

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MARCH 25, 2009

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.)

JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 25, 2009

The House met pursuant to adjournment at 9:30 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Ken Stuber of the First Presbyterian Church, Des Moines. He was the guest of Representative Rick Olson of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nicole Pratt, House Page from Cedar Rapids.

The Journal of Tuesday, March 24, 2009 was approved.

On motion by McCarthy of Polk, the House was recessed at 9:41 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:25 p.m., Bukta of Clinton in the chair.

CONSIDERATION OF BILLS Regular Calendar

House File 762, a bill for an act relating to reserve certified peace officers and training requirements, was taken up for consideration.

Whitaker of Van Buren offered the following amendment **H-1253** filed by him and moved its adoption:

H-1253

- 1 Amend **House File 762** as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 80D.3, subsections 3 and 5,
- 5 Code 2009, are amended to read as follows:

6 3. a. A person appointed to serve as a reserve
7 peace officer who has received basic training as a
8 peace officer and has been certified by the academy
9 pursuant to chapter 80B and rules adopted pursuant to
10 chapter 80B may be exempted from completing the
11 minimum training course at the discretion of the
12 appointing authority. However, such a person
13 appointed to serve as a reserve peace officer shall
14 meet mandatory in-service training requirements
15 established by academy rules if the person has not
16 served as an active peace officer within one hundred
17 eighty days of appointment as a reserve peace officer.
18 b. A person appointed to serve as a reserve peace
19 officer who has met the one-hundred-fifty-hour
20 training requirement obtained at a community college
21 or other facility selected by the individual and
22 approved by the law enforcement agency prior to July
23 1, 2007, shall be exempted from completing the minimum
24 training course at the discretion of the appointing
25 authority and shall continue to hold certification
26 with the appointing authority.
27 5. A person is eligible for state certification as
28 a reserve peace officer upon satisfactory completion
29 of the training and testing requirements specified by
30 academy rules. ~~A reserve peace officer enrolled in an~~
31 ~~academy approved minimum course of training prior to~~
32 ~~July 1, 2007, shall obtain state certification by July~~
33 ~~1, 2012."~~

Amendment [H-1253](#) was adopted.

Whitaker of Van Buren 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. 762](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	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
Raecker	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	Bukta,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 762](#) be immediately messaged to the Senate.

The House stood at ease at 4:36 p.m., until the fall of the gavel.

The House resumed session at 6:50 p.m., Bukta of Clinton in the chair.

MESSAGE FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 226](#), a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

[Senate File 226](#), by committee on state government, a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters.

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

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 25, 2009, he approved and transmitted to the Secretary of State the following bills:

[House File 281](#), an Act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

[Senate File 27](#), an Act relating to the crime of human trafficking.

[Senate File 50](#), an Act relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

[Senate File 118](#), an Act relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

[Senate File 197](#), an Act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

[Senate File 204](#), an Act relating to the department of elder affairs and services provided to older Iowans.

[Senate File 209](#), an Act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

[Senate File 237](#), an Act relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability.

[Senate File 241](#), an Act correcting references in the Code relating to the United States department of veterans affairs.

[Senate File 288](#), an Act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain

recorded documents and instruments, and standards for indexes maintained by the county recorder.

[Senate File 295](#), an Act concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

[Senate File 305](#), an Act concerning audits conducted by a licensee conducting pari-mutuel wagering or gambling games and providing an effective date.

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\3407	Dale Martinson, Radcliffe – For his 40 years of service on the Radcliffe Fire Department.
2009\3408	Mike and Gladys Olson, Iowa Falls – For celebrating their 60 th wedding anniversary.
2009\3409	Madison Noble, Ankeny – For receiving 2 nd place in the 6-7 Grade category in the Write Women Back Into History Essay Contest.
2009\3410	Gaylord and Colleen Henryson, Story City – For celebrating their 60 th wedding anniversary.
2009\3411	Rena Van Dyke, Orange City – For celebrating her 80 th birthday.
2009\3412	Evelyn Dena Claesson, Akron – For celebrating her 90 th birthday.
2009\3413	Dorothy Siebke, Wilton – For celebrating her her 80 th birthday.
2009\3414	Marjorie Carle, Durant – For celebrating her her 80 th birthday.
2009\3415	Margaret Thurston, Wilton – For celebrating her 80 th birthday.
2009\3416	Pearl Batchelor, Wilton – For celebrating her 80 th birthday.
2009\3417	Robert Gregory, Tipton – For celebrating his 80 th birthday.
2009\3418	Beverly Weber, Mechanicsville – For celebrating her 80 th birthday.
2009\3419	Monica Droll, Tipton – For celebrating her 80 th birthday.
2009\3420	Ralph Tomlinson, Wilton – For celebrating his 80 th birthday.

