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**STATE OF IOWA**

# **House Journal**

**WEDNESDAY, FEBRUARY 18, 2009**

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Produced daily by the State of Iowa during the sessions of the General Assembly.  
(The official bound copy will be available after a reasonable time upon adjournment.)

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# JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 18, 2009

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Flahery, pastor of St. Marys Catholic Church, Manchester. He was the guest of Representative Steve Lukan of Dubuque County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Laura Leners, House Page from Winterset.

The Journal of Wednesday, February 17, 2009 was approved.

## 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 February 18, 2009, adopted the following resolution in which the concurrence of the Senate was asked:

[House Joint Resolution 1](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

Also: That the Senate has on February 18, 2009, adopted the following resolution in which the concurrence of the Senate was asked:

[House Concurrent Resolution 5](#), that a joint convention of the two houses of the 2009 session of the Eighty-third General Assembly be held on Wednesday, February 18, 2009, at 10:00 a.m. for Major Ron Dardis to deliver his Condition of the Iowa National Guard message.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

[House File 351](#), by Bukta, a bill for an act relating to early school start dates and providing effective and applicability dates.

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

[House File 352](#), by Sands, a bill for an act relating to a property assessment adjustment for certain persons over the age of sixty-five, providing a penalty, and including retroactive applicability date provisions.

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

[House File 353](#), by May, a bill for an act prohibiting the use of cellular telephones and other wireless communication devices by certain persons operating a motor vehicle under a provisional driver's license and providing a penalty.

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

[House File 354](#), by Upmeyer, a bill for an act relating to reimbursement of nonparticipating providers for eligible services provided to IowaCare program members.

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

[House File 355](#), by Upmeyer, a bill for an act establishing standardized requirements and a consumer guide for long-term care insurance policies and providing an applicability date.

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

[House File 356](#), by Upmeyer, a bill for an act providing for the performance audits of state departments.

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

[House File 357](#), by Kaufmann, a bill for an act relating to preschool support provided through school ready children grants under the community empowerment initiative.

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

[House File 358](#), by Kaufmann and Wagner, a bill for an act relating to equal treatment of bars and gaming floors under the smokefree air Act.

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

[House File 359](#), by Wenthe, a bill for an act relating to the rights and remedies of an employee injured in an aircraft accident against an employer.

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

[House File 360](#), by Upmeyer, a bill for an act relating to repayment of support to an obligor following disestablishment of paternity.

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

[House File 361](#), by May, Windschitl and Thomas, a bill for an act relating to the civil liability of a physician acting as a volunteer emergency medical services director for acts or omissions occurring in the performance of the director's volunteer duties.

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

[House File 362](#), by Sands, Windschitl, Heaton, Pettengill, Sorenson, Helland, S. Olson, Forristall, Horbach, De Boef, Watts, Schultz and Huseman, a bill for an act relating to smoking prohibitions, providing penalties, and providing a repeal.

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

[House File 363](#), by De Boef and Watts, a bill for an act concerning rules relating to copayments and other information regarding services provided to medical assistance recipients.

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

Reasoner of Union asked and received unanimous consent for the immediate consideration of [House Resolution 12](#).

ADOPTION OF [HOUSE RESOLUTION 12](#)

Tymeson of Madison, Whitaker of Van Buren and Zirkelbach of Jones, called up for consideration [House Resolution 12](#), a resolution honoring Major General Ron Dardis and Brigadier General Mark Zirkelbach for their service to this state and the nation, and moved its adoption.

The motion prevailed and the resolution was adopted.

Reasoner of Union asked and received unanimous consent for the immediate consideration of [House Resolution 13](#).

ADOPTION OF [HOUSE RESOLUTION 13](#)

Gaskill of Wapello, Alons of Sioux, Bailey of Hamilton, Windschitl of Harrison, Schultz of Crawford, Marek of Washington and S. Olson of Clinton, called up for consideration [House Resolution 13](#), a resolution to welcome home Iowa's National Guard units, and moved its adoption.

The motion prevailed and the resolution was adopted.

Reasoner of Union asked and received unanimous consent for the immediate consideration of [House Resolution 14](#).

ADOPTION OF [HOUSE RESOLUTION 14](#)

Zirkelbach of Jones called up for consideration [House Resolution 14](#), a resolution commending Jud Schneider for his work in creating a case for the proper storage of the flag of the United States of America, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:28 a.m., until the fall of the gavel.

The House resumed session at 9:47 a.m., Speaker Murphy in the chair.

### COMMITTEE TO NOTIFY THE SENATE

Thomas of Clayton 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 Thomas of Clayton, Mascher of Johnson and Schulte of Linn.

### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Thomas of Clayton, 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 5](#), duly adopted, the joint convention was called to order at 9:49 a.m., President Kibbie presiding.

Senator Gronstal of Pottawattamie 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 Kibbie announced a quorum present and the joint convention duly organized.

Senator Gronstal of Pottawattamie 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 Chester J. Culver to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Olive of Story, Heckroth of Bremer and Reynolds of Clark, on the part of the Senate, and Representatives Zirkelbach of Jones, Bukta of Clinton and Hagenow of Polk, on the part of the House.

Senator Gronstal of Pottawattamie 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 Adjutant 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 Warnstadt of Woodbury, Schmitz of Jefferson and Kapucian of Benton, on the part of the Senate, and Representatives Bailey of Hamilton, Whitead of Woodbury and Windschitl of Harrison, on the part of the House.

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

Lieutenant Governor Patti Judge was escorted into the House chamber.

The family of Major General Dardis was escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him into the House chamber.

The committee waited upon Major General Dardis, Adjutant General of the Iowa National Guard and escorted him to the Speaker's station.

President Kibbie presented Major General Dardis, Adjutant General of the Iowa National Guard. General Dardis provides command and control for 105 Army and Air National Guard Units and over 9,500 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 Morning Ladies and Gentlemen: thank you for that warm welcome.

Speaker Murphy, President Kibbie – thank you for the invitation to address this joint convention of the eighty-third General Assembly of the Iowa Legislature.

It is indeed a great honor and privilege for me to provide this annual report on the condition of your Iowa National Guard!

Governor Culver, Lieutenant Governor Judge, members of the General Assembly, distinguished guests and fellow Iowans:

I want to begin by saying thank you – thank you to Governor Culver and Lieutenant Governor Judge for your strong support and outstanding leadership during this most significant period of time in the history of the Iowa National Guard. You have been with us every step of the way.

I want to publically thank you for your efforts to attend our homecomings & sendoffs and many other Guard functions and activities. But especially for your support and admiration of all Iowans who serve their nation in uniform today.

Governor Culver, thank you for your leadership as our Commander-in-Chief.

I also want to sincerely thank you, our citizen-legislators, who have done so much to honor and support the Iowa National Guard. Through your legislative programs and participation in our events, you have done a great deal for our Soldiers and Airmen. The state of Iowa has by far one of the strongest records of support of any state for its National Guard. Our success is directly attributable to what you have all done for your Iowa National Guard – We thank you.

But above all, I want to thank the people of Iowa. Their support is simply put – incredible. What they did for our Soldiers and Airmen as they waged a gallant effort to mitigate damages caused by floodwaters and tornados, is a true testament to the wonderful community support we are so privileged to enjoy in this state.

