

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, APRIL 1, 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

Eightieth Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 1, 2009

The House met pursuant to adjournment at 9:13 a.m., T. Olson of Linn in the chair.

Prayer was offered by Reverend John Seitz, pastor of Antioch Christian Church, Marion. He was the guest of Representative Renee Schulte of Linn County, whose husband pastors with Pastor Seitz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Laura Zeman, the House Speaker's Page from Cedar Falls.

The Journal of Tuesday, March 31, 2009 was approved.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 2009, adopted the following resolution in which the concurrence of the Senate was asked:

[House Concurrent Resolution 7](#), a concurrent resolution relating to Pioneer Lawmakers.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

[Senate File 456](#), by committee on ways and means, a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions.

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

[Senate File 459](#), by committee on ways and means, a bill for an act providing a property tax exemption for construction or installation of a geothermal heating or cooling system and including an applicability date provision.

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

SPECIAL PRESENTATION
Pella Tulip Festival

Van Engelenhoven of Marion presented to the House, Morgan Kuiper, Queen of the 2009 Pella Tulip Festival and escorted her and her court to the Speaker's station.

Queen Kuiper presented her attendants, Leah Dykstra, Karlie Monsma, Aemelia Tripp and Rachel Van Gorp.

Also present from Pella were the parents of the Queen and her court, who wore native Dutch costumes and distributed the famous Pella Dutch cookies.

Queen Kuiper and her court invited everyone to attend the Pella Tulip Festival on May 7th, 8th and 9th.

On motion by Reasoner of Union, the House was recessed at 9:27 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:47 p.m., Speaker Murphy in the chair.

COMMITTEE TO NOTIFY THE SENATE

Swaim of Davis 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, Swaim of Davis, Mascher of Johnson and Hagenow of Polk.

Swaim of Davis, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported the committee had performed its duty. The report was received 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 and the members of the Senate were seated in the House chamber.

JOINT CONVENTION
PIONEER LAWMAKERS
SIXTIETH BIENNIAL SESSION

In accordance with [House Concurrent Resolution 7](#), duly adopted, the joint convention was called to order at 2:00 p.m., President Kibbie presiding.

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

Gronstal of Pottawattamie moved that a committee of eight be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee Dvorsky of Johnson, Stewart of Jackson, Noble of Polk and Ward of Polk, on the part of the Senate, and Cohoon of Des Moines, Lensing of Johnson, Wagner of Linn and Deyoe of Story, on the part of the House.

The committee escorted the Pioneer Lawmakers into the House chamber.

President Kibbie presented Senator pro tempore Jeff Danielson, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kibbie presented Representative Pat Murphy, Speaker of the House, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kibbie presented the honorable Representative Dennis Cohoon of Des Moines member of the House, who responded to the welcome.

Representative Dennis Cohoon of Des Moines County introduced O. Kay Henderson, News Director of Radio Iowa.

Thank you, Representative Cohoon.

Pioneer lawmakers, members of the 83th General Assembly, legislative staff, clerks and guests. Thank you for your welcome.

Representative Cohoon cornered me back in the House lounge a few weeks ago about this speaking gig. I asked Representative Cohoon when this event would be held. He told me April 1st and you know what immediately ran through my mind.

Cohoon quickly assured me this is no April Fool's Day joke.

I then asked Representative Cohoon what he wanted the speech to be about. He said: "About 10 or 15 minutes....Just don't go on and on and on."

I don't plan to go on and on and on, but I am going to go back -- all the way back to 1989.

It was a momentous year in world history and worthy of a little review. Apartheid was being ushered out in South Africa.

Pro-democracy protesters in Tiananmen Square were beaten back by the communists -- as many of us watched on television. The Berlin Wall came down.

Back on the home front:

The first episodes of "Seinfeld" and "The Simpsons" aired in 1989.

The Rolling Stones set out on their first "Steel Wheels" tour.

The B-52s sang about a Love Shack.

And Cher was suggesting we "Turn Back Time" -- way before Senator Jack Kibbie ever suggested it.

