

PROOF

STATE OF IOWA

House Journal

MONDAY, APRIL 7, 2008

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JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 7, 2008

The House met pursuant to adjournment at 1:13 p.m., Speaker Murphy in the chair.

Prayer was offered by Elder Jim Anderson of the Underwood Congregation of the Community of Christ. He was the guest of Representative Doug Struyk of Pottawattamie County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by IJAG students from Ottumwa High School accompanied by Lori Palmer, the wife of the honorable Eric Palmer, state representative from Mahaska County. They were the guests of Representative Mary Gaskill of Wapello County.

The Journal of Friday, April 4, 2008 was approved.

ADOPTION OF [HOUSE RESOLUTION 123](#)

Zirkelbach of Jones and Foege of Linn called up for consideration [House Resolution 123](#), a resolution recognizing the Grant Wood Art Festival, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION Orange City Tulip Festival

Soderberg of Plymouth introduced to the House the 2008 Tulip Queen Katie Buntsma and the Tulip Court; Olivia Wielenga, Julia Haverdink, Paige Blythe and Jenna Woudstra. They were here to present the annual Orange City Tulip Festival on May 15th, 16th and 17th, 2008. They were dressed in the tradition Dutch costume and passed around Willamena peppermint treats.

The House rose and expressed its welcome.

The House stood at ease at 1:31 p.m., until the fall of the gavel.

The House resumed session at 3:16 p.m., Speaker pro tempore Bukta in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pettengill of Benton on request of Struyk of Pottawattamie.

CONSIDERATION OF BILLS Unfinished Business Calendar

[Senate File 2325](#), a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date, with report of committee recommending passage, previously deferred on April 2, 2008, was taken up for consideration.

Thomas of Clayton offered amendment [H-8368](#) filed by him as follows:

[H-8368](#)

- 1 Amend [Senate File 2325](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 18, by striking the figure "2009"
- 4 and inserting the following: "2008".

Drake of Pottawattamie offered the following amendment [H-8383](#), to amendment [H-8368](#), filed by him as follows:

[H-8383](#)

- 1 Amend the amendment, [H-8368](#), to [Senate File 2325](#),
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 4 the
- 5 following:
- 6 "____. Page 4, by inserting after line 14 the
- 7 following:
- 8 "Sec.____. NEW SECTION. 421.71 STATE AIDE –
- 9 EMPLOYER ELIGIBILITY.

- 10 1. An employer who chooses not to use the federal
11 employment eligibility program as authorized by the
12 federal Illegal Immigration Reform and Immigrant Act
13 of 1996, Pub. L. No. 104-208, shall not be eligible
14 for any developmental assistance.
- 15 2. For the purposes of this section,
16 "developmental assistance" means any form of public
17 assistance, including tax expenditures, made for the
18 purpose of stimulating the economic development of a
19 corporation, industry, geographic jurisdiction, or any
20 other sector of the state's economy, including but not
21 limited to public assistance involving industrial
22 development bonds, training grants, loans, loan
23 guarantees, enterprise zones, empowerment zones, tax
24 increment financing, fee waivers, land price
25 subsidies, infrastructure constructed or improved for
26 the benefit of a single business or defined group of
27 businesses at the time it is built or improved,
28 matching funds, tax abatements, tax credits and tax
29 discounts of every kind, including corporate,
30 franchise, personal income, sales and use, raw
31 materials, real property, job creation, individual
32 investment, excise, utility, inventory, accelerated
33 depreciation, and research and development tax credits
34 and discounts."
- 35 _____. Title page, line 3, by inserting after the
36 word "requirements," the following: "and denying
37 developmental assistance to employers who choose not
38 to use the federal employment eligibility program,"."
- 39 2. By renumbering as necessary.

Thomas of Clayton rose on a point of order that amendment [H-8383](#) was not germane, to amendment [H-8368](#).

The Speaker ruled the point well taken and amendment [H-8383](#) not germane, to amendment [H-8368](#).

Drake of Pottawattamie asked unanimous consent to suspend the rules to consider amendment [H-8383](#).

