs.
 - We thank you for your past support of this program and ask for your continued support of this very vital program to the Iowa National Guard.
- National Maintenance Training Center at Camp Dodge.
 - Only one in the world (closed other one in Germany).
 - Thousands of soldiers on annual rotations.
 - Millions of dollars to local economy.
 - Plus save millions and millions of dollars for the army on maintenance.
 - In recent discussion with National Guard Bureau – they will expand this training center. Double in size and number of jobs – very excited about this opportunity!
- 71st Civil Support Team.
 - One of 32 states (worked hard with delegation).
 - 100% federally funded.
 - Adds tremendous capability to Homeland Security Emergency Management in case of bioterrorism and weapons of mass destruction events!

- Responded to Boone and Des Moines incidents in recent weeks!
- Army Communities of Excellence program.
 - Recognized as the #1 program in the nation (awarded \$3 million).
 - Quality improvement program or continuous improvement program.
 - Have operationalized this program on a daily basis.
 - Assisted state government in early stages of state quality program!
- Diversity program.
 - A model program for the nation!
 - National Guard Bureau using Iowa program.
 - Key to future success of Iowa Guard!
 - Reach out to diverse groups stressing equal opportunity for all!
 - Presently reflect 3.6% of diversity.
 - Goal of 6% diversity, as is state of Iowa.
 - Be a mirror image of the communities in which we reside.
- Counterdrug program.
 - Recognized as top program nationally.
 - #1 methamphetamine awareness program in nation.
 - Award from Secretary of Defense.
 - Making a difference with our youth and making our communities a safer and better place to raise our families.
 - Crack house demolition – over 100 houses destroyed.
 - Drug demand reduction program in our middle schools is a good example.
 - New Midwest region Counterdrug school (includes 18 states and territories).
 - FY-03 funding of \$3.5 million – increasing to \$5 million per year.
 - Expect 3000-5000 law enforcement students annually.
- We realize the importance of staying on the cutting edge of technology! The key to our success in the future!
 - Your Iowa Guard is leading the nation in distance learning and technology initiatives.
 - We are leveraging the infrastructure of the Iowa communications network for training.
 - This one of a kind network with unlimited bandwidth capability results in a living test bed for Department of Defense and commercial contractors for technology and distance learning projects.
 - We will remain engaged at the national level and continue to leverage the infrastructure of the Iowa Communications Network.
 - We are excited about emerging missions and new opportunities in the distance learning, technology and homeland security areas.

Allow me to transition and comment on the war on terrorism and our Defenders of Freedom that have joined us in the chamber today. And share with you examples of commitment we have for one another.

We all can agree the events of 11 September 2001 have changed our lives forever! It

changed operations in the Iowa Guard significantly! Operations will never be the same!

On that day:

- We went to Force Protection Level Delta (the highest level).
- 24 hour operations (still 24 hour force protection and alert.)
- Escorted Air Force One into Offutt Air Force Base and to D.C.
- Combat air patrol with F-16s.

We have been tasked for missions we didn't think we would be tasked for:

- Airport security mission at eight Iowa airports.
- Hygienic lab at University of Iowa.
- 24/7 alert mission for F-16s.
 - All-night when President Bush or senior leadership was in Des Moines.
- Liberty shield – security of railroad bridges over Mississippi River.
- Trained 500 member task force to respond to homeland security mission.
- 133d Test Squadron activated in place for radar contingency suite modernization.
- Security Police from 132d Fighter Wing and 185th Air Refueling Wing activated and deployed – extended for two years!

We are now experiencing the largest mobilization of the Iowa Guard since World War II. This period will go down in history as a very significant event!

Nationally, our pace of operations is 20 times greater than Desert Shield/Desert Storm and increasing.

- Deployed to 30 countries in last two years.
- This causes increased stress on our members and their families, employers and communities.

This is the biggest concern we have in the Guard today and we must do everything we can to take care of our members and their families.

We have outstanding family support groups, Employer Support of the Guard and Reserve (ESGR) teams and Civilian Aides to the Secretary of the Army all working together to provide this support.