Two decades ago, I was a 24-year-old statehouse reporter working for Radio Iowa. That may sound young, but let me remind you that two decades ago Representatives Pat Grassley and Matt Windschitl were in kindergarten.

These folks sitting in front of us today were among the newbies, the rookies, "The Class of 1989." They arrived at the statehouse on Monday, January 9 -- dressed in their first-day-of-session clothes.

Democrats were in control. There were 61 Democrats in the House and 30 Democrats in the Senate.

Don Avenson of Oelwein was the House Speaker. Some called him "the lead sled dog." I sat in the Law Library this week, reading through the House and Senate Journals from 1989. I read Avenson's opening day speech and it occurred to me that Barack Obama may have read it, too. As you may recall, Obama said this in a speech to supporters last year: "We are the ones we've been waiting for."

Avenson had almost copyrighted the sentiment two decades earlier. Back in 1989, Avenson said: "We have met Iowa's leaders and they are us."

The list of legislation which cleared the 1989 legislature is long. The General Assembly voted to establish a state minimum wage that was higher than the national minimum wage. Governor Terry Branstad surprised his fellow Republicans and signed it into law.

The 1989 Iowa Legislature established the Resource Enhancement and Protection Act -- REAP. They really loved the environment, so much so that the House Rules were changed and Styrofoam cups were banned from the floor.

But the issue which received the most public attention that year was riverboat gambling. Yes, 1989 is the year the Iowa legislature voted to legalize gambling on boats that cruised the state's rivers. Governor Branstad signed the bill into law and the floating casinos opened their doors on April 1st, 1990.

But just a year earlier, in 1989, the riverboat gambling bill hit a lot of waves -- and sunk a couple of times -- before it made it through the House and Senate.

First, the House debated the bill for seven-and-a-half hours. The votes were cast. The bill failed. It soon resurfaced, though, and passed the House on a 51 to 47 vote.

A short while later in this precarious process, a group of reporters stood around Senator Wally Horn. Horn was the floor manger of the riverboat gambling bill. A reporter asked Horn if he had the votes to pass the bill.

Here is Horn's answer: "Well, I can tell you I've got 26 'yes' votes and 24 'no' votes - and two people are still undecided."

Horn may have been closer on that math than we thought, though, as when the bill first came up for debate in the senate, it failed.

Then, a senator from Waukeet -- a Methodist! -- switched his vote and helped pass the bill.

But passing the bill wasn't easy even when the votes were there. It was a long debate, mainly due to the Herculean effort of Senator William Dieleman, a staunch gambling foe. At one point during debate in the wee hours of the morning, Senator Dick Drake of Muscatine yelled: "Point of order."

Drake had his foot up on his senate desk chair. His elbow was resting on his knee. He was sort of leaning over his microphone. Drake croaked into the microphone: "How long are you going to keep us here, Senator Dieleman?"

Dieleman kept on, but one local senator missed much of the floor show. Senator George Kinley, who lived on the south side of Des Moines, went home that night and

got a good night's sleep. He got up early, showered and suited up. Kinley arrived back at the statehouse in the early morning light -- fresh as a daisy and ready to vote for the riverboat gambling bill -- when that vote finally came.

On another occasion -- the old-timers around this place aren't quite sure it was in 1989, but it's a good story so I'm going to tell it -- two Democratic staff members in the Iowa Senate had to go to church on a Sunday morning to round up a senator. The "yes" vote of Senator Joe Coleman of Fort Dodge was needed to pass one of the final bills pending in the session. Theresa Kehoe and Debbie O'Leary were dispatched by Senate Majority Leader Bill Hutchins to find Coleman and they did. They found Senator Coleman standing in the communion line at one of the Catholic churches in town. The two women grabbed Coleman by the elbows and steered him out of church and back here to the statehouse.

There's another story to tell, featuring John Connors. Connors was in the speaker's chair and it was near the end of the session. The House was voting on some long-forgotten bill and a legislator who ended up serving just the one term in the House was standing with his hand in the air, indicating he was voting yes. Connors motioned to Joe O'Hern, the chief clerk. "Who is that?" Connors asked. There were three legislators who looked an awful lot alike. O'Hern said he didn't know who it was. So, this is what Connors announced: "The gentleman in the back of the room votes aye."