Objection was raised.

Drake of Pottawattamie moved to suspend the rules to consider amendment [H-8383](#).

Roll call was requested by Drake of Pottawattamie and Struyk of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment [H-8383](#)?" ([S.F. 2325](#))

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Raecker	Rants
Rasmussen	Rayhons	Roberts	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencsek	Windschitl	Worthan

The nays were, 54:

Abdul-Samad	Bailey	Bell	Berry
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hoffman	Hunter	Huser
Jacoby	Jochum	Kelley	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Tomenga	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Bukta, Presiding		

Absent or not voting, 2:

Kressig	Pettengill
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The motion to suspend the rules lost.

On motion by Thomas of Clayton, amendment [H-8368](#) was adopted.

Thomas of Clayton 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?" ([S.F. 2325](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Pettengill

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

Senate File 2251, a bill for an act relating to student eye care and including an applicability date provision, with report of committee recommending amendment and passage, was taken up for consideration.

Staed of Linn offered the following amendment [H-8288](#) filed by the committee on education and moved its adoption:

[H-8288](#)

- 1 Amend [Senate File 2251](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 4, by inserting after the word
 4 "association" the following: "and as approved by the
 5 department of education".

The committee amendment [H-8288](#) was adopted.

Staed of Linn offered the following amendment [H-8400](#) filed by him and moved its adoption:

[H-8400](#)

- 1 Amend [Senate File 2251](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 7 through 15 and
 4 inserting the following:
 5 "2. School districts may encourage a student to
 6 receive an eye examination by a licensed
 7 ophthalmologist or optometrist prior to the student
 8 receiving special education services pursuant to
 9 chapter 256B. The eye examination is not a
 10 requirement for a student to receive special education
 11 services. A parent or guardian shall be responsible
 12 for ensuring that a student receives an eye
 13 examination pursuant to this section."

Amendment [H-8400](#) was adopted.

Staed of Linn 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?" ([S.F. 2251](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan

Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Bukta,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Pettengill

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

[Senate File 2134](#), a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs, with report of committee recommending amendment and passage, was taken up for consideration.

Bailey of Hamilton offered amendment [H-8354](#) filed by the committee on veterans affairs as follows:

[H-8354](#)

- 1 Amend [Senate File 2134](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 35A.5, subsection 9, Code
- 6 Supplement 2007, is amended to read as follows:
- 7 9. After consultation with the commission, provide
- 8 certification training to executive directors and
- 9 administrators of county commissions of veteran
- 10 affairs pursuant to section 35B.6. Training provided
- 11 under this subsection shall include accreditation by
- 12 the national association of county veteran service
- 13 officers. Training provided by the department shall

14 be certified by the national association of county
 15 veteran service officers and, in addition, shall
 16 ensure that each executive director and administrator
 17 is proficient in the use of electronic mail, general
 18 computer use, and use of the internet to access
 19 information regarding facilities, benefits, and
 20 services available to veterans and their families.
 21 The department may adopt rules in accordance with
 22 chapter 17A to provide for training of county veteran
 23 affairs executive directors and administrators.
 24 Sec. 2. NEW SECTION. 35A.16 COUNTY COMMISSIONS
 25 OF VETERAN AFFAIRS FUND – APPROPRIATION.
 26 1. a. A county commissions of veteran affairs
 27 fund is created within the state treasury under the
 28 control of the department. The fund shall consist of
 29 appropriations made to the fund and any other moneys
 30 available to and obtained or accepted by the
 31 department from the federal government or private
 32 sources for deposit in the fund.
 33 b. There is appropriated from the general fund of
 34 the state to the department, for the fiscal year
 35 beginning July 1, 2009, and for each subsequent fiscal
 36 year, the sum of one million dollars to be credited to
 37 the county commissions of veteran affairs fund.
 38 2. Notwithstanding section 12C.7, interest or
 39 earnings on moneys in the county commissions of
 40 veteran affairs fund shall be credited to the county
 41 commissions of veteran affairs fund. Notwithstanding
 42 section 8.33, moneys remaining in the county
 43 commissions of veteran affairs fund at the end of a
 44 fiscal year shall not revert to the general fund of
 45 the state.
 46 3. If sufficient moneys are available, the
 47 department shall annually allocate ten thousand
 48 dollars to each county commission of veteran affairs,
 49 or to each county sharing the services of an executive
 50 director or administrator pursuant to chapter 28E, to