Even though their communities had been ravaged by record floodwaters, citizens made sure our Soldiers and Airmen were being taken care of. You wouldn't believe the food and baked goods that showed up wherever we went. The support throughout

these communities was humbling. On behalf of the 9400 members of your Iowa National Guard – We thank you!

Finally, I want to thank the fathers and mothers who continue to show their support for the Iowa National Guard by continuing to entrust us with their most sacred treasure – their sons and daughters. Nothing is more important or a greater testament to the vitality of our organization than for a parent to trust us with what they cherish most.

We will continue doing everything we can to honor that trust and strive to never allow it to be violated.

Today, I deliver my sixth and final Condition of the Guard address. It has been an honor of a lifetime to lead and represent the soldiers and airmen of the Iowa National Guard. After more than 42 years of military service in the Iowa Guard – ten years as the Adjutant General – I can report that the Iowa National Guard is as resilient and ready as it has ever been.

Strengthened by experiences borne of war and disaster response, defined by courageous acts here at home and in far away lands, and grounded in character handed down from generation to generation, the men and women of your Iowa National Guard are perhaps the most seasoned and prepared military force our state has seen since our units returned from World War II.

More than 5,000 soldiers and airmen currently serving are combat veterans. In the last seven years, we deployed nearly 13,000 Soldiers and Airmen outside the state of Iowa for combat and combat support duties in Iraq and Afghanistan, peacekeeping duties in the Balkans and in the Sinai Peninsula and domestic support missions in various states across the country.

This impressive list does not include the 4,000 soldiers and airmen we activated during the floods of 2008, various tornado response missions, and multiple winter ice storms.

Currently 700 of your National Iowa Guard members are deployed overseas with another 200 alerted and preparing for deployment this spring and summer.

Your Iowa National Guard has truly become an operational force. It is trained and ready to perform its federal, state and community missions with minimal preparation time.

Though we often have months to train, prepare and execute our missions - that doesn't always happen as was the case with the inauguration mission, which we were asked to execute in less than one week.

Your Iowa National Guard is again a national leader in personnel strength management – recruiting and retention. Both the Iowa Air and Army National Guard began fiscal year 2009 with over 100 percent of authorized strength. And our retention rates exceed national goals and are among the highest in the nation. We have been at

100 percent strength for more than eight years in a row – a significant accomplishment considering all we have been asked to do since 9-11.

Last year I told you that I worried that our military services were becoming stretched and stressed, especially the Army and Army National Guard. And while I am still concerned about the toll the demands of an operational force have on our service members and their families – not to mention employers and communities – I take comfort in the aggressive steps we have taken not only in the Iowa National Guard but also at the state and federal level to do all we can to ease the burdens of service.

We have established a services directorate within the Iowa National Guard headquarters. This directorate consolidates a variety of services into one place making it easier for service members and families to receive the care and support they need.

This is especially important for service members needing trauma, crisis or violence programs as a result of mental health issues, domestic violence situations or other similar circumstances.

The Iowa National Guard is not immune to the suicide situation confronting the Army. We too have experienced an increase in the number of suicides and suicide attempts last year. Like all leaders, I am troubled by this issue. There is no clear trend or cause that is readily apparent. There is nothing that we can point to and say if only we fix this or change that we can prevent it.

The reality is that this is a complex and challenging issue. It is not only an Army or military issue but one that we all must deal with. Young men and women joining the military are not unlike those going off to school, learning a trade or beginning a career.

They are at a stage of life that is full of changes and oftentimes uncertainty. Relationships begin and end. Careers start and often take unexpected turns. Financial responsibility proves challenging. Like their civilian counter-parts, men and women in uniform must navigate these difficult life events.

To help them cope with these and added stressors caused by deployments, separations and combat related anxieties we have developed a broad suicide prevention program for the Iowa National Guard.

This program focuses on developing positive life coping skills; encouraging a behavior to seek help when needed; raising awareness and vigilance toward suicide prevention; Integrating suicide prevention programs throughout our units; and conducting suicide surveillance, analysis and reporting.

In addition, the vice chief of staff of the Army has ordered a suicide prevention “STAND DOWN” and subsequent intervention training to be conducted during the next four months.

Through these and other programs we will continue to do all we can to impact this problem.

By far, one of the biggest areas where the Iowa Legislature has impacted the Iowa National Guard is through its support of our military construction program, which is the best in the nation.

Your Iowa Guard Facilities Management Office, represented here today by COL Scott Ayres and Mr. Mike Brothes, was recognized with the 2008 States Installation Management Excellence Award as the "best installation management program in the country." National Guard Bureau uses this award's program to assess how well the 54 states and territories manage the more than 3,000 nationwide installations.

I've always known that we have the best office in the country but now it's official. Let me give you a little back ground.

In 2000, we had approximately 3.279 million square feet of building space in the Iowa Army National Guard. Nearly 30 percent of our 52 armories at that time were more than 45 years old, inefficient and were below authorized strength. We undertook an aggressive five year realignment plan of closure, relocation, rehabilitation and new construction.

Today, we have 3.631 million square feet of space in 49 armories. Only 13 of those armories are more than 45 years old. During the next year we will be closing four armories at Camp Dodge, and replacing old armories in Iowa City, Muscatine, Middletown and Cedar Rapids. When these facilities are completed and all of our affected units relocated, only five of our armories will be more than 45 years old.

A remarkable accomplishment made possible by the great work of our facilities office as well as the partnership between Your Iowa National Guard, the Governor, General Assembly and our federal congressional delegation.

In the last couple of years we've been nearly as busy on the home front as overseas – ice storms, tornados and the unprecedented floods of 2008 here in Iowa, not to mention providing support to other states and territories in response to natural disasters and homeland security events.

This includes sending soldiers and airmen to the Gulf Coast during hurricanes Katrina, Rita, Ike and Gustav, and assisting with national special security events like the Republican National Convention in Minneapolis and the 56<sup>th</sup> presidential inauguration in Washington, D.C. – A first for the Iowa National Guard.

The floods and severe weather of 2008 were by every measure unprecedented. This is the largest disaster ever in Iowa history and ranks among the top ten disasters nationally (as of last week, public assistance numbers by FEMA will move Iowa to 5<sup>th</sup> worst in U.S. history). And the Iowa National Guard was smack-dab in the middle of the response.

We alerted the entire Iowa National Guard to preposition troops and equipment in areas of expected missions. We deployed more than 4,000 soldiers and airmen across the state, including the recall of nearly 1,000 Iowa Soldiers conducting annual training in South Dakota. This was the most extensive military operation on Iowa soil since the Civil War.

We focused on protecting critical infrastructure and saving lives – our forces maneuvered throughout the state, fighting to stay one step ahead of the rising flood waters and assist state and local responders with combating the devastation caused by these disasters.

There are many incredible stories to share and accomplishments to highlight but there is one special capability that your Iowa Guard provided that is unique.

And while the Iowa National Guard was perhaps the most visible partner helping fight these floods, we were one of many organizations – from the local, state and federal level that responded to Iowans in their time of need.

