

PROOF

STATE OF IOWA

House Journal

TUESDAY, FEBRUARY 27, 2007

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JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 27, 2007

The House met pursuant to adjournment at 9:10 a.m., Upmeyer of Hancock in the chair.

Prayer was offered by Reverend John De Boef, pastor of Hilltop Chapel of What Cheer. He is the guest and brother-in-law of Representative Betty De Boef of Keokuk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kara Mohs, Legislative Service Agency Page from Madison County.

The Journal of Monday, February 26, 2007 was approved.

INTRODUCTION OF BILLS

[House File 539](#), by committee on environmental protection, a bill for an act relating to animal feeding operations, by providing for the enforcement of regulatory provisions.

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

[House File 540](#), by Mertz and Drake, a bill for an act relating to soil and water conservation district work projects supporting water protection practices, and providing an effective date.

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

[House File 541](#), by committee on human resources, a bill for an act relating to the regulation and practice of pharmacy, including providing for the establishment of a limited drug and device distributor license.

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

[House File 542](#), by committee on human resources, a bill for an act relating to the registration of pharmacy technicians.

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

[House File 543](#), by Shomshor, a bill for an act requiring automatic sprinkler systems in dormitories and providing for penalties.

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

[House File 544](#), by Gaskill, a bill for an act relating to inspection of absentee ballot affidavit envelopes by the county commissioner of elections.

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

[House File 545](#), by committee on transportation, a bill for an act establishing preclicensing and continuing education requirements for used motor vehicle dealers.

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

[House File 546](#), by committee on state government, a bill for an act relating to membership on election boards.

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

[House File 547](#), by committee on agriculture, a bill for an act relating to animal pounds, by authorizing pounds to provide for temporary placement, to refer to themselves as animal shelters, and providing penalties.

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

[House File 548](#), by Ford, a bill for an act relating to the creation of a consumer choice, support, and education program, and providing an appropriation.

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

[House File 549](#), by Arnold, a bill for an act relating to reports of suspected illegal discarding of solid waste.

Read first time and referred to committee on **environmental protection**.

[House File 550](#), by Ford, a bill for an act relating to health care outreach and providing an appropriation.

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

[House File 551](#), by Schickel, a bill for an act relating to offenses against identity by providing a procedure to secure credit information and providing a penalty.

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

[House File 552](#), by Schickel, a bill for an act relating to sex offenders by restricting the presence of offenders on certain real properties where minors are present, repealing the residency restriction for offenders residing near a school or child care facility, and providing a penalty.

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

[House File 553](#), by Schickel, a bill for an act requiring governmental entities to hold a public hearing prior to hiring a consultant for hiring personnel.

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

[House File 554](#), by committee on judiciary, a bill for an act relating to a criminal defendant filing an application for postconviction relief.

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

[House File 555](#), by committee on ways and means, a bill for an act increasing the taxes imposed on cigarettes and tobacco products and providing for deposit of the increased revenue generated in the

healthy Iowans tobacco trust, and providing an effective date and an applicability provision.

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

CONSIDERATION OF BILLS
Regular Calendar

[House File 491](#), a bill for an act adding hallucinogenic substances to the list of schedule I controlled substances, and providing penalties, was taken up for consideration.

Huser 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?" ([H.F. 491](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Dolecheck	Drake	Foege	Ford
Forristall	Frevrt	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Upmeyer, Presiding			

The nays were, none.

Absent or not voting, 3:

Deyoe Horbach Zirkelbach

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

House File 499, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including workers' compensation self-insurance, premium taxes, the uniform securities Act, powers and duties of the insurance division, regulation of insurance sales to military personnel, domestic insurance companies, life insurance companies, nonprofit health service corporations, external review of health care coverage decisions, investment limitations on insurers other than life insurers, property and casualty insurers' reserves, motor vehicle service contracts, county and state mutual associations, reciprocal or interinsurance contracts, licensing of insurance producers and public adjusters, and life and fire insurance company boards of directors, and providing penalties, was taken up for consideration.