- I thank Mr. Mike Earley and Mr. Sam Kalainov, Civilian Aides to the Secretary of the Army; Mr. Jack Felderman, State Chair, ESGR, and his team for all they do for our men and women in uniform. We could not perform the mission we do without their support.
- Members of this team have joined us in the chamber today. Thank you for your support!
- Ladies and gentlemen, our family support group and our Guard families helping families are truly our "heroes on the homefront." We thank them for the sacrifices they are making and for their strong support of their loved ones who are deployed. I want to thank the officers wives' auxiliary, Ms. Cathy Luther, State Family Coordinator, her staff and volunteers – we thank you very much for all that you do.

I personally observed one of the most remarkable events I have ever witnessed in 38 years of military service – our mobilizations over the past 2 years.

- I saw a very proud Iowa team (all members of the Iowa Guard family) come together to ensure our soldiers and airmen were sent off to the war on terror as prepared as they possible could be!
- They put the Iowa team first!

Let me explain:

- Painting of equipment to desert camouflage – 1200 plus pieces.
- Proper clothing.
- Proper equipment.
- Paperwork in order.
- Quality training completed.
- Briefings received by legal, ESGR and Family Readiness.
- For months and months members of the team worked endless hours (15-18 hours per day not uncommon) when Iowa soldiers arrived at the mobilization sites they spent minimum time for processing.
- Three hours required versus three days or more.
- “You’re from Iowa – you’re okay!”
- “You’re from Iowa – go ahead!”

There is a special commitment to one another for sure!

There is a special bond that exists between members of the Iowa team.

- This continues today in the Iowa Guard as we uparmor our HUMVEES and trucks for deploying soldiers and continue to assist families with issues, injuries and casualties.
- As I interacted with our young soldiers and airmen I quickly realized the quality young men and women we have in the Iowa Guard today.
- They were very positive.
- They were very thankful for the extra preparation and hard work of our Guard family.
- They were prepared for a deployment for the war on terror.
- They admitted that mom and dad had some concerns.
- They had no idea what it would be like in Iraq and Afghanistan but they were proud and ready to go.

Today we have approximately 3,200 soldiers and airmen deployed and preparing to deploy around the world participating in the Global War on Terror.

- 4,200 in the last 18 months.
- Over 6,800 since 11 September 01.
- Unprecedented taskings for sure!
- 1st – 7th in the nation for percentage of available force mobilized over last 18 months.
- Today, 78% of available force alerted and/or mobilized as we deploy. Approximately 700 additional soldiers from 11 Iowa communities - yesterday, today and tomorrow.
- The largest task force mobilization since World War II.
 - We may very well be #1 in nation again.
- We need predictability! No more short alert notifications to mobilizations. Department of Defense and National Guard Bureau's goal is 25% deployed, 25% preparing for deployment and 50% in training and reconstitution for future rotations. (Department of Defense says 1 deployment every 6 years.)

Previously, I spoke about our transformational efforts that have positioned the Iowa Guard at a very high level nationally. But the real test comes during combat operations.

Today the active duty continues to ask for Iowa units. Why? Because we are a combat ready Guard with high readiness levels and quality young men and women. They are the best of the best!

These young men and women are “hometown heroes” to us all!

- They have interrupted their lives – they are making sacrifices!
- They have left behind what they cherish most – family and friends.
- They have left one job for another – to protect this country from evils of terror.
- They are performing their mission in an outstanding manner.

We are so proud of our young men and women in the Iowa Guard today!

- We salute them!
- We have tremendous respect for them!
- We thank them for their commitment, their dedication and willingness to serve

Allow me to introduce to you a representation of our Defenders of Freedom that have been deployed for Operations Enduring Freedom (Global War on Terror outside continental United States), Noble Eagle (Global War on Terror continental United States), Iraqi Freedom (Iraq) and peacekeeping missions (Egypt, Bosnia and Kosovo).

- These soldiers and airmen represent 2,400 members of the Iowa Team.