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1 be used for the employment of an executive director or
 2 administrator pursuant to section 35B.6.
 3 4. A county commission of veteran affairs training
 4 program account shall be established within the county
 5 commissions of veteran affairs fund. Any moneys
 6 remaining in the fund after the allocations under
 7 subsection 3 shall be credited to the account and used
 8 by the department to fund the county commission of
 9 veteran affairs training program under section 35A.17.
 10 Sec. 3. NEW SECTION. 35A.17 COUNTY COMMISSION OF
 11 VETERAN AFFAIRS TRAINING PROGRAM.
 12 1. A county commission of veteran affairs training

13 program is created under the control of the department
14 for the purpose of providing training, certification,
15 and accreditation opportunities for county commissions
16 of veteran affairs executive directors,
17 administrators, and employees.

18 2. The department may receive and accept
19 donations, grants, gifts, and contributions from any
20 public or private source for the purpose of providing
21 training opportunities under this section. All funds
22 received by the department shall be deposited in the
23 county commission of veteran affairs training program
24 account established in section 35A.16, subsection 4.

25 3. a. The department shall use funds deposited in
26 the county commission of veteran affairs training
27 program account to organize statewide or regional
28 training conferences and provide training,
29 certification, and accreditation opportunities for
30 county commissions of veteran affairs executive
31 directors, administrators, and employees, consistent
32 with the requirements of section 35A.5, subsection 9.

33 b. During the fiscal year beginning July 1, 2009,
34 the department shall use account funds to arrange for
35 an accreditation course by the national association of
36 county veteran service officers to take place within
37 the state.

38 c. The department may use account funds to hire an
39 agency, organization, or other entity to provide
40 training or educational programming, reimburse county
41 executive directors, administrators, and employees for
42 transportation costs related to a conference or
43 program, or both.

44 4. The department shall adopt rules, pursuant to
45 chapter 17A, deemed necessary for the administration
46 of the county commission of veteran affairs training
47 program.

48 Sec. 4. Section 35B.6, subsection 1, Code 2007, is
49 amended to read as follows:

50 1. a. The members of the commission shall qualify

Page 3

1 by taking the usual oath of office, and give bond in
2 the sum of five hundred dollars each, conditioned for
3 the faithful discharge of their duties with sureties
4 to be approved by the county auditor. The commission
5 shall organize by the selection of one of their
6 members as chairperson, and one as secretary. The
7 commission, subject to the approval of the board of
8 supervisors, shall ~~have power to~~ employ an executive
9 director ~~or administrator~~ and ~~shall have the power to~~
10 employ other necessary employees when needed,
11 including administrative or clerical assistants when

12 ~~needed, the.~~ The compensation of such employees ~~to~~
 13 shall be fixed by the board of supervisors, but no
 14 member of the commission shall be so employed. The
 15 executive director must possess the same
 16 qualifications as provided in section 35B.3 for
 17 commission members. However, this qualification
 18 requirement shall not apply to a person employed as an
 19 executive director prior to July 1, 1989.

20 b. The commission may employ an administrator in
 21 lieu of an executive director. Administrators shall
 22 not be required to meet all the qualifications
 23 provided in section 35B.3 for commissioners. An
 24 administrator may hold another position within the
 25 county or other government entity while serving as an
 26 administrator only if such position does not adversely
 27 affect the administrator's duties under this chapter.