The response effort was incredible – teamwork at its best. Your Iowa National Guard built goodwill with civilian leadership, community leaders across the state and the citizens of Iowa. We fulfilled our mission to come to the aid of Iowans in their time of need, even though we had nearly 1,600 soldiers and airmen deployed for their federal mission.

Each year I take a little time to introduce you to some of our soldiers and airmen and share with you some of their experiences and accomplishments.

As you've heard, this has been another busy year.

At the 185<sup>th</sup> Air Refueling Wing - a young single mother by the name of SSgt Kimberly Heberer deployed as a trauma nurse to what was supposed to be Bagram AB, Afghanistan.

Once she arrived in country she immediately went to work. On the second day of her six month deployment, she received orders to move to Forward Operating Base Salerno, or FOB Salerno, a compound with over 300 Army soldiers on the mountainous border of Afghanistan and Pakistan. FOB Salerno was designed to administer emergency triage to wounded US and Afghani military personnel.

SSgt Heberer was one of a handful of airmen integrated at FOB Salerno. The base is located just north of the province of Khost, where hundreds of Taliban and al-Qaeda fighters are believed to be hiding.

Since 2003, the primitive base has been built up from a single concrete building and sand bag perimeter. Guard towers and fighting positions have been built and a field landing strip and helicopter pad exist.

Her story is incredible. Think about it. A single mother who volunteers for a six month deployment finds herself imbedded with the Army and is on the front line of combat.

Here is a little bit about how she spent her "summer vacation."

Yes, pretty much each night a bad guy tried to send a message in the form of bullets or mortar attacks. One time I was ordered to go to the hospital during an attack in the middle of the night. I lived in the same dorm as the x-ray tech she was on call and had to go too. We put on our vests and Kevlar, engaged our weapons and ran to the hospital. I could hear the rockets flying overhead on to the FOB – I didn't look up because it was so dark. It was the only time I was scared.

In total, SSgt Heberer provided combat care to over 3,000 United States and coalition forces. She was part of a team that provided assistance to over 200 trauma patients and 120 post surgical patients. She was part of three mass casualties and expertly supplied emergency staff with laboratory tests and blood products for critical trauma patients.

Ssgt Herber is a true American hero and a dedicated member of your Iowa Guard team. She epitomizes the outstanding quality of the wonderful men and women who serve in uniform today.

From April 25<sup>th</sup> – July 6<sup>th</sup> 2008, members of the 185<sup>th</sup> Air Refueling Wing deployed to Manas Air Base in Krygyzstan were they set numerous daily and monthly refueling records. On May 25<sup>th</sup>, the 185<sup>th</sup> offloaded a total of 804,800 pounds of fuel, breaking a one day refueling recorded of 800,000 pounds that had stood for more than a year. Nine days later the 185<sup>th</sup> off loaded 822,000 pounds of fuel, another record, and just six days later they offloaded another 877,300 pounds of fuel. In the span of 16 days, the 185<sup>th</sup> set five daily records. Another amazing accomplishment by your Iowa Guard!

The 133rd Test Squadron, Iowa Air National Guard, in Ft. Dodge, served the state with distinction, leading the fight against the Iowa Floods in Des Moines, Cedar Rapids, and Davenport in June and also provided outstanding assistance and support to the city of Parkersburg after the tornado struck there. Over 90 members of the 133rd Test Squadron answered their state's call to flood duty.

The 133rd also deployed four officers and six enlisted members to the theaters of Iraq and Afghanistan to help in the fight against terrorism. They also successfully conducted business as usual, providing key test and evaluation of Air Force Command and Control platforms. Their federal mission is critical to the success of our Air Force to maintain its global air superiority posture.

The 132<sup>nd</sup> Fighter Wing had another busy year with deployments, inspections and emergency support response missions.

Of notes was its Air Expeditionary Force (AEF) deployment to Balad Air Base in Iraq. The wing deployed four aircraft and 387 personnel to support coalition forces. They flew 515 combat missions totaling 1,962 flight hours. They expended 18 munitions during close air support missions, executed 54 tactical reconnaissance

sorties and maintained a 15-minute alert launch capability to support special operations units.

The wing also sent 31 security force service airmen to Eskan Village, Saudi Arabia to provide integrated base defense. Another 86 Airmen participated in Expeditionary Combat Support deployments to USAFCENT and USAEF bases in support of the Global War on Terrorism operations.

Representing the deployed airmen of the 132<sup>nd</sup> Fighter Wing are SSgt Cindy Jones and SSgt Steve Alcorn.

In June of 2007, 120 soldiers from Troop A, 1<sup>st</sup> Squadron, 113 Cavalry were called to active duty in support of Operation Iraqi Freedom. Their mission was to operate a joint visitors bureau where they provided distinguished visitor housing and security for more than 15,000 guests. This mission enabled these guests, which included Presidents, ambassadors, congressional members, senior military leaders from various coalition forces, and entertainers, to operate in a safe and secure environment.

Alpha Troop provided transportation and security for more than 400 distinguished visitor missions taking them into some of the most hostile areas of Iraq at that time – Mosul, Baqueba, Rusafa and throughout the Diyala province. They are proud to report that none of the distinguished visitors they were responsible for suffered any injuries or accidents despite being subject to improvised explosive devices, and indirect and small arms fire.

Representing Alpha troop are CPT Jeff Perrin and Sergeant Major Harrison McNaughton.

Also in June 2007, 120 soldiers from Delta Company, 1<sup>st</sup> Battalion, 168<sup>th</sup> Infantry were mobilized for Operation Iraqi Freedom. The 1-168<sup>th</sup> Infantry was previously deployed to Afghanistan in 2004 so many of the company's soldiers were volunteers, who came from all over Iowa, parts of Nebraska, Illinois, and South Dakota.

Once the company arrived in Iraq, they conducted a variety of missions including limited visibility and daytime patrols in the Al Faurat Village, and tower security in Camp Slayer. During these patrols, Delta Company discovered several weapons cache sites, which netted rocket propelled grenades, sniper rifles and AK-47s.

In addition to these finds, Delta Company conducted the first joint patrols with the Iraqi Army in the Al Furat area. These joint patrols were instrumental in building legitimacy for the Iraqi Army and helping Delta Company build trust with the local Sunni population.

Delta Company conducted more than 500 combat patrols, had ten engagements with the enemy, and suffered one wounded in action. Representing Delta Company are CPT Adam Giroux and 1SG Ricky Singer.

Approximately 330 soldiers were mobilized from the 1<sup>st</sup> Battalion, 194<sup>th</sup> Field Artillery and Company A, 1<sup>st</sup> Battalion, 133<sup>rd</sup> Infantry in June 2007 for peacekeeping

duties in Kosovo. Their mission was to ensure a safe and secure environment in Kosovo and assist the transition to civil authority.

A highlight of the battalion's deployment was Kosovo's long anticipated declaration of independence from Serbia. This occurred on February 17, 2008, completing the breakup of the former Yugoslavia. While Kosovo Albanians celebrated this moment with fireworks and outdoor gatherings in the frigid February night, Kosovo Serbians were understandably disappointed. The world held its breath and watched.

As the days counted onward, calmness fell over Kosovo. Where many predicted there would be widespread violence and rioting there was, in fact, an air of relief. This was in large measure to the presence of Kosovo Force (KFOR) Soldiers, including your Iowa National Guard soldiers keeping peace in that troubled part of the world.