Hoffman of Crawford 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. 499](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill

Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Upmeyer, Presiding			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 491 and 499.**

RULE 57 SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend Rule 57, related to committee notice and agenda, for a meeting of the subcommittee on health and human services.

SPECIAL PRESENTATION

Clute of Polk introduced to the House the Honorable Gene Maddox, former state representative from Polk County.

The House rose and expressed its welcome.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House

and the President of the Senate, and presented to the Governor for his approval on this 27th day of February, 2007: [House File 260](#).

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

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

MARK W. BRANDSGARD
Chief Clerk of the House

- 2007\1400 Blanche McGrady, Mason City – For celebrating her 100th birthday.
- 2007\1401 Alfina Jones, Mason City – For celebrating her 95th birthday.
- 2007\1402 Devon Kimber, Waukon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2007\1403 Jacob Riese, Waukon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2007\1404 Elva Davis, Radcliffe – For celebrating her 90th birthday.
- 2007\1405 Wilma Wood, Iowa Falls – For celebrating her 100th birthday.
- 2007\1406 George and Alma Mathiasen, Harlan – For celebrating their 70th wedding anniversary.
- 2007\1407 Donald Morrison, Alburnett – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2007\1408 Eric Meyer, Alburnett – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2007\1409 Gerry Peterson, Danville – For celebrating her 80th birthday.
- 2007\1410 Doris Forbes, Columbus Junction – For celebrating her 80th birthday.
- 2007\1411 Kenneth and Carolyn Hammons, Columbus Junction – For celebrating their 50th wedding anniversary.
- 2007\1412 Robert and Marjory Knapp, Morning Sun – For celebrating their 60th wedding anniversary.

- 2007\1413 Jim and Mabel Kelly, Mediapolis – For celebrating their 60th wedding anniversary.
- 2007\1414 Dennis and Aggie Reed, Winterset – For celebrating their 50th wedding anniversary.
- 2007\1415 Jim and Jo DeForest, Winterset – For celebrating their 50th wedding anniversary.
- 2007\1416 Jerry and Carolyn Austin, St. Charles – For celebrating their 60th wedding anniversary.
- 2007\1417 Don and Shirley Ellensohn, Le Mars – For celebrating their 50th wedding anniversary.
- 2007\1418 Clarence and Veronica Harpenau, Remsen – For celebrating their 50th wedding anniversary.
- 2007\1419 Nona Olson, Hawarden – For celebrating her 90th birthday.
- 2007\1420 Dennis “Tunie” Owens, Alton – For his 40 years of dedicated service with the Alton Fire, Rescue and Ambulance Squad.
- 2007\1421 Mike Finch, Hartley–Melvin–Sanborn School District – For winning first place in the 152 lb. weight class in the Class 1-A Division of the 2007 State Wrestling Tournament.
- 2007\1422 Irene Richter, Ashton – For celebrating her 85th birthday.
- 2007\1423 Marvin and Verna Wallinga, Sheldon – For celebrating their 65th wedding anniversary.
- 2007\1424 Tony Kommes, Exira – For celebrating his 89th birthday.
- 2007\1425 Elizabeth Anderson, Audubon – For celebrating her 90th birthday.
- 2007\1426 Willis and Thelma Umland, Audubon – For celebrating their 50th wedding anniversary.
- 2007\1427 Agnes Jacobsen, Exira – For celebrating her 90th birthday.
- 2007\1428 Louise Molgaard, Audubon – For celebrating her 95th birthday.
- 2007\1429 Maude Morrison, Panora – For celebrating her 98th birthday.
- 2007\1430 Charlie and Joan Sorenson, Audubon – For celebrating their 50th wedding anniversary.
- 2007\1431 Roman and Wilma Johnson, Alexander – For celebrating their 60th wedding anniversary.
- 2007\1432 Helen Halsne, Clear Lake – For celebrating her 80th birthday.