28 ~~b. c.~~ Upon the employment of an executive
 29 director ~~or administrator~~, the executive director ~~or~~
 30 administrator shall complete a course of ~~initial~~
 31 certification training provided by the department of
 32 veterans affairs pursuant to section 35A.5. ~~If an~~
 33 executive director or administrator fails to obtain
 34 certification within one year of being employed, the
 35 executive director or administrator shall be removed
 36 from office. ~~If an executive director is not~~
 37 appointed, a ~~A~~ commissioner or a ~~clerical assistant~~
 38 shall other commission employee may also complete the
 39 course of certification training. The department
 40 shall issue the executive director, administrator,
 41 commissioner, or ~~clerical assistant~~ employee a
 42 certificate of training after completion of the
 43 ~~initial~~ certification training course. To maintain
 44 annual certification, the executive director,
 45 administrator, commissioner, or ~~clerical assistant~~
 46 employee shall ~~attend one department training course~~
 47 ~~each year~~ satisfy the continuing education
 48 requirements established by the national association
 49 of county veteran service officers. Failure of an
 50 executive director or administrator to maintain

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1 certification ~~may~~ shall be cause for removal from
 2 office. The expenses of training the executive
 3 director or administrator shall be paid from the
 4 appropriation authorized in section 35B.14.

5 d. The duties of the executive director,
 6 administrator, and employees shall include all of the
 7 following:

8 (1) Inform members of the armed forces, veterans,
 9 and their dependents of all federal, state, and local
 10 laws enacted for their benefit.

11 (2) Assist all residents of the state who served
12 in the armed forces of the United States and their
13 relatives, beneficiaries, and dependents in receiving
14 from the United States and this state any and all
15 compensation, pensions, hospitalization, insurance,
16 education, employment pay and gratuities, loan
17 guarantees, or any other aid or benefit to which they
18 may be entitled under any law.

19 e. The department of veterans affairs or county
20 veteran affairs offices shall not charge for any
21 service provided to any individual.

22 Sec. 5. Section 35B.6, subsection 2, Code 2007, is
23 amended to read as follows:

24 2. Two or more boards of supervisors may agree,
25 pursuant to chapter 28E, to share the services of an
26 executive director or administrator. The agreement
27 shall provide for the establishment of a commission of
28 veteran affairs office in each of the counties
29 participating in the agreement.

30 Sec. 6. Section 35B.6, subsection 4, Code 2007, is
31 amended by striking the subsection and inserting in
32 lieu thereof the following:

33 4. a. Each county commission of veteran affairs
34 shall maintain an office in a building owned,
35 operated, or leased by the county.

36 b. An executive director or administrator employed
37 pursuant to subsection 1 shall provide veterans
38 services for the following minimum number of hours
39 each week:

40 (1) For a county with a population of thirty
41 thousand or less, no fewer than twenty hours per week.

42 (2) For a county with a population of more than
43 thirty thousand and less than sixty thousand, no fewer
44 than thirty hours per week.

45 (3) For a county with a population of sixty
46 thousand or more, no fewer than forty hours per week.

47 c. Counties sharing the services of an executive
48 director or administrator shall consider the aggregate
49 population of such counties when determining the
50 number of hours of service required under paragraph

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1 "b". The number of hours shall be allocated between
2 the counties in the proportion that the population of
3 each county bears to the aggregate population.

4 d. The hours that the office established under
5 paragraph "a", is open shall be posted in a prominent
6 position outside the office.

7 Sec. 7. Section 35B.14, Code 2007, is amended to
8 read as follows:

9 35B.14 COUNTY APPROPRIATION.

10 1. The board of supervisors of each county may
11 appropriate moneys for training an executive director
12 or administrator as provided for in section 35B.6, the
13 food, clothing, shelter, utilities, medical benefits,
14 and funeral expenses of indigent veterans, as defined
15 in section 35.1, and their indigent spouses, surviving
16 spouses, and minor children not over eighteen years of
17 age, having a legal residence in the county.