Representing the 1-194<sup>th</sup> Field Artillery Battalion are LTC Matt Pitstick and Command Sergeant Major Dave Enright.

Last year I told you the story of the 833<sup>rd</sup> Engineer Company. This company, if you recall, deployed to Iraq with the 224<sup>th</sup> Engineer Battalion from October 2004 to December 2005 in what was one of the most difficult and deadly deployments for any Iowa National Guard unit. With less than 14 months of rest, the 833<sup>rd</sup> was again called up and deployed to Iraq.

During this deployment, the 833<sup>rd</sup> conducted 495 combat patrols, found 100 improvised explosive devices and 13 pieces of unexploded ordnance. They successfully destroyed 55 of these explosive devices in place, clearing more than 65,000 kilometers of roads, making them safe for coalition forces.

Representing the 833<sup>rd</sup> Engineer Company are CPT Benjamin Lampe and 1SG Steven Dreher.

In November of 2007, approximately 130 Soldiers from the 186<sup>th</sup> Military Police Company mobilized for Operation Iraqi Freedom. The 186<sup>th</sup> MP Company, which provides security and law enforcement support, arrived in Iraq in January 2008.

During their deployment the MPs conducted detainee operations at Camp Cropper in Baghdad, guarding both general population detainees and high value detainees, and transported more than 4,000 detainees.

They also assisted in the security and construction of a new detention facility in Taji, Iraq, which is the first purpose built reconciliation facility in the country. It was designed to focus on education and vocational opportunities for detainees to help them reintegrate into society as productive citizens.

The 186<sup>th</sup> MP Company is one of most frequently deploying units in the Iowa Guard. The company previously deployed to Iraq in 2003-04, Bosnia in 1995-96 and to the Persian Gulf in 1990-91 for Operation Desert Storm.

Representing the 186<sup>th</sup> MP Company are CPT James Grimaldi and 1SG Dean Kennebeck.

In February 2008, approximately 90 Soldiers from the 109<sup>th</sup> Medical Battalion departed Iowa for the Sinai Peninsula, Egypt as part of the Multinational Force Observer Mission where they provided command and control to various units for logistics, medical, aviation, and explosive ordnance removal support to 11 MFO contingents. The mission of the MFO is to supervise the implementation of the security provisions of the Egyptian-Israeli Treaty of Peace and to employ best efforts to prevent any violation of its terms.

Representing the 109<sup>th</sup> Medical Battalion are LTC Joel Harris and Command Sergeant Major Randy Osweiler.

In February of 2007, 3 Embedded Tactical Training Teams consisting of 50 personnel mobilized from the 2<sup>nd</sup> Brigade Combat Team for duties in Afghanistan where they deployed to provide advanced combat training to the Afghan National Army and National Police.

Team members mentored Afghan National Army leaders on improving overall unit readiness and conducting counter-insurgency operations, with a focus on operations that separated enemy elements from the civilian populations, achieved results with local Afghan National Security Forces in the lead, and set conditions for reconstruction and economic development.

Representing the 2<sup>nd</sup> Brigade Embedded Training Team are COL Tom Staton and Staff Sergeant Matt Smith.

As I have said our soldiers and airmen have served all over the world. And no matter where they go one thing is for certain they leave the place a little better than they found it. With less than a week to plan, train, and deploy we sent 1,000 Iowa National Guard Soldiers and Airmen to Washington D.C., to help provide security during the 56<sup>th</sup> Presidential Inauguration.

And what happens when you put 1,000 Iowans in the middle of 1.5 million people? They find a way to make a difference. Each one of these soldiers and airmen did a remarkable job and served as tremendous ambassadors for our state.

Yet one group of young men stands out. They didn't do the minimum. They did what Iowans always do – they went that extra mile and for their efforts they earned the respect and admiration of a grateful family.

Major General Dardis read the following letter:

Dear Major General Dardis:

I am writing to commend SPC Scott Smith, SPC Kenneth Wailes, SPC Michael Freise, Lt. William Speicher and SPC Philip Weirather, from Troop A in Des Moines

for their compassionate assistance in returning our lost son to us on January 20, 2009, Inauguration Day, in Washington, D.C.

That day, my 13-year old daughter Kristen, 11-year old son Eric and I were on the grounds near the Washington Monument to observe the swearing-in ceremony of President Barack Obama. Eric became separated from my daughter and I at the end of the speech and started looking for us on the Mall. After about two and one half hours of being separated from Eric, I received a phone call from an inspector with the Federal Protective Service Police, who had our son Eric with him – safe and warm. The Inspector told me members of the Iowa National Guard, working at Connecticut Avenue and N Street, stopped his marked vehicle to inquire whether he could contact me and return my son to me.

Upon being reunited, Eric told my husband and me that when he saw the soldiers – your National Guardsmen – he decided he could trust them because they were “soldiers and I knew I would be safe.” Eric’s instincts were right. Eric tells us the soldiers talked with him, took him into a coffee shop to keep him warm, and stayed with him until they could find someone who knew Washington and could reunite Eric with his family.

I will be forever thankful to the Iowa National Guard and to the Federal Protect Service Police Inspector, who demonstrated such compassion for my son – who was very scared and nervous. Chances are I will never meet SPC Scott Smith, SPC Kenneth Wailes, SPC Michael Freise, Lt. William Speicher and SPC Philip Weirather, and am therefore writing you to ask you share my heartfelt appreciation for their willingness to help and protect our son.

Having been reunited as a family, we now tell Eric that he will have to some day join the Iowa National Guard, to “pay forward” the kindness he was shown. If he ever does, we hope he will mirror the character of the members of Troop A in Des Moines. In our family, they will forever be remembered as role models of leadership and compassion.

Sincerely,  
Yvonne Folkerts  
Alexandria, Virginia

Whether standing watch on the streets of Washington, D.C., building sandbag levies along the Mississippi river or helping train the Afghan Army, the men and women of your Iowa National Guard embody the spirit of service we all seek.

Last year marks the first time since 2003 that the Iowa National Guard has not suffered any combat related deaths in Iraq or Afghanistan. Thankfully, I have no new Gold Star Families to present to you this morning. And as we continue to deploy soldiers and airmen into harm’s way, we pray that this trend continues.

We will be forever grateful to the families of our 20 Iowa National Guard Gold Star families who have made the ultimate sacrifice for their state and nation. Our hearts go out to the families of our fallen heroes and our prayers will be with them always. God bless our fallen heroes and may they never be forgotten.

However, there is one very special group of soldiers that I would like you to meet whose sober duty is to help us honor and pay tribute to our fallen comrades in arms – both those lost in service to their state and nation as well as our veterans who are leaving us at an ever increasing rate.

These soldiers are charged with the solemn duty of providing military funeral honors. These honors are one small way of showing our country's eternal gratitude we have for those who have faithfully defended our state and nation.

These soldiers perform their duties with professionalism and unbridled respect. They spend countless hours preparing and rehearsing to make sure their movements and actions are carried out in perfect harmony. Death respects no calendar and is not deterred by inclement weather or busy schedules. And neither are these soldiers.