- 2007\1433 Elizabeth Noelting, Dumont – For celebrating her 90th birthday.
- 2007\1434 Kermit and Marlene Sandersfeld, Latimer – For celebrating their 50th wedding anniversary.
- 2007\1435 Doris Boyenga Richtsmeier, Hampton – For celebrating her 85th birthday.
- 2007\1436 Edna Ayers, Aredale – For celebrating her 101st birthday.
- 2007\1437 Paul and Joyce Hauser, Hampton – For celebrating their 50th wedding anniversary.
- 2007\1438 Richard and Esther Eisentrager, Dumont – For celebrating their 50th wedding anniversary.
- 2007\1439 Colleen Roscovius, Independence – For celebrating her 80th birthday.
- 2007\1440 Vernon Wermerskirchen, Gilbertville – For celebrating his 90th birthday.
- 2007\1441 Mary Vogel, Gilbertville – For celebrating her 80th birthday.
- 2007\1442 Louise Kollmann, Parkersburg – For celebrating her 90th birthday.
- 2007\1443 Rosalyn Schuknecht, Waverly – For celebrating her 90th birthday.
- 2007\1444 Dorothy Rick, Waverly – For celebrating her 95th birthday.
- 2007\1445 Calvin and Johanna Kannegieter, Aplington – For celebrating their 60th wedding anniversary.
- 2007\1446 Henry and Meta Simons, Greene – For celebrating their 60th wedding anniversary.
- 2007\1447 Henry and Velda Mehmen, Shell Rock – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House File 392](#)

Agriculture: Reasoner, Chair; Drake and H. Miller.

[House File 419](#)

Agriculture: Reasoner, Chair; Drake and H. Miller.

[House File 422](#)

Judiciary: Palmer, Chair; Lensing and Tomenga.

[House File 430](#)

Judiciary: R. Olson, Chair; Lensing and Struyk.

[House File 442](#)

Commerce: Berry, Chair; Clute and Pettengill.

[House File 443](#)

State Government: Lensing, Chair; Abdul-Samad and Jacobs.

[House File 445](#)

Commerce: Oldson, Chair; Hoffman and Jacoby.

[House File 446](#)

State Government: Quirk, Chair; L. Miller and T. Taylor.

[House File 447](#)

State Government: Pettengill, Chair; Lensing and Roberts.

[House File 450](#)

State Government: Lensing, Chair; Raecker and T. Taylor.

[House File 458](#)

Education: Cohoon, Chair; L. Miller and Wendt.

[House File 460](#)

Education: Winckler, Chair; Tymeson and Wendt.

[House File 463](#)

Judiciary: Smith, Chair; Boal and Winckler.

[House File 464](#)

Commerce: Quirk, Chair; Kelley and Lukan.

[House File 470](#)

Education: Cohoon, Chair; Foege and Wienczek.

[House File 473](#)

Judiciary: Wendt, Chair; Lensing and Struyk.

[House File 475](#)

Education: Staed, Chair; Cohoon and Forristall.

[House File 482](#)

Education: Mascher, Chair; Abdul-Samad and May.

[House File 495](#)

Commerce: Petersen, Chair; Jacobs and Oldson.

[House File 496](#)

Judiciary: Lensing, Chair; Jacobs and Wendt.

[House File 498](#)

Commerce: Reichert, Chair; Kelley, Soderberg, Struyk, D. Taylor, Van Fossen and Wise.

[House File 501](#)

Judiciary: Smith, Chair; Baudler and Winckler.

[House File 504](#)

Transportation: Lykam, Chair; Cohoon, Gipp, Huser and Tjepkes.

[House File 507](#)

Commerce: Pettengill, Chair; Quirk, Sands, Soderberg and Wise.

[House File 508](#)

Commerce: Petersen, Chair; Jacoby and Van Fossen.

[House File 512](#)

Government Oversight: Ford, Chair; Berry and Tymeson.

[House File 530](#)

Education: Cohoon, Chair; Boal and Wendt.