There are a million stories to tell about this place and that year. The 1989 legislature dared to take on the "fourth rail" in Iowa politics: small schools. Lawmakers passed an "open enrollment" bill which allowed parents to enroll their children in a neighboring school if they were unhappy with the district in which they lived. And legislators back in 1989 started the process of ending those "phantom students." No, kids, that's not a ghost story, but an honest-to-goodness term that was uttered almost as much as the phrase "federal deductibility" has been uttered here this year.

The 1989 legislature passed an increase in the gas tax. They passed a "comparable worth" bill which said women and men in state government should be paid the same salary when they're doing the same job.

Because of my job, back in 1989 I got to sleep on the floor underneath the press bench here in the House. That's because the House started its last "day" early on Friday morning and ended that "day" on Sunday.

In his closing remarks that year -- on Sunday, May 7th, 1989 -- House Speaker Don Avenson had a list of words to describe legislators' work product: "Epic, trailblazing, foresighted, Ben Hurian, George Pattonish."

Avenson went on to say he was always amazed that, in his words, "farmers, workers, lawyers, teachers and small business people can end up doing what (YOU) do every year. Coming from a hundred different locations and a hundred different family backgrounds," in the end, Avenson said, the Iowa legislature always seems to end up with something of which they can be proud.

And I have now "ended up with something" that's about 10 or 15 minutes long. Thank you for the kind invitation to speak with you today. From this member of "The Class of 1985" -- best wishes to "The Class of 1989."

On motion by McCarthy of Polk, the joint convention was dissolved at 2:34 p.m.

On motion by Whitaker of Van Buren, the House was recessed at 3:07 p.m., until 8:30 p.m.

The House reconvened at 8:29 p.m. Speaker Murphy in the chair.

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 April 1, 2009, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on April 1, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 687](#), a bill for an act relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges.

[Senate File 458](#), a bill for an act authorizing cities to establish storm water drainage system utility districts for purposes of special assessments.

Also: That the Senate has on April 1, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 467](#), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILL

[House File 809](#), by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates.

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

SENATE MESSAGES CONSIDERED

[Senate File 458](#), by committee on ways and means, a bill for an act authorizing cities to establish storm water drainage system utility districts for purposes of special assessments.

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

[Senate File 467](#), by committee on appropriations, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates.

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

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\3479 Mervyle Carey, Mason City – For celebrating her 90th birthday.
- 2009\3480 Doris Barlow, Clear Lake – For celebrating her 94th birthday.
- 2009\3481 Mildred Burdette, Clear Lake – For celebrating her 103rd birthday.
- 2009\3482 Fern Carlson, Clear Lake – For celebrating her 101st birthday.
- 2009\3483 Loraine Beyer, Holstein – For celebrating her her 90th birthday.
- 2009\3484 Ellen Henningsen, Denison – For celebrating her 85th birthday.
- 2009\3485 Zeta Eblen, Atlantic – For celebrating her 95th birthday.
- 2009\3486 Viola Miller, Avoca – For celebrating her 99th birthday.
- 2009\3487 Mariann Martens, Walnut – For celebrating her 80th birthday.
- 2009\3488 Margaret Batschelet, Guthrie Center – For celebrating her 85th birthday.
- 2009\3489 Fred and Sylvia Hawker, Greene – For celebrating their 50th wedding anniversary.
- 2009\3490 Lewis Hobby, Burlington – For celebrating his 90th birthday.