18 2. The appropriation shall be expended by the
19 joint action and control of the board of supervisors
20 and the county commission of veteran affairs.
21 Sec. 8. STATE MANDATE FUNDING SPECIFIED. In
22 accordance with section 25B.2, subsection 3, the state
23 cost of requiring compliance with any state mandate
24 included in this Act shall be moneys appropriated in
25 this Act and shall be deemed to meet all the state
26 funding-related requirements of section 25B.2,
27 subsection 3, and no specific state funding shall be
28 necessary for the full implementation of this Act by
29 and enforcement of this Act against all affected
30 political subdivisions.

31 Sec. 9. EFFECTIVE DATE. This Act takes effect on
32 July 1, 2009."

33 2. Title page, by striking lines 1 through 3 and
34 inserting the following:
35 "An Act relating to veterans affairs by modifying
36 training requirements, requiring executive directors
37 and administrators to provide minimum hours of service
38 in each county, specifying executive director,
39 administrator, and employee duties, creating a county
40 commission of veteran affairs training program,
41 creating a county commissions of veteran affairs fund,
42 providing an appropriation, and providing an effective
43 date."

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment [H-8370](#), to amendment [H-8354](#), filed by him on April 1, 2008.

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment [H-8408](#), to amendment [H-8354](#), filed by him on April 3, 2008.

On motion by Bailey of Hamilton, the committee amendment [H-8354](#) was adopted.

RULE 32 INVOKED

Oldson of Polk rose on a point of order and invoked Rule 32.

The Speaker ruled the point well taken and [Senate File 2134](#) was referred to the committee on appropriations.

Appropriations Calendar

[House File 2647](#), a bill for an act relating to and making appropriations to the judicial branch, was taken up for consideration.

T. Taylor of Linn offered the following amendment [H-8422](#) filed by him and moved its adoption:

[H-8422](#)

- 1 Amend [House File 2647](#) as follows:
- 2 1. Page 4, line 11, by striking the figure
- 3 "1,174,663" and inserting the following: "2,500,000".
- 4 2. Page 4, line 20, by striking the figure
- 5 "3,000,000" and inserting the following: "1,674,663".

Amendment [H-8422](#) was adopted.

T. Taylor of Linn 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. 2647](#))

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Bukta,			
Presiding			

The nays were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Raecker
Rants	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wienczek
Windschitl	Worthan		

Absent or not voting, 1:

Pettengill

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 File 2647](#) and [Senate Files 2251](#) and [2325](#).

[House File 2660](#), a bill for an act relating to and making appropriations to the justice system, was taken up for consideration.

Horbach of Tama asked and received unanimous consent to withdraw amendment [H-8262](#) filed by him on March 24, 2008.

Zirkelbach of Jones offered amendment [H-8381](#) filed by him as follows:

[H-8381](#)

- 1 Amend [House File 2660](#) as follows:
- 2 1. Page 3, by inserting after line 26 the
- 3 following:
- 4 "As a condition of the funds appropriated in this
- 5 lettered paragraph, the department of corrections
- 6 shall replace expired federal funding by expending at
- 7 least \$238,252 for the therapeutic treatment community
- 8 program and maintaining at least 4.75 full-time

9 equivalent positions for the program."
10 2. Page 8, by inserting after line 30 the
11 following:
12 "As a condition of the funds appropriated in this
13 lettered paragraph, the department of corrections
14 shall replace expired federal funding by expending at
15 least \$140,000 for the dual diagnosis program and
16 maintaining 1.25 full-time equivalent positions for
17 the program."

Zirkelbach of Jones offered the following amendment [H-8421](#), to amendment [H-8381](#), filed by him from the floor and moved its adoption:

[H-8421](#)

1 Amend the amendment, [H-8381](#), to [House File 2660](#) as
2 follows:
3 1. Page 1, lines 7 and 8, by striking the words
4 "the therapeutic treatment community program" and
5 inserting the following: "continuation of a treatment
6 program that prepares offenders for on-going
7 therapeutic treatment programs offered by the
8 department".

Amendment [H-8421](#) was adopted.

On motion by Zirkelbach of Jones, amendment [H-8381](#), as amended, was adopted.

Horbach of Tama asked and received unanimous consent to withdraw amendment [H-8266](#) filed by him on March 24, 2008.