I ask soldiers and airmen to stand and remain standing until I have introduced all units/members:

- 1034th Quartermaster Company (Operation Enduring Freedom – Afghanistan) – 24/7 operations providing logistical support for entire central region of Afghanistan and 82nd Airborne Division which included over 8,000 U.S. and coalition forces.
 - Captain Karla Pfeiffer, Commander
 - Lt Brad Teggatz
- Company D 109th Aviation (Operation Enduring Freedom/Operation Iraqi Freedom) – Two rotations in less than 27 months in support of the 160th SOAR (“Blackhawk Down”). They kept the special operations helicopters in the air during Operations Enduring Freedom and Iraqi Freedom. Many forward deployed to the battlefield!
 - Major Rob Stark
 - SFC Garry Estabrooks
 - SSG Michael van pelt
- 34th Operational Support Command pilots (Operation Iraqi Freedom) – Deployed for six months to Kuwait in support of U.S. Central Command (CENTCOM) operations. During this time they flew 325 missions, hauling 1625 passengers to include the CENTOM three star general, foreign ambassadors, special operations forces such as navy seals and 65,000 lbs of cargo. A total of 600 hours of accident free flying!
 - CW4 Ed Stettin
 - SFC Jodi Bishop
- 1-194th Field Artillery (Operation Noble Eagle) – One year on duty providing critical asset protection in Ohio, Michigan and Indiana. The

M-1 Abrams tank factory and a chemical weapons storage facility were two of the locations

- CSM Craig Berte
- SPC Brian Adams
- 1-133 Infantry Battalion (Sinai Peacekeeping for 6 months) – Accomplished the mission with fewer soldiers than any other previous unit. Competed against army soldiers from Colombia, Fiji and other U.S. units and won the commanders cup in the forces skills competition. They lived up to their nickname, the “Ironman Battalion.”
 - SSG Michael Devereux
 - SSG Michael McInory
- 185th Rear Operation Center (Operation Iraqi Freedom) – Personnel filled key support positions at command level in Iraq and Kuwait. Personnel were responsible for helping organize the rotation of soldiers deployed to the Middle East for Operation Iraqi Freedom. Also served on base defense liaison teams in many areas of operation in Iraq.
 - Captain Donald McGhghy
 - SPC Mark Mortenson
- 3654 Maintenance Company (Operation Enduring Freedom) – provided maintenance support in Afghanistan.
 - SPC Brett Bellis
 - Private Aaron Vanrees
- UH-60 Blackhawk pilots from Company B, 147th Aviation (Operation Iraqi Freedom) – CW4 John Prater, CW3 Brian O’Keefe and CW2 Mark Bragg were unable to be with us today. Deployed for 6 months and supported the 101st Airborne Division in Iraq. They flew over 250 hours of combat missions.
- 132d Fighter Wing (Operation Noble Eagle/Operation Iraqi Freedom) – Deployed to Turkey where they flew combat missions over Northern Iraq in November - December 2003. Their sixth deployment in six years to Iraq. Security police activated for two years and are also providing air sovereignty alert for NOARD at the Des Moines Air Base.
 - Major Mark Maly
 - TSgt Doug Asher
 - Sra Eric Randall
 - Sra Randy Warden
- 185th Air Refueling Wing (Operation Noble Eagle/Operation Iraqi Freedom) – Escorted Air Force One on 11 September 01 and deployed security police to locations around the world. Flew combat air patrols over Eastern Seaboard in the fall of 2001 and deployed four times to enforce the no-fly zones over Iraq.
 - SSgt Greg Patten
 - SSgt Michael Smidt
 - TSgt Steve Streeter
- 133d Test Squadron (Operation Noble Eagle /Operation Iraqi Freedom) – Members were deployed to Baghdad International Airport and controlled the airspace over Central Iraq
 - Major Robin Hosch, Commander
 - SMSgt Bob Steffes
- 2168 Transportation Company (Operation Iraqi Freedom) – The 2168 Transportation Company was mobilized but due to a change in mission, never left the U.S. – We welcomed them home as we have the other

units here today, as heroes. Their determination to serve this great nation has not gone unnoticed.