- 2009\3491 Norman and Betty Moxley, Newton – For celebrating their 70th wedding anniversary.
- 2009\3492 Albert Jones, Newton – For celebrating his 80th birthday.
- 2009\3493 Le Ora Van Zee, Newton – For celebrating her 90th birthday.
- 2009\3404 Alysha Seroussi – For being named a University of Iowa Presidential Scholar for 2009.
- 2009\3495 Dorothy and Robert Schilling, Dubuque – For celebrating their 50th wedding anniversary.
- 2009\3496 Chuck Dunham, Deep River – For celebrating his 80th birthday.
- 2009\3497 Francis and Judy Greiner, Sigourney – For celebrating their 50th wedding anniversary.
- 2009\3498 Pauline Cave, South English – For celebrating her 80th birthday.
- 2009\3499 Jourdan Beal, Clarinda – For winning the national poetry contest at poetry.com and the inclusion of her poem in the poetry book being published.
- 2009\3500 Madeline E. James, Des Moines – For her years of dedicated service to the Iowa Legislature commencing in 1945.
- 2009\3501 Amos Hoffert, Atlantic – For celebrating his 95th birthday.
- 2009\3502 Floyd and Verna Skellenger, Northwood – For celebrating their 65th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House File 730](#)

Appropriations: Reichert, Chair; Hunter and Worthan.

[House File 754](#)

Appropriations: Winckler, Chair; Cohoon, Dolecheck, Heaton and Wenthe.

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 ADMINISTRATION AND RULES

[Senate File 334](#), a bill for an act relating to the legislative committees charged with providing government oversight.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2009.

[Senate File 430](#), a bill for an act relating to appointments to statutory boards, commissions, councils, and committees that involve the general assembly, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2009.

COMMITTEE ON APPROPRIATIONS

[House File 313](#), a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2009.

Committee Bill (Formerly [House Study Bill 285](#)), relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 1, 2009.

AMENDMENTS FILED

H-1371	H.F. 712	Huser of Polk
H-1372	S.F. 226	Frevert of Palo Alto
H-1373	S.F. 323	Heaton of Henry Wessel-Kroeschell of Story
H-1374	S.F. 404	Drake of Cass
H-1375	H.F. 712	Huser of Polk
H-1376	S.F. 323	Van Engelenhoven of Marion
H-1377	H.F. 712	Alons of Sioux
H-1378	H.F. 807	Lukan of Dubuque
H-1379	H.F. 807	Cownie of Polk

H-1380	H.F. 807	Hagenow of Polk
H-1381	H.F. 807	Grassley of Butler
H-1382	H.F. 807	Sands of Louisa
H-1383	H.F. 807	L. Miller of Scott
H-1384	H.F. 807	Tymeson of Madison
H-1385	H.F. 807	Sands of Louisa
H-1386	H.F. 807	Tymeson of Madison
H-1387	S.F. 224	Quirk of Chickasaw Struyk of Pottawattamie
H-1388	H.F. 807	Quirk of Chickasaw Huser of Polk
H-1389	S.F. 419	R. Olson of Polk Lykam of Scott
H-1390	H.F. 311	Senate Amendment
H-1391	H.F. 807	Struyk of Pottawattamie
H-1392	H.F. 807	Sands of Louisa
H-1393	H.F. 807	Pettengill of Benton
H-1394	H.F. 807	Wagner of Linn
H-1395	S.F. 419	Alons of Sioux De Boef of Keokuk Drake of Cass Sorenson of Warren

On motion by McCarthy of Polk the House adjourned at 8:30 p.m., until Thursday, April 2, 2009, at 9:00 a.m.

JOINT MEMORIAL SERVICE
EIGHTY-THIRD GENERAL ASSEMBLY
SENATE CHAMBER
WEDNESDAY, APRIL 1, 2009

PROGRAM

Senator John P. Kibbie, Presiding

Prelude Ruth Cooperrider

“Precious Lord” Memorial Choir

Invocation.....Senate President John P. Kibbie

MEMORIALS

Readers: Senator Fraise, Senator Hogg, Senator Johnson, Senator Beall

Hon. Benda (S)	Hon. Drake (S)	Hon. Larson (S)	Hon. Merritt (S)
Hon. Craft (S)	Hon. Ely, Jr. (S/H)	Hon. Lundby (S/H)	Hon. Norpel (S/H)
Hon. Doyle (S/H)	Hon. Gaudineer (S/H)	Hon. McCartney (S/H)	Hon. Nurse (S)
Hon. Vest (S)			