When we are preparing for a long holiday weekend or a vacation with our families, these soldiers are polishing their shoes, pressing their uniforms and practicing their movements. The Iowa National Guard is extremely proud of the work these soldiers do throughout our state.

Representing more than 150 dedicated military funeral honors soldiers across the Iowa Army National Guard are:

- SFC Paul D. Ramirez, 209th Med Co
- PFC Jeffrey R. Gifford, 1/113th RSTA
- SSG Paul E. Brisbois, 334th BSB
- SPC Nathan F. Conlon, 1/194th FA
- SSG Scott A. VanWyk, 734th RSG
- SGT Peter G. Moeller, 209th Med Co
- SGT J. V. Winkowski, Co C 1-133rd Inf Bn

There is another group of individuals I'd like you to meet. These men and women are unique and special in so many ways, yet perhaps what sets them apart – aside from their kilts of course – is their deep love and respect for our men and women in uniform.

The McKenzie Highlanders have performed at sendoffs and homecomings for our units and at the funerals of our fallen heroes.

- Steve Layton
- Steve and Paula Moeckley
- Jim Jorgensen
- Bobby Mohr
- Ron Husted
- Duff McFadden

They volunteer their time and talents to add something special to these occasions – their unique gift of music. I've been told that the sound of their pipes is often the one lasting memory that many have of these events. They seek no pay or special accommodations simply the honor of performing their craft in tribute to our men and women in uniform.

They have become an important part of the Iowa Guard team.

2009 has been declared the year of the Non Commissioned Officer. Our NCOs have evolved over time. Some may recall a notorious gruff sergeant, with the ability to instill fear in to the hearts of even the hardest of men, charging forward fearlessly and continuously bellowing orders.

Today, our NCOs are the warriors, the leaders, the trainers and the caretakers – they take care of the soldiers they lead, from ensuring the best training, the best support – to giving comfort when tragedy strikes – consoling a soldier and his family.

The NCO is strong and courageous, a fearless fighter, and yet a father, a mother, a son, a daughter, who cares deeply about family and community.

They are the backbone of your Iowa National Guard. We could not succeed without them. The strength, courage and character of our NCOs are legendary. We are indeed fortunate to have such true professionals in our ranks. And while we take time this year to recognize the significant accomplishments they make to our organization, we realize that in order for us to accomplish our mission, every year is the year of the NCO.

Representing the NCO Corps of the Iowa Army and Air National Guard are Command Sergeant Major Doyle Norris and Command Chief Master Sergeant Gary Garland.

As I conclude my comments, I want to begin by thanking the men and women of the Iowa National Guard who have contributed to our success these past ten years. We succeeded because we approached our many challenges not as individuals or separate organizations but as one team - the Iowa Guard Team.

Teamwork is the foundation of my command philosophy, and is I strongly believe, the foundation of our success. So I thank each of them for being a team player and for being a valued member of the Iowa Guard Team.

Together, we have made history in the Iowa National Guard. Just as our ancestors did during the Civil War and World War II, we answered our nations call to duty with honor and distinction.

We trained and mobilized thousands of soldiers and airmen. We've transformed nearly all of our Army National Guard units and undergone major conversions throughout the Iowa Air Guard.

We've closed and consolidated armories where needed, and expanded and built new facilities to maintain strength and readiness. We've responded to natural disasters here at home and across the country. We've trained for challenging exercises and prepared for difficult inspections. We've made hard decisions now in order to position the organization for future success.

The Iowa Guard Team has earned a well-deserved reputation for accepting challenging missions and achieving remarkable results. This is the legacy of our organization. This is the legacy of your Iowa Guard. As I prepare to relinquish command to COL Tim Orr, I leave knowing that your Iowa Guard will continue to build on this legacy and that it will remain Mission Focused and Warrior Ready.

I'm confident soldiers and airmen will serve COL Orr with the same degree of professionalism and dedication that they provided to me. The Iowa National Guard is not about one person or one position. It is about the people who serve in her ranks. And after more than 42 years of serving among them, I know there are no more finer citizens than the thousands of Iowa National Guard soldiers and airmen who proudly wear the uniform.

Thank you for your hard work, your commitment, your dedication, and for continuing to set the pace for the Iowa Team.

Again, I thank you for the invitation to come before you today.

God Bless you and your families and God Bless our soldiers and airmen serving in harm's way.

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

Governor Culver was escorted from the House chamber by the committee previously appointed.

McCarthy of Polk moved that the joint convention be dissolved at 10:47 a.m.

The House resumed session at 10:52 a.m., Whitaker of Van Buren in the chair.

On motion by McCarthy of Polk, the House was recessed at 10:52 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:06 p.m., Speaker Murphy in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk on request of Paulsen of Linn.

## INTRODUCTION OF BILLS

[House File 364](#), by committee on education, a bill for an act transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable.

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

[House File 365](#), by Kaufmann and Quirk, a bill for an act relating to the definition of veteran for purposes of the military service property tax exemption.

Read first time and referred to committee on **veterans affairs**.

[House File 366](#), by Gayman, a bill for an act allowing time off to attend presidential precinct caucuses and making penalties applicable.

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

[House File 367](#), by Pettengill, a bill for an act increasing the number of members serving on the utilities board within the utilities division of the department of commerce and changing the membership from an appointed to an elected board.

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

[House File 368](#), by Pettengill, a bill for an act adding personal finance skills and financial literacy requirements to the educational standards for school districts and accredited nonpublic schools.

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

[House File 369](#), by Upmeyer, a bill for an act creating a silver alert program within the department of public safety for missing cognitively impaired persons.

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

[House File 370](#), by Kelley, a bill for an act prohibiting a person from transporting a child under six years of age on a motorcycle and making a penalty applicable.

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

[House File 371](#), by Berry, a bill for an act requiring schools to establish a policy to restrict students' use of cellular telephones during school hours.

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

[House File 372](#), by Berry, a bill for an act restricting the application of pesticides on school property.

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

[House File 373](#), by committee on economic growth, a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

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

[House File 374](#), by committee on agriculture, a bill for an act relating to the grain depositors and sellers indemnity fund.

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

[House File 375](#), by committee on commerce, a bill for an act specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable.

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

The House stood at ease at 4:09 p.m., until the fall of the gavel.

The House resumed session at 4:52 p.m., Speaker Murphy in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair on request of Kaufmann of Cedar.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-four members present, sixteen absent.

ADOPTION OF [HOUSE RESOLUTION 11](#)

Palmer of Mahaska called up for consideration the following [House Resolution 11](#), and moved its adoption.