Soldiers and Airmen, thank you for your outstanding performance and for the sacrifices you made in serving your state and nation!

You might ask why did these men and women decide to join the Iowa National Guard knowing someday they might have to serve in harms way?

Let me tell you why:

- All young people have a dream!
- They have the opportunity to fulfill their dreams in the Iowa Guard.
- Most of these young men and women join the Guard for the educational opportunities but they stay for a different reason.
- We retain 85% plus of our members.
- After our young people participate:
 - In real-world missions, protecting the values we cherish most, like freedom.
 - In state emergencies, coming to the aid of Iowans in a time of need (the sense of helping others).
 - In community programs that add value to our communities, they become role models with our youth and make our communities a better place to raise our families. (Sense of volunteering and giving something back!)
 - Many people would say our young people today do not have that patriotic spirit.
 - I prefer to say it is alive and well - our young people enter the Guard in an attempt to fulfill their dream and get an education, but they stay for patriotic reasons.
 - An example of a quality investment in our youth today.
- What do you as citizens get back from your investment in the Iowa National Guard?
 - The employers get an educated, trustworthy, ethical, hardworking, and drug-free employee.
 - Your communities get a model citizen who will volunteer their time with local youths.
 - Teaching them how to make morally correct decisions in life.
- There are also many advantages to employing our future military leaders.
 - They are and will continue to receive world-class leadership and technical training through the National Guard. These are the same skills they will bring to your organization.
 - They are motivated, drug-free and in great physical condition.
 - They are taught to be leaders, make sound decisions, and be team players.

They are professionals with a sense of honor and self-respect, and a “can do” attitude that will give your team the winning edge.

We have with us today some very special soldiers!

Let me introduce to you some Heroes from the Battlefield!

They all have defended freedom very courageously:

In this case they have sacrificed and have altered their lives forever with injuries!

- SPC B.J. Jackson, SPC Ashly Mentzer, SPC Nathan Lienemann, SGT Michael Swope and SPC Ryan Klosterman – 186th Military Police Company, Baghdad, Iraq
 - All five soldiers are fortunate to be alive.
 - SPC Mentzer and SPC Lienemann are here with us today!
 - Explain attack
 - Emphasize professionalism
 - Quality training
 - Composure under fire – get out of the kill zone – pinned down 45 minutes – fire fight lasted over 4 hours
 - Saved life of B.J. Jackson in spite of their own injuries – award Purple Heart for actions taken and injuries suffered!
 - B.J. is now a double amputee and recovering from severe burns at Brooks Medical Center in San Antonio, Texas
 - Purple Heart presentation by TAG
 - Short-term goals
 - Stand and salute The Adjutant General when he was presented Purple Heart.
 - Response to media representative – This General came here to salute B.J. and say thanks for all the sacrifices he is making so we can enjoy the freedoms and liberties we enjoy today.
 - He stood tall and proud, proud to have served his state and nation and proud to represent all the men and women who serve and sacrifice.
 - Long-term goals
 - He wants to get back to Iraq with 186th Military Police unit and finish the mission he was assigned – we are making a difference General!
 - Lienemann and Mentzer attacked again while enroute to get their Purple Hearts from the first attack.
Commander said – That's it, you guys are going home.
 - SPC Mentzer and SPC Lienemann, a special thanks for outstanding performance in Operation Iraqi Freedom.
 - You are heroes to us all!
 - You are special young Americans!
- SGT Cindy Meyer – 186th Military Police Company
 - Contracted viral encephalitis after receiving small pox vaccination in February 2003.
 - Was very active – wood working skills!
 - Today – in a wheel chair, partially paralyzed, constant headaches and in constant pain.
 - In rehab today – striving for improvement.
 - She loves the army National Guard and wouldn't do anything different today.
 - She remains very positive today.
 - She was ready and wanted to deploy!
 - We thank SGT Meyer for the sacrifices she is making.
- SPC Allen Brunner - 186th Military Police Company