Alons of Sioux offered amendment [H-8272](#) filed by him and Baudler of Adair as follows:

[H-8272](#)

1 Amend [House File 2660](#) as follows:
2 1. Page 19, by inserting after line 1 the
3 following:
4 "Sec.____. Section 123.46, Code 2007, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3A. If a person under the age of
7 eighteen commits a violation of this section, the
8 matter shall be disposed of in the manner provided in
9 chapter 232.
10 Sec.____. Section 123.46, subsection 4, Code 2007,
11 is amended to read as follows:

12 4. a. A peace officer shall make a reasonable
 13 effort to identify a person under the age of eighteen
 14 who violates this section and, ~~if the person is not~~
 15 ~~referred to juvenile court, the law enforcement agency~~
 16 ~~of which the peace officer is an employee shall make a~~
 17 ~~reasonable attempt to notify the person's custodial~~
 18 ~~parent, or legal guardian, or custodian of the~~
 19 ~~violation, whether or not the person is taken into~~
 20 ~~custody, unless the officer has reasonable grounds to~~
 21 ~~believe that notification is not in the best interests~~
 22 ~~of the person or will endanger that person pursuant to~~
 23 section 232.19, subsection 2.

24 b. The peace officer shall also make a reasonable
 25 effort to identify the elementary or secondary school
 26 which the person attends if the person is enrolled in
 27 elementary or secondary school and to notify the
 28 superintendent or the superintendent's designee of the
 29 school which the person attends, or the authorities in
 30 charge of the nonpublic school which the person
 31 attends, of the violation. ~~If the person is taken~~
 32 ~~into custody, the~~ The peace officer shall notify a
 33 juvenile court officer who shall make a reasonable
 34 effort to identify the elementary or secondary school
 35 the person attends, if any, and to notify the
 36 superintendent of the school district or the
 37 superintendent's designee, or the authorities in
 38 charge of the nonpublic school, of the violation. A
 39 reasonable attempt to notify the person includes, but
 40 is not limited to, a telephone call or notice by
 41 first-class mail.

42 Sec. ____ Section 123.47, subsection 3, paragraph
 43 c, Code 2007, is amended to read as follows:

44 c. ~~If the a person who under the age of eightee n~~
 45 ~~commits a violation of this section is under the age~~
 46 ~~of eighteen, the matter shall be disposed of in the~~
 47 ~~manner provided in chapter 232.~~

48 Sec. ____ Section 123.47B, Code 2007, is amended
 49 to read as follows:

50 123.47B PARENTAL AND SCHOOL NOTIFICATION --

Page 2

1 PERSONS UNDER EIGHTEEN YEARS OF AGE.

2 1. A peace officer shall make a reasonable effort
 3 to identify a person under the age of eighteen
 4 discovered to be in possession of alcoholic liquor,
 5 wine, or beer in violation of section 123.47 and ~~if~~
 6 ~~the person is not referred to juvenile court, the law~~
 7 ~~enforcement agency of which the peace officer is an~~
 8 ~~employee shall make a reasonable attempt to notify th~~
 9 ~~person's custodial parent, or legal guardian, or~~
 10 custodian of such possession, ~~whether or not the~~

11 ~~person is arrested or a citation is issued pursuant to~~
12 ~~section 805.16, unless the officer has reasonable~~
13 ~~grounds to believe that such notification is not in~~
14 ~~the best interests of the person or will endanger that~~
15 ~~person pursuant to section 232.19, subsection 2.~~

16 2. The peace officer shall also make a reasonable
17 effort to identify the elementary or secondary school
18 which the person attends if the person is enrolled in
19 elementary or secondary school and to notify the
20 superintendent or the superintendent's designee of the
21 school which the person attends, or the authorities in
22 charge of the nonpublic school which the person
23 attends, of the possession. ~~If the person is taken~~
24 ~~into custody, the~~ The peace officer shall notify a
25 juvenile court officer who shall make a reasonable
26 effort to identify the elementary or secondary school
27 the person attends, if any, and to notify the
28 superintendent of the school district or the
29 superintendent's designee, or the authorities in
30 charge of the nonpublic school, of the taking into
31 custody. A reasonable attempt to notify the person
32 includes but is not limited to a telephone call or
33 notice by first-class mail.