1                   [House Resolution 11](#)  
 2                   By Committee On Ethics  
 3                   (Successor to [HSB 1](#))  
 4 A resolution relating to the rules governing lobbyists  
 5 in the House of Representatives.  
 6                   *Be it resolved by the House of Representatives,*  
 7 That the House Rules Governing Lobbyists shall be as  
 8 follows:  
 9                   *House Rules Governing Lobbyists*  
 10 1. DEFINITIONS OF TERMS. As used in these rules,  
 11 "client", "gift", "immediate family member",  
 12 "lobbyist", and "person" have the meanings provided in  
 13 section 68B.2 of the Code, except that the terms  
 14 "lobbyist" and "client" shall only refer to persons  
 15 who are lobbyists or clients of lobbyists of the house  
 16 of representatives. Except as otherwise provided,  
 17 "employee of the house" means a full-time permanent  
 18 paid employee of the house of representatives.  
 19 2. *Registration required.*  
 20 a. All lobbyists shall, on or before the day their  
 21 lobbying activity begins, register in the manner  
 22 provided under section 68B.36 of the Code. Lobbyist  
 23 registration forms shall be available in the office of  
 24 the chief clerk of the house.  
 25 b. In addition each registered lobbyist shall file  
 26 with the chief clerk of the house a statement of the  
 27 general subjects of legislation in which the lobbyist  
 28 is or may be interested, the file number of the bills  
 29 and resolutions and the bill number of study bills, if  
 30 known, which will be lobbied, whether the lobbyist

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1 intends to lobby for or against each bill, resolution,  
 2 or study bill, if known, and on whose behalf the  
 3 lobbyist is lobbying the bill, resolution, or study  
 4 bill.  
 5 Any change in or addition to the information

6 required by this rule shall be registered with the  
7 chief clerk of the house within ten days from the time  
8 the change or addition is known to the lobbyist.

9 3. *Cancellation of registration.* If a lobbyist's  
10 service on behalf of a particular employer, client, or  
11 cause is concluded after the lobbyist registers but  
12 before the first day of the next legislative session,  
13 the lobbyist shall cancel the registration in the  
14 manner required under section 68B.36 of the Code.  
15 Upon cancellation of registration, a person is  
16 prohibited from engaging in any lobbying activity on  
17 behalf of that particular employer, client, or cause  
18 until reregistering and complying with the  
19 requirements of section 68B.36 of the Code.

20 ~~3A.~~ 4. *Amendment of registration.* If a  
21 registered lobbyist represents more than one employer,  
22 client, or cause and the lobbyist's services are  
23 concluded on behalf of a particular employer, client,  
24 or cause after the lobbyist registers but before the  
25 first day of the next legislative session, the  
26 lobbyist shall file an amendment to the lobbyist's  
27 registration indicating which employer, client, or  
28 cause is no longer represented by the lobbyist and the  
29 date upon which the representation concluded.  
30 If a lobbyist is retained by one or more additional

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1 employers, clients, or causes after the lobbyist  
2 registers but before the first day of the next  
3 legislative session, the lobbyist shall file an  
4 amendment to the lobbyist's registration indicating  
5 the employer, client, or cause to be added and the  
6 date upon which the representation begins.  
7 Amendments to a lobbyist's registration regarding  
8 changes which occur during the time that the general  
9 assembly is in session shall be filed within one  
10 working day after the date upon which the change in  
11 the lobbyist's representation becomes effective.  
12 Amendments regarding changes which occur when the  
13 general assembly is not in session shall be filed  
14 within ten days after the date upon which the change  
15 in the lobbyist's representation becomes effective.

16 ~~4.~~ 5. *Public access.* All information filed by a  
17 lobbyist or a client of a lobbyist under chapter 68B  
18 of the Code is a public record and open to public  
19 inspection at any reasonable time.

20 ~~5.~~ 6. *Charge accounts.* Lobbyists and the clients  
21 they represent shall not allow members of the house to  
22 charge any amounts or items to a charge account to be  
23 paid for by those lobbyists or by the clients they  
24 represent.

25 ~~6.~~ 7. *Access to house floor.* Lobbyists shall  
 26 only be permitted on the floor of the house pursuant  
 27 to rule 20 of the rules of the house.  
 28 ~~7.~~ 8. *Fee or bonus prohibited.* A fee or bonus  
 29 shall not be paid to any lobbyist with reference to  
 30 any legislative action that is conditioned wholly or

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1 in part upon the results attained by the lobbyist.  
 2 ~~8.~~ 9. *Offers of economic or investment*  
 3 *opportunity.* A lobbyist, employer, or client of a  
 4 lobbyist shall not offer economic or investment  
 5 opportunity or promise of employment to any member of  
 6 the house with intent to influence conduct in the  
 7 performance of official duties.  
 8 ~~9.~~ 10. *Personal or financial obligation.* A  
 9 lobbyist shall not do anything with the purpose of  
 10 placing a member of the house under personal or  
 11 financial obligation to a lobbyist or a lobbyist's  
 12 principal or agent.  
 13 ~~10.~~ 11. *Attempts to create additional employment.*  
 14 A lobbyist shall not cause or influence the  
 15 introduction of any bill or amendment for the purpose  
 16 of being employed to secure its passage or defeat.  
 17 ~~11.~~ 12. *Campaign support.* A lobbyist shall not  
 18 influence or attempt to influence a member's actions  
 19 by the promise of financial support for the member's  
 20 candidacy or threat of financial support for an  
 21 opposition candidate. A lobbyist shall not make a  
 22 campaign contribution to a member or to a member's  
 23 candidate's committee during the time that the general  
 24 assembly is in session.  
 25 ~~12.~~ 13. *Communication with member's employer*  
 26 *prohibited.* A lobbyist shall not communicate with a  
 27 member's employer for the purpose of influencing a  
 28 vote of the member.  
 29 ~~13.~~ 14. *Excess payments.* A lobbyist shall not  
 30 pay or agree to pay to a member a price, fee,

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1 compensation, or other consideration for the sale or  
 2 lease of any property or the furnishing of services  
 3 which is substantially in excess of that which other  
 4 persons in the same business or profession would  
 5 charge in the ordinary course of business.  
 6 ~~14.~~ 15. PROHIBITION AGAINST GIFTS. A lobbyist or  
 7 client of a lobbyist shall not, directly or  
 8 indirectly, offer or make a gift or series of gifts to  
 9 any member or full-time permanent employee of the  
 10 house or the immediate family members of a member or

11 full-time permanent employee of the house except as  
12 otherwise provided in section 68B.22 of the Code. A  
13 lobbyist or client of a lobbyist who intends or plans  
14 to give a nonmonetary item, other than food or drink  
15 consumed in the presence of the donor, which does not  
16 have a readily ascertainable value, to a member or  
17 full-time permanent employee of the house, prior to  
18 giving or sending the item to the member or employee,  
19 shall seek approval of the item from the chief clerk  
20 of the house. A lobbyist or client of a lobbyist who  
21 seeks approval of an item from the chief clerk shall  
22 submit the item and evidence of the value of the item  
23 at the time that approval is requested.  
24 A lobbyist shall inform each of the lobbyist's  
25 clients of the requirements of section 68B.22 of the  
26 Code and of the responsibility to seek approval prior  
27 to giving or sending a nonmonetary item which does not  
28 have a readily ascertainable value to a member or a  
29 full-time permanent employee of the house.  
30 ~~15.~~ 16. *Financial transactions.* A lobbyist shall

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1 not, directly or indirectly, make a loan to a member  
2 of the house or to an employee of the house.  
3 A loan prohibited under this section does not  
4 include a loan made in the ordinary course of business  
5 of a lobbyist if the primary business of the lobbyist  
6 is something other than lobbying, if consideration of  
7 equal or greater value is received by the lobbyist,  
8 and if fair market value is given or received for the  
9 benefit conferred.  
10 ~~16.~~ 17. *Honoraria – Restrictions.* A lobbyist or  
11 client of a lobbyist shall not pay an honorarium to a  
12 member or employee of the house for a speaking  
13 engagement or other formal public appearance in the  
14 official capacity of the member or employee except as  
15 otherwise provided in section 68B.23 of the Code.  
16 ~~17.~~ 18. *Complaints.* The procedures for  
17 complaints and enforcement of these rules shall be the  
18 same as those provided in the house code of ethics.  
19 ~~18.~~ 19. *Procedures and forms.* The chief clerk of  
20 the house, subject to the approval of the house ethics  
21 committee, shall prescribe procedures for compliance  
22 with these rules, and shall prepare forms for the  
23 filing of complaints and make them available to any  
24 person.