[House File 532](#)

Judiciary: Smith, Chair; Heaton and Lensing.

[House File 533](#)

State Government: Shomshor, Chair; L. Miller and Quirk.

[House File 535](#)

Transportation: Bell, Chair; Arnold and D. Olson.

[House File 537](#)

Economic Growth: H. Miller, Chair; Clute and Schueller.

[House File 538](#)

State Government: Quirk, Chair; Greiner, Jacoby, Jochum, Raecker, Roberts and Shomshor.

[Senate File 25](#)

Judiciary: R. Olson, Chair; Boal and Smith.

[Senate File 42](#)

State Government: Wessel-Kroeschell, Chair; Kaufmann and Lensing.

[Senate File 137](#)

Commerce: Shomshor, Chair; Bailey and Upmeyer.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 124](#)

Agriculture: Reasoner, Chair; Drake and H. Miller.

[House Study Bill 125](#)

Agriculture: Reasoner, Chair; Drake and H. Miller.

[House Study Bill 216](#)

Public Safety: Heddens, Chair; Baudler and Swaim.

[House Study Bill 219](#)

Public Safety: R. Olson, Chair; Lukan and Mascher.

[House Study Bill 221](#)

Public Safety: Whitaker, Chair; Baudler and Gayman.

[House Study Bill 231](#)

Local Government: D. Olson, Chair; Bukta and Deyoe.

[House Study Bill 234](#)

Agriculture: Reasoner, Chair; Drake, Mertz, H. Miller and S. Olson.

[House Study Bill 235](#)

Judiciary: Smith, Chair; Heaton and Oldson.

[House Study Bill 236](#)

Agriculture: Struyk, Chair; Pettengill and Reichert.

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.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly [House Study Bill 87](#)), relating to human growth and development and health education under the education standards, authorizing school districts and nonpublic schools to provide comprehensive sexual health education, and establishing related duties for the director of the department of education.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 2007.

Committee Bill (Formerly [House Study Bill 220](#)), relating to the membership of the board of educational examiners.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2007.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly [House Study Bill 81](#)), requiring certain water treatment and supply-related inspections to be conducted when certain property is sold or transferred.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 2007.

COMMITTEE ON HUMAN RESOURCES

House File 337, a bill for an act relating to the creation of a task force on postnatal tissue and fluid banking, providing an appropriation, and providing an effective date.

Fiscal note is not required.

Recommended **Amend and Do Pass with Amendment H-1085** February 26, 2007.

Pursuant to Rule 31.7, House File 337 was referred to the committee on appropriations.

Committee Bill (Formerly **House Study Bill 144**), relating to acquired immune deficiency syndrome and the human immunodeficiency virus.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 2007.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly **House File 52**), relating to notice of meetings of the board of township trustees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 2007.

Committee Bill (Formerly **House File 201**), relating to advisory boards created pursuant to emergency services agreements and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2007.

Committee Bill (Formerly **House File 343**), relating to requirements for persons seeking election to township office.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2007.

Committee Bill (Formerly **House File 380**), relating to the application and enforcement of the state building code and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2007.

Committee Bill (Formerly [House File 417](#)), providing procedures to increase the number of city council members in certain cities.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2007.

Committee Bill (Formerly [House Study Bill 209](#)), relating to limitations of actions as applied to county collection of delinquent property taxes.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2007.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly [House File 152](#)), providing for a low head dam public hazard program, and making an appropriation.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 26, 2007.

Committee Bill (Formerly [House Study Bill 45](#)), relating to civil damages payable for unlawful taking of certain animals and fish.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 2007.

AMENDMENTS FILED

H-1084	H.F. 516	Bell of Jasper
H-1085	H.F. 337	Committee on Human Resources
H-1086	H.F. 555	Struyk of Pottawattamie
H-1087	H.F. 555	Struyk of Pottawattamie

On motion by McCarthy of Polk the House adjourned at 9:38 a.m., until 9:00 a.m., Wednesday, February 28, 2007.