34 Sec. __. Section 232.8, subsection 1, paragraph
35 b, Code 2007, is amended to read as follows:

36 b. ~~Violations~~ Except for violations by a child of
37 section 321.284 or 321.284A, violations by a child of
38 provisions of chapter 321, 321G, 321I, 453A, 461A,
39 461B, 462A, 481A, 481B, 483A, 484A, or 484B, which
40 would be simple misdemeanors if committed by an adult,
41 and violations by a child of county or municipal
42 curfew or traffic ordinances, are excluded from the
43 jurisdiction of the juvenile court and shall be
44 prosecuted as simple misdemeanors as provided by law.
45 A child convicted of a violation excluded from the
46 jurisdiction of the juvenile court under this
47 paragraph shall be sentenced pursuant to section
48 805.8, where applicable, and pursuant to section
49 903.1, subsection 3, for all other violations.

50 Sec. __. Section 321.284, Code 2007, is amended

Page 3

1 to read as follows:

2 321.284 OPEN CONTAINERS IN MOTOR VEHICLES --
3 DRIVERS.

4 1. A driver of a motor vehicle upon a public
5 street or highway shall not possess in the passenger
6 area of the motor vehicle an open or unsealed bottle,
7 can, jar, or other receptacle containing an alcoholic
8 beverage. "Passenger area" means the area designed to
9 seat the driver and passengers while the motor vehicle

10 is in operation and any area that is readily
 11 accessible to the driver or a passenger while in their
 12 seating positions, including the glove compartment.
 13 An open or unsealed receptacle containing an alcoholic
 14 beverage may be transported in the trunk of the motor
 15 vehicle. An unsealed receptacle containing an
 16 alcoholic beverage may be transported behind the last
 17 upright seat of the motor vehicle if the motor vehicle
 18 does not have a trunk. A person convicted of a
 19 violation of this section is guilty of a simple
 20 misdemeanor punishable as a scheduled violation under
 21 section 805.8A, subsection 14, paragraph "e".

22 2. If a person under the age of eighteen commits a
 23 violation of this section, the matter shall be
 24 disposed of in the manner provided in chapter 232.

25 Sec.____. Section 321.284A, Code 2007, is amended
 26 by adding the following new subsection:

27 NEW SUBSECTION. 5. If a person under the age of
 28 eighteen commits a violation of this section, the
 29 matter shall be disposed of in the manner provided in
 30 chapter 232.

31 Sec.____. Section 805.8A, subsection 14, paragraph
 32 e, Code 2007, is amended to read as follows:

33 e. OPEN CONTAINER VIOLATIONS. For violations
 34 under sections 321.284 and 321.284A, the scheduled
 35 fine is one hundred dollars. This paragraph shall not
 36 apply to a person under the age of eighteen who
 37 commits a violation under section 321.284 or 321.284A.

38 Sec.____. Section 805.8C, subsection 7, Code
 39 Supplement 2007, is amended to read as follows:

40 7. ALCOHOLIC BEVERAGE VIOLATIONS BY PERSONS UNDER
 41 LEGAL AGE. For first offense violations of section
 42 123.47, subsection 3, the scheduled fine is two
 43 hundred dollars. This subsection shall not apply to a
 44 person under the age of eighteen who commits a
 45 violation of section 123.47.

46 Sec.____. Section 805.16, subsection 1, Code 2007,
 47 is amended to read as follows:

48 1. Except as provided in this subsection and in
 49 subsection 2 of this section, a peace officer shall
 50 issue a police citation or uniform citation and

Page 4

1 complaint, in lieu of making a warrantless arrest, to
 2 a person under eighteen years of age accused of
 3 committing a simple misdemeanor under chapter 321,
 4 321G, 321I, 461A, 461B, 462A, 481A, 481B, 483A, 484A,
 5 484B, or a local ordinance not subject to the
 6 jurisdiction of the juvenile court, and shall not
 7 detain or confine the person in a facility regulated
 8 under chapter 356 or 356A. This subsection shall not

9 apply to a person under the age of eighteen for
 10 violations of section 123.46, 123.47, 321.284, or
 11 321.284A."
 12 2. Title page, line 2, by inserting after the
 13 word "system" the following: "and providing for
 14 penalties".