“Peace Like a River” Memorial Choir

MEMORIALS

Readers: Representative T. Taylor, Speaker Murphy,
Representative Pettengill,
Representative Winckler, Representative Drake

Hon. Bennett (H)	Hon. Corey (H)	Hon. Hanrahan (H)	Hon. Nagle (H)
Hon. Conn (H)	Hon. Dunlap (H)	Hon. Holmes (H)	Hon. Rex (H)
Hon. Connors (H)	Hon. Finch (H)	Hon. Lageschulte (H)	Hon. Thomson (H)

Responsorial Reading Led by Sen. Kibbie

“I’ll Fly Away” Memorial Choir

- Senate – (S) and House – (H)

IN MEMORIAM**SERVED IN THE SENATE**

Honorable Kenneth J. Benda (Poweshiek) 60th, 60th X, 61st, 62nd, and 63rd General Assemblies. (1963-1970)

Honorable Rolf Vaughn Craft (Winneshiek) 67th, 67th X, 68th, 69th, 69th X, 69th XX General Assemblies. (1977-1982)

Honorable Thomas C. Larson (Taylor) 55th and 56th General Assemblies. (1953-1956)

Honorable Milo H. Merritt (Mitchell) 66th, 67th and 67th X General Assemblies.(1975-1978)

Honorable H. Kenneth Nurse (Harrison) 61st, and 62nd General Assemblies. (1965-1968)

Honorable Alan W. Vest (Sac) 54th, 55th, 56th, and 57th General Assemblies. (1951-1958)

**SERVED IN THE SENATE AND
THE HOUSE OF REPRESENTATIVES**

Honorable Donald V. Doyle (Woodbury) 57th, 58th, 61st, 63rd, 64th, 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, and 73rd General Assemblies. (1957-1990)

Honorable Richard F. Drake (Muscatine) 63rd, 64th, 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX, 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 79th XXX, 79th XXXX, 80th and 80th X General Assemblies. (1970-2004)

Honorable John M. Ely, Jr. (Linn) 59th, 60th, 60th X, 61st, and 62nd General Assemblies.(1961- 1968)

Honorable Lee H. Gaudineer (Polk) 61st, 62nd, 63rd and 64th General Assemblies. (1965-1972)

Honorable Mary Adelaide Lundby (Linn) 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX, 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 79th XXX, 79th XXXX, 80th, 80th X, 80th XX, 81st, 81st X, 82nd General Assemblies. (1987-2008)

Honorable Ralph F. McCartney (Floyd) 62nd, 63rd, and 65th General Assemblies. (1967-1974)

Honorable Richard J. Norpel (Jackson) 64th, 65th, and 66th General Assemblies. (1971-1976)

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Vernon Bennett (Polk) 62nd, 63rd and 64th General Assemblies. (1967-1972)

Honorable Blythe C. Conn (Des Moines) 56th General Assembly. (1955-1956)

Honorable John H. Connors (Polk) 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX, 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 80th, 80th X, 80th XX General Assemblies. (1973-2004)

Honorable Virgil Corey (Louisa) 68th, 69th, 69th X, 69th XX, 70th, 71st and 72nd General Assemblies. (1979-1988)

Honorable Norman P. Dunlap (Story) 65th General Assembly. (1973-1974)

Honorable Barbara A. Finch (Story) 79th, 79th X and 79th XX General Assemblies. (2001-2002)

Honorable Raymond J. Hanrahan (Polk) 59th General Assembly. (1961-1962)

Honorable John A. Holmes (Jones) 61st General Assembly. (1965-1966)

Honorable Raymond A. Lageschulte (Bremer) 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 73rd, 74th and 75th General Assemblies. (1975-1992)

Honorable Daniel L. Nagle (Scott) 61st General Assembly. (1965-1966)

Honorable Clyde J. Rex (Hamilton) 63rd and 64th General Assemblies. (1969-1972)

Honorable Rosemary Thomson (Linn) 76th, 77th and 78th General Assemblies. (1995-2001)