- 2009\3421 Eugene McCaw, Clarence – For celebrating his 80th birthday.
- 2009\3422 Lenora Ball, Wilton – For celebrating her 80th birthday.
- 2009\3423 Lavada Castillo, West Branch – For celebrating her 80th birthday.
- 2009\3424 Eloise Sessler, Wilton – For celebrating her 80th birthday.
- 2009\3425 Paul Wright, Tipton – For celebrating his 80th birthday.
- 2009\3426 Wilfred Ruchotzke, Clarence – For celebrating his 80th birthday.
- 2009\3427 Albert Henkel, New Liberty – For celebrating his 80th birthday.
- 2009\3428 Ramona Denkmann, Muscatine – For celebrating her 80th birthday.
- 2009\3430 Leah Anderson, Muscatine – For celebrating her 80th birthday.
- 2009\3431 Francis Helfrich, Wilton – For celebrating his 80th birthday.
- 2009\3432 Elizabeth Martz, Wilton – For celebrating her 80th birthday.
- 2009\3433 Patricia Frankhauser, Tipton – For celebrating her 80th birthday.
- 2009\3434 James Barnhart, West Branch – For celebrating his 80th birthday.
- 2009\3435 Alvin Licht, Lowden – For celebrating his 80th birthday.
- 2009\3436 Geraldine Kaalberg, West Liberty – For celebrating her 80th birthday.
- 2009\3437 Clifford Bell, West Liberty – For celebrating his 80th birthday.
- 2009\3438 Leona Mae Schroeder, Wilton – For celebrating her 80th birthday.
- 2009\3439 Alfred Carter, Jr., West Liberty – For celebrating his 80th birthday.
- 2009\3440 Wilbert Spengler, Wilton – For celebrating his 80th birthday.
- 2009\3441 Bonnie Agne, Stanwood – For celebrating her 80th birthday.
- 2009\3442 James Whiteley, Wilton – For celebrating his 80th birthday.
- 2009\3443 Marilyn Henderson, West Liberty – For celebrating her 80th birthday.
- 2009\3444 Grace Davis, West Branch – For celebrating her 80th birthday.
- 2009\3445 Marilyn Mays, Lisbon – For celebrating her 80th birthday.
- 2009\3446 Mitchell De Fauw, Davenport – For celebrating attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2009\3447 Donald Postma, Rock Valley – For celebrating his 75th birthday.
- 2009\3448 Ernest Moss, Hull – For celebrating his 75th birthday.
- 2009\3449 Ralph Kahl, Rock Rapids – For celebrating his 80th birthday.
- 2009\3450 Harold Hoekstra, Doon – For celebrating his 80th birthday.
- 2009\3451 Marie De Ruiter, Rock Valley – For celebrating her 80th birthday.
- 2009\3452 Dorothy Van Berkum, Rock Valley – For celebrating her 85th birthday.
- 2009\3453 Jennie De Koning, Rock Rapids – For celebrating her 85th birthday.
- 2009\3454 Gertrude Mulder, Sioux Center – For celebrating her 85th birthday.
- 2009\3455 Grace Kiezer, Doon – For celebrating her 85th birthday.
- 2009\3456 Larry and Betty Keese, Dysart – For celebrating their 50th wedding anniversary.
- 2009\3457 Stan Tweeten, Manly – For celebrating his 80th birthday.
- 2009\3458 Red Baker, Garner – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENT

[Senate File 343](#)

Local Government: D. Olson, Chair; Whitead and Windschitl.

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 AGRICULTURE

[Senate File 404](#), a bill for an act establishing a local food and farm task force, providing for a local food and farm plan, and providing for an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

COMMITTEE ON ECONOMIC GROWTH

[Senate File 207](#), a bill for an act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

COMMITTEE ON EDUCATION

[Senate File 445](#), a bill for an act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

COMMITTEE ON ENVIRONMENTAL PROTECTION

[Senate File 339](#), a bill for an act relating to wastewater treatment and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-1300](#) March 25, 2009.

[Senate File 423](#), A bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-1299](#) March 25, 2009.

COMMITTEE ON LOCAL GOVERNMENT

[Senate File 434](#), a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-1303](#) March 25, 2009.

[Senate File 441](#), a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1302](#)** March 25, 2009.

COMMITTEE ON PUBLIC SAFETY

[Senate File 380](#), a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1304](#)** March 25, 2009.

COMMITTEE ON STATE GOVERNMENT

[Senate File 436](#), a bill for an act relating to observers at satellite absentee voting stations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1305](#)** March 25, 2009.

COMMITTEE ON VETERANS AFFAIRS

[Senate File 254](#), a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1296](#)** March 24, 2009.

AMENDMENTS FILED

H-1296	S.F. 254	Committee on Veterans Affairs
H-1297	H.F. 486	Lukan of Dubuque
H-1298	S.F. 152	H. Miller of Webster
H-1299	S.F. 423	Committee on Environmental Protection
H-1300	S.F. 339	Committee on Environmental Protection
H-1301	H.F. 732	Cownie of Polk
		Raecker of Polk
H-1302	S.F. 441	Committee on Local Government
H-1303	S.F. 434	Committee on Local Government
H-1304	S.F. 380	Committee on Public Safety

<u>H-1305</u>	<u>S.F.</u>	<u>436</u>	Committee on State Government
<u>H-1306</u>	<u>H.F.</u>	<u>781</u>	Mascher of Johnson
<u>H-1307</u>	<u>H.F.</u>	<u>790</u>	Zirkelbach of Jones

On motion by Reasoner of Union the House adjourned at 6:51 p.m., until 9:00 a.m., Thursday, March 26, 2009.