The motion prevailed and the resolution was adopted.

Anderson of Page in the chair at 5:00 p.m.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 256**, a bill for an act relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions, was taken up for consideration.

Swaim of Davis 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. 256](#))

The ayes were, 97:

Abdul-Samad	Alons	Arnold	Bailey
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Anderson, Presiding			

The nays were, none.

Absent or not voting, 3:

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

[House File 283](#), a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 283](#))

The ayes were, 97:

Abdul-Samad	Alons	Arnold	Bailey
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Anderson, Presiding			

The nays were, none.

Absent or not voting, 3:

Baudler                      Chambers                      Raecker

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

**House File 281**, a bill for an act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 281](#))

The ayes were, 97:

Abdul-Samad	Alons	Arnold	Bailey
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Anderson, Presiding			

The nays were, none.

Absent or not voting, 3:

Baudler                      Chambers                      Raecker

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

[House File 311](#), a bill for an act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date, was taken up for consideration.

Speaker Murphy in the chair at 5:24 p.m.

Upmeyer of Hancock offered the following amendment [H-1056](#) filed by her and moved its adoption:

[H-1056](#)

- 1 Amend [House File 311](#) as follows:
- 2 1. Page 1, line 8, by inserting after the figure
- 3 "148." the following: "Coverage required under this
- 4 section shall be limited to the most appropriate
- 5 medically necessary model of a prosthetics device that
- 6 adequately meets the medical needs of the patient as
- 7 determined by the patient's treating physician."

Amendment [H-1056](#) was adopted.

Upmeyer of Hancock asked and received unanimous consent to withdraw amendment [H-1057](#) filed by her on February 17, 2009.

Soderberg of Plymouth asked and received unanimous consent to withdraw amendment [H-1053](#) filed by him on February 17, 2009.

Soderberg of Plymouth offered amendment [H-1055](#) filed by him as follows:

[H-1055](#)

- 1 Amend [House File 311](#) as follows:
- 2 1. Page 1, line 23, by striking the words
- 3 "Individual or" and inserting the following: "A".
- 4 2. Page 1, line 25, by striking the words "An
- 5 individual or" and inserting the following: "A".
- 6 3. Page 1, line 27, by striking the words "An
- 7 individual or" and inserting the following: "A".

Smith of Marshall rose on a point of order that amendment [H-1055](#) was not germane.

The Speaker ruled the point not well taken and amendment [H-1055](#) germane.

Soderberg of Plymouth moved the adoption of amendment [H-1055](#).

Roll call was requested by Soderberg of Plymouth and Paulsen of Linn.

On the question "Shall amendment [H-1055](#) be adopted?" ([H.F. 311](#))

The ayes were, 36:

Alons	Arnold	Berry	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Helland
Horbach	Huseman	Kaufmann	Kelley
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Worthan

The nays were, 60:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heaton	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, T.
Palmer	Petersen	Quirk	Rants
Reasoner	Reichert	Schueller	Shomshor
Smith	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 4:

Baudler	Chambers	Olson, R.	Raecker
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Amendment [H-1055](#) lost.

Lukan of Dubuque asked and received unanimous consent to withdraw amendment [H-1054](#) filed by him on February 17, 2009.

Sands of Louisa offered amendment [H-1051](#) filed by him as follows:

[H-1051](#)

- 1 Amend [House File 311](#) as follows:
- 2 1. Page 2, by inserting after line 5 the
- 3 following:
- 4 "Sec. \_\_. *New section.* 505.20 *Mandated health*
- 5 *Insurance coverage's - evaluation.*
- 6 1. The commissioner shall conduct an evaluation of
- 7 existing mandated health insurance coverage's under
- 8 chapter 514C and make recommendations to the general
- 9 assembly regarding decision-making criteria that may
- 10 be used to reduce the number of such mandated
- 11 coverage's or the extent of coverage required.
- 12 2. The evaluation shall include but is not limited
- 13 to all of the following:
- 14 a. An assessment of the full cost of each type of
- 15 existing mandated health insurance coverage as a
- 16 percentage of the state's average annual wage and as a
- 17 percentage of premiums under both of the following:
- 18 (1) A typical group and a typical individual
- 19 health benefit plan offered in the state.
- 20 (2) The health benefit plan offered to state
- 21 employees.
- 22 b. An assessment of the degree to which existing
- 23 mandated health insurance coverage's are included in
- 24 self-funded plans.
- 25 c. A comparison of mandated health insurance
- 26 coverage's in Iowa to those required in Minnesota,
- 27 Wisconsin, Illinois, Nebraska, South Dakota, and
- 28 Missouri. The comparison shall include but is not
- 29 limited to all of the following:
- 30 (1) The number of mandated health insurance
- 31 coverage's in each state.
- 32 (2) The type of mandated health insurance
- 33 coverage's in each state.
- 34 (3) The level and extent of coverage required for
- 35 each mandated health insurance coverage in each state.
- 36 (4) The financial impact of differences in levels
- 37 of coverage for each mandated health insurance
- 38 coverage.
- 39 3. On or before January 1, 2010, and on or before
- 40 January 1 every four years thereafter, the

41 commissioner shall submit a report of its findings to  
 42 the general assembly. The general assembly may  
 43 consider the information contained in this report in  
 44 determining whether to enact proposed mandated health  
 45 insurance coverage's or whether to repeal existing  
 46 mandated health insurance coverage's."  
 47 2. Title page, line 2, by inserting after the  
 48 word "devices" the following: ", requiring an  
 49 evaluation of existing mandated health insurance  
 50 coverage's,".

Page 2

1 3. By renumbering as necessary.

Kressig of Black Hawk rose on a point of order that amendment [H-1051](#) was not germane.

#### SPECIAL PRESENTATION

Speaker Murphy introduced to the House the honorable Brad Hansen, former state representative from Pottawattamie County.

The House rose and expressed its welcome.

The Speaker ruled the point well taken and amendment [H-1051](#) not germane.

Sands of Louisa moved to suspend the rules to consider amendment [H-1051](#).

Roll call was requested by Sands of Louisa and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment [H-1051](#)?" ([H.F. 311](#))

The ayes were, 42:

Alons	Anderson	Arnold	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Kaufmann
Kelley	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill

Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 3:

Baudler	Chambers	Raecker
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The motion to suspend the rules lost.