- Developed illnesses after he was mobilized.
 - Contracted Gillian Barr Syndrome and pneumonia after reactions to vaccinations during mobilization.
 - SPC Brunner is in rehab today and recovering from illnesses.
 - We thank you for your service and the sacrifices you are making.
- SGT Jon Sliger – 1133rd Transportation Company
- SGT Chad Hayes – 1133rd Transportation Company
- SGT Michael Doidge - 1133rd Transportation Company
 - All three soldiers injured in a mortar attack on their base camp on the seventh of January.
 - Eleven soldiers from 1133rd Transportation Company and one from 234th Signal Battalion were wounded.
 - Soldiers are home recovering from their injuries.
 - Attended funeral of SPC Josh Knowles of Sheffield (driver/1133rd Transportation Company).
 - Proud of accomplishments of 1133rd Transportation Company in Iraq.
 - The unit has driven over 1.7 million miles delivering supplies and equipment all over Iraq.
 - It is said that any drivers for the 1133rd Transportation Company can go anywhere in Iraq without a road map.
 - SGT Jon Sliger, SGT Chad Hayes, SGT Michael Doidge – best of luck on your recovery and we thank you for the sacrifices you are making and your outstanding performance in Iraq.
- CH-47 crash on 2 November 2003 (Detachment 1, Company F, 106th Aviation - Davenport)
 - SGT Gerald Santos and SPC Chad Baetke.
 - Injuries suffered from crash.
 - They were on a flight northwest Baghdad taking soldiers to the Baghdad Airport for leave when a shoulder fired, surface to air heat-seeking missile struck an engine on their aircraft at 200 feet and 150 knots.
 - Brief of accident
 - Taking care of people on board.
 - Iowa soldiers arrived at crash scene and pulled them from wreckage.
 - 13 soldiers died at the site.
 - 17 soldiers survived.
 - CW4 Bruce smith (first combat casualty since Vietnam) and SGT Paul fisher died from injuries sustained in the crash.
 - Visit to Walter reed (SGT Santos)
 - He asked if I could help in recognizing soldiers who aided in recovery. Again, he was concerned about others.
 - Said “General thanks for stopping by and checking on me – means a lot to me and Annie.”
 - Little did he know that it meant more to me than him - a true inspiration to all.
 - Request – Will you take a message back to the Iowa Team?

- Thanks to all for help and support to my family and me during our difficult times.
- SGT Santos and SPC Baetke you are an inspiration to us all and we thank you for your outstanding performance in the war on terrorism.

Other than recovering from their injuries, every soldier I have talked to wants to get back to their units and help complete the mission. They believe they are making a difference in Iraq and they are proud of their accomplishments.

I would like to make a very special presentation to SGT Gerald Santos, SPC Chad Baetke, SGT Jon Sliger, SGT Chad Hayes and SGT Michael Doidge.

- The medal of the Purple Heart!

We will do this a little differently today in the chamber.

- I will explain the award for the soldiers.
- We will read the citation for the individual soldier.
- I will pin the Purple Heart on the soldier's chest.

The Purple Heart is an award you hope you never receive!

- It is the oldest award given by the military.
- Established by General George Washington on 7 August 1782 during the Revolutionary War.
- The Purple Heart is awarded in the name of the president of the U.S. for any member of the armed forces for being wounded or killed in action during combat operations.
- While clearly an individual decoration, the Purple Heart differs from all other decorations in that an individual is not "recommended" for the decoration, rather he or she is entitled to it upon meeting the above mentioned criteria.
- The award reflects bravery, heroism, and valor above and beyond the call of duty – it describes these soldiers' tour of duty in Iraq!
- Soldiers, you provide an incredible sense of pride and a clear definition of what it means to be an American.
- We thank you for your service to your state and country and the sacrifices you are making.
- I would ask governor Vilsack, our Commander-in-Chief, to join me in the awards presentations.
- Please stand for the reading of the citations.

Major General Dardis presented the Purple Heart awards

I would like to ask all present to remember our fallen comrades who made the ultimate sacrifice with their lives as they defended this country from the evils of terror. It is a sad day when we lose a member of the armed forces, especially, when that person is an Iowan. We have lost 10 Iowans since last March, five of them are from active duty and reserve units.