T. Taylor of Linn rose on a point of order that amendment [H-8272](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8272](#) not germane.

Alons of Sioux moved to suspend the rules to consider amendment [H-8272](#).

Roll call was requested by Alons of Sioux and Paulsen of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment [H-8272](#)?" ([H.F. 2660](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Raecker
Rants	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Petersen

Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Tomenga	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Bukta, Presiding

Absent or not voting, 3:

Palmer	Pettengill	Staed
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The motion to suspend the rules lost.

Abdul-Samad of Polk offered the following amendment [H-8334](#) filed by him and T. Taylor of Linn and moved its adoption:

[H-8334](#)

1 Amend [House File 2660](#) as follows:
2 1. Page 19, by inserting after line 1 the
3 following:
4 "Sec. ____. INTERIM REPORTING – IMPLEMENTATION.
5 The board of parole shall develop and implement the
6 certificate of employability program as provided in
7 section 906.19, as enacted by this Act, by July 1,
8 2009. The board shall file an interim status report
9 regarding the certificate of employability program
10 development with the general assembly and the
11 legislative services agency by January 1, 2009."
12 2. Page 19, by inserting after line 17 the
13 following:
14 "Sec. ____. NEW SECTION. 906.19 CERTIFICATES OF
15 EMPLOYABILITY.
16 1. As used in this section, "person" means a
17 person on parole or a person who is no longer on
18 parole but is currently unemployed or underemployed.
19 2. The board shall develop and implement a
20 certificate of employability program. The certificate
21 program shall be developed to maximize the
22 opportunities for rehabilitation and employability of
23 a person and provide protection of the community,
24 while considering the needs of potential employers.
25 3. Issuance of a certificate of employability
26 pursuant to the program shall be based upon the
27 successful completion of designated programs and other
28 relevant factors determined by the board.
29 4. A person required to register under chapter
30 692A shall be ineligible for the certificate of
31 employability program.
32 5. The board shall develop and adopt rules

33 pursuant to chapter 17A for the implementation and
34 administration of this section."

Amendment [H-8334](#) was adopted.

L. Miller of Scott asked and received unanimous consent that amendment [H-8343](#) be deferred.

Zirkelbach of Jones offered the following amendment [H-8344](#) filed by him and moved its adoption:

[H-8344](#)

1 Amend [House File 2660](#) as follows:

2 1. Page 19, by inserting after line 1 the
3 following:

4 "Sec.____. CENTRAL WAREHOUSE AND SUPPLY DEPOT OF
5 DEPARTMENT OF HUMAN SERVICES. It is the intent of the
6 general assembly that upon completion of the central
7 warehouse and supply depot of the department of
8 corrections established pursuant to section 904.118A,
9 as enacted by this Act, the department of human
10 services shall cease utilizing the central warehouse
11 and supply depot of the department of human services
12 established pursuant to section 218.100."

13 2. Page 19, by inserting after line 17 the
14 following:

15 "Sec.____. NEW SECTION. 904.118A CENTRAL
16 WAREHOUSE FUND.

17 The department shall establish a fund for
18 maintaining and operating a central warehouse and
19 supply depot and distribution facility for surplus
20 government products, canned goods, paper products,
21 other staples, and for such other items as determined
22 by the department. A department or agency of the
23 state or a political subdivision of this state may
24 purchase such products, goods, staples, or other items
25 from the central warehouse and supply depot. The fund
26 shall be permanent and shall be composed of the
27 receipts from the sales of merchandise and the
28 recovery of handling, operating, and delivery charges
29 for such merchandise. Notwithstanding section 8.33,
30 moneys credited to the