Kressig of Black Hawk 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. 311](#))

The ayes were, 64:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Ficken	Ford	Frevert
Gaskill	Gayman	Grassley	Heaton
Heddens	Hunter	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Koester
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Rants	Reasoner	Reichert	Schueller
Shomshor	Smith	Sorenson	Steckman

Struyk	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Zirkelbach	Mr. Speaker Murphy

The nays were, 33:

Alons	Arnold	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Hagenow	Helland	Horbach	Huseman
Kelley	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Worthan			

Absent or not voting, 3:

Baudler	Chambers	Raecker
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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 256, 281, 283 and 311.**

#### 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

- 2009\1667 Bud and Elaine Sorden, South English – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1668 Kenneth Chaney, Sigourney – For receiving the “Master Editor-Publisher Award” from the Iowa Newspaper Association.
- 2009\1669 Jeralyn Westercamp, Cedar Rapids – For receiving the Prudential Spirit of Community Award, designed to emphasize the importance of community service by young people.

- 2009\1670 Bob and Barb Hamberg, Keosauqua – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1671 Garry and Sandra Phillips, Stockport – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1672 Howard Vinson, Rock Rapids – For celebrating his 90<sup>th</sup> birthday.
- 2009\1673 Clifton Penning, Rock Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\1674 Lawrence Vant Hul, Rock Valley – For celebrating his 80<sup>th</sup> birthday.
- 2009\1675 Adriana Klarenbeek, Inwood – For celebrating her 80<sup>th</sup> birthday.
- 2009\1676 Nina Koedam, Rock Valley – For celebrating her 75<sup>th</sup> birthday.
- 2009\1677 Mariel Krier, Larchwood – For celebrating her 75<sup>th</sup> birthday.
- 2009\1678 Betty Smith, Larchwood – For celebrating her 75<sup>th</sup> birthday.
- 2009\1679 Norman Vander Lee, Rock Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\1680 Inez Winters, Iowa Falls – For celebrating her 80<sup>th</sup> birthday.
- 2009\1681 Kenneth and Sharon Stahnke, La Porte City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1682 Lyle and Rosella Hansen, Guthrie Center – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2009\1683 Arie and Rosemary Posta, Sanborn – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1684 Don and Linette Patrick, Coon Rapids – For celebrating their 68<sup>th</sup> wedding anniversary.
- 2009\1685 Nicholas David deBuhr, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

[House File 97](#)

Transportation: Quirk, Chair; Koester and Lykam.

[House File 128](#)

Transportation: Quirk, Chair; Bell and Wagner.

[House File 151](#)

Transportation: Wenthe, Chair; Roberts and Whitaker.

[House File 155](#)

Transportation: Lykam, Chair; Arnold and Quirk.

[House File 157](#)

Transportation: D. Olson, Chair; Tjepkes and Whitaker.

[House File 171](#)

Transportation: Worthan, Chair; Quirk and Wenthe.

[House File 286](#)

Transportation: Wagner, Chair; Gaskill and Wenthe.

[House File 299](#)

Transportation: Roberts, Chair; Wenthe and Whitaker.

[House File 305](#)

Transportation: Bell, Chair; Huseman and Quirk.

[House File 318](#)

Human Resources: Hunter, Chair; Heaton and Mascher.

[House File 323](#)

Human Resources: Hunter, Chair; Koester and Mascher.

[House File 327](#)

Agriculture: Bailey, Chair; Mertz and Sweeney.

[House File 335](#)

State Government: Schulte, Chair; Frevert and Lensing.

[House File 338](#)

Environmental Protection: Whitead, Chair; H. Miller and Schultz.

[House File 343](#)

Natural Resources: Zirkelbach, Chair; Ficken and Huseman.

[House File 347](#)

State Government: Lensing, Chair; Isenhart and Pettengill.

[House File 348](#)

State Government: Gaskill, Chair; Rants and Willems.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 174](#)

Appropriations: Wenthe, Chair; Heaton and Jacoby.

[House Study Bill 175](#)

Appropriations: Cohoon, Chair; Bailey and Huseman.

[House Study Bill 177](#)

State Government: Gaskill, Chair; Koester and Lensing.

[House Study Bill 178](#)

State Government: Quirk, Chair; Struyk and Willems.

[House Study Bill 183](#)

Economic Growth: Ford, Chair; Horbach, Jacoby, Schultz and Thomas.

[House Study Bill 184](#)

Economic Growth: Bailey, Chair; Marek and Sorenson.

[House Study Bill 185](#)

Commerce: Kressig, Chair; D. Olson and Sands.

[House Study Bill 186](#)

Judiciary: Willems, Chair; Lensing and Schulte.

[House Study Bill 187](#)

Judiciary: Smith, Chair; T. Olson and Schulte.

[House Study Bill 188](#)

Transportation: Whitaker, Chair; Koester and D. Olson.

[House Study Bill 189](#)

Transportation: Whitaker, Chair; Koester and D. Olson.

[House Study Bill 190](#)

Appropriations: T. Taylor, Chair; Swaim and Worthan.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 191](#) **State Government**

Eliminating certain exemptions from the certificate of need process.

[H.S.B. 192](#) **Environmental Protection**

Authorizing a county board of supervisors to levy a tax on real property in the county for flood and erosion control projects.

[H.S.B. 193](#) **Environmental Protection**

Relating to storm water management plans.

[H.S.B. 194](#) **Environmental Protection**

Providing a task force on regional watershed, land use, and floodplain management policies.

[H.S.B. 195](#) **Ways and Means**

Relating to the administration of the tax and related laws by the department of revenue, including the administration of the income tax, the franchise tax, the motor fuel tax, and of fees for new vehicle registration, providing civil and criminal penalties, and including effective date, retroactive applicability date, and other applicability date provisions.

[H.S.B. 196](#) **Judiciary**

Relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

**H.S.B. 197 State Government**

Concerning audit and review functions of the auditor of state relative to governmental subdivisions.

## 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 HUMAN RESOURCES

**Committee Bill** (Formerly [House File 65](#)), establishing a shaken baby syndrome prevention program in the department of public health.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 2009.

**Committee Bill** (Formerly [House Study Bill 146](#)), relating to the department of elder affairs and services provided to older Iowans.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 2009.

## RESOLUTION FILED

**HR 15**, by Abdul-Samad, Ford, H. Miller, Berry, Thede and Burt, a resolution designating February 2009 as Black History Month.

Laid over under **Rule 25**.

## AMENDMENTS FILED

<a href="#">H-1058</a>	<a href="#">H.F. 333</a>	Deyoe of Story
<a href="#">H-1059</a>	<a href="#">H.F. 333</a>	Struyk of Pottawattamie
<a href="#">H-1060</a>	<a href="#">H.F. 333</a>	Struyk of Pottawattamie
<a href="#">H-1061</a>	<a href="#">H.F. 333</a>	Horbach of Tama
<a href="#">H-1062</a>	<a href="#">H.F. 333</a>	Bailey of Hamilton

<a href="#">H-1063</a>	<a href="#">H.F. 333</a>	R. Olson of Polk
<a href="#">H-1064</a>	<a href="#">H.F. 332</a>	Heddens of Story

On motion by McCarthy of Polk the House adjourned at 6:19 p.m., until 9:00 a.m., Thursday, February 19, 2009.