- Sgt Bradley Korthaus, Davenport – USMC Reserve - Company C, 6th Engineer Support Battalion - 24 March 2003 – drown during combat operations
- Gunnery SGT Jeffery Bohr, Ossian - USMC – 1st Battalion, 5th regiment USMC – 10 April 03 - KIA

- Private Kenneth Nally, Hamburg – USA– 501st Military Police Company - 26 May 2003 – killed in vehicle accident
- Private Michael Deutsch, Dubuque – USA – Troop C, 1st Armored Division – 31 July 2003 – KIA
- Private Kurt Frosheiser, Des Moines – USA – 1st Armored Division - 8 November 2003 – KIA

Five soldiers from the Iowa Army National Guard have made the ultimate sacrifice in Operation Iraqi Freedom. We have presented to the families the Bronze Star and the Purple Heart posthumously, an emotional and humbling experience!

- PFC David Kirchoff, Anamosa – 2133rd Transportation Company – 14 August 03 (heatstroke)
- CW4 Bruce Smith, West Liberty – Detachment 1, Company F, 106th Aviation – 2 November 03 – KIA – (pilot of Chinook)
- SGT Paul Fisher, Marion - Detachment 1, Company F, 106th Aviation – 6 November 03 – died as result of injuries received in Chinook crash
- SPC Aaron Sissel, Tipton - 2133rd Transportation Company – 29 November 03 – KIA
- SPC Joshua Knowles, Sheffield – 1133rd Transportation Company – 5 February 2004 – KIA

Inscribed on the tomb of the Unknown Soldier in Arlington Cemetery are these words.

Not for fame or reward,
 Not for place or for rank,
 Not lured by ambition, or goaded by necessity,
 But in simple
 Obedience to duty as they understood it,
 These men suffered all,
 Sacrificed all,
 Dared all – and died.

- Our hearts go out to the families of our fallen heroes!
- Our prayers will be with them always.

Please join me in a moment of silence!

Our Iowa Guard members are:

- Citizens – most of the time
- Soldiers and airmen – some of the time
- Patriots all of the time!

Ladies and gentlemen, our young men and women in uniform today are serving their state and nation with dignity and pride!

We thank you for allowing us to tell our story!

- Thank you always for your support
- God bless you and your families
- God bless America

Thank you!

Major General Dardis was escorted from the House chamber by the committee previously appointed.

Governor Thomas J. Vilsack was escorted from the House chamber by the committee previously appointed.

On motion by Gipp of Winneshiek, the joint convention was dissolved at 2:25 p.m.

The House stood at ease at 2:26 p.m., until the fall of the gavel.

Jacobs of Polk in the chair at 2:45 p.m.

INTRODUCTION OF BILLS

[House File 2369](#), by Murphy, a bill for an act relating to the cancellation of liability insurance for certain professions.

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

[House File 2370](#), by Fallon, a bill for an act regulating distance requirements benefiting confinement feeding operations, and making a penalty applicable.

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

[House File 2371](#), by Hutter, a bill for an act disqualifying a person from holding office as a member of a board of directors of a school district if the person has been convicted of a sexual offense and providing for related matters.

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 24, 2004. Had I been present, I would have voted "aye" on House Files 2281, 2282 and 2318.

ARNOLD of Lucas

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\536 Val and Marilyn Skarda, Iowa City – For celebrating their 50th wedding anniversary.
- 2004\537 Lawrence Alvin Liming, Ames – For celebrating his 80th birthday.
- 2004\538 Bettie G. Schworm, Ames – For celebrating her 80th birthday.
- 2004\539 Warren Boehm Kuhn, Ames – For celebrating his 80th birthday.
- 2004\540 Dorothy Lorraine Ward, Ames – For celebrating her 80th birthday.
- 2004\541 Dorothy Laura Stohlmeyer, Ames – For celebrating her 80th birthday.
- 2004\542 Ursula Bach Von Godany, Ames – For celebrating her 80th birthday.
- 2004\543 Marion Conley Buck, Ames – For celebrating his 80th birthday.
- 2004\544 Paul R. Jones, Ames – For celebrating his 90th birthday.
- 2004\545 Doris Maag, Cedar Falls – For celebrating her 94th birthday.

SUBCOMMITTEE ASSIGNMENTS

[House File 487](#)

Human Resources: Wilderdyke, Chair; Carroll and Miller.

[House File 2118](#) Reassigned

Judiciary: Eichhorn, Chair; Berry and Dennis.

[House File 2252](#)

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

[House File 2337](#)

Education: Dennis, Chair; Berry and Upmeyer.

[House File 2353](#)

Education: Dolecheck, Chair; Paulsen and Stevens.

[House File 2368](#)

Education: Carroll, Chair; Chambers and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 656](#)

Local Government: Tjepkes, Chair; Arnold and Shomshor.

[House Study Bill 671](#)

Local Government: Hanson, Chair; Jones and Lensing.

[House Study Bill 682](#)

Agriculture: Drake, Chair; Frevert, Klemme, Manternach and Mertz.

[House Study Bill 683](#)

Judiciary: Boal, Chair; Eichhorn and Swaim.

[House Study Bill 684](#)

Public Safety: Eichhorn, Chair; Klemme and McCarthy.

[House Study Bill 685](#)

Public Safety: Eichhorn, Chair; Klemme and McCarthy.

[House Study Bill 686](#)

State Government: Drake, Chair; Connors, Elgin, Jones and Lykam.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 687](#) **Commerce, Regulation and Labor**

Relating to the uniform electronic transactions Act.

[H.S.B. 688](#) **Agriculture**

Requesting the legislative council to establish an interim study committee to examine issues relating to fees imposed, assessed, and collected by the department of agriculture and land stewardship.

H.S.B. 689 Human Resources

Providing for the establishment of a drug repository program.

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

House File 2243, 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.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2004.

Committee Bill (Formerly **House Study Bill 556**), modifying the rate of interest payable on weekly workers' compensation benefits.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly **House Study Bill 648**), providing for the regulation of securities, providing for fees and penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly **House File 2091**), relating to rural improvement zones.

Fiscal Note is not required

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly **House Study Bill 529**), providing income tax credits for equity investments in businesses that are primarily engaged in the business of the

production of value-added agricultural products and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly [House File 2043](#)), exempting sales made to nonprofit child care centers from the sales and use taxes.

Fiscal Note is required.

Recommended **Do Pass** February 24, 2004.

Committee Bill (Formerly House Study 521), making technical changes to programs under the purview of the department of human services.

Fiscal Note is not required

Recommended **Amend and Do Pass** February 25, 2004.

Committee Bill (Formerly [House Study Bill 660](#)), Relating to dependent adult abuse and dependent adult endangerment and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

Committee Bill (Formerly [House Study Bill 625](#)), relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly [House File 2097](#)), relating to recovery of prejudgment interest in relation to an offer to confess judgment.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly [House File 2179](#)), relating to the establishment of a toll-free telephone service by the department of justice to assist persons interested in receiving consumer fraud information.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly [House File 2280](#)), relating to counterfeit labels and trademarks, and providing penalties.

Fiscal Note is required

Recommended **Do Pass** February 25, 2004.

Committee Bill (Formerly [House Study Bill 278](#)), relating to the act or property of a public utility with respect to definition of nuisance.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly [House Study Bill 572](#)), allowing a modified criminal penalty for certain thefts from retailers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

COMMITTEE ON WAYS AND MEANS

[Senate File 297](#), a bill for an act relating to the regulation of snowmobiles and all-terrain vehicles, establishing fees, providing penalties, and providing applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment [H-8146](#)** February 23, 2004.

AMENDMENT FILED

[H-8146](#) [S.F. 297](#) Committee on Way and Means

On motion by Gipp of Winneshiek the House adjourned at 2:50 p.m., until 8:45 a.m., Thursday, February 26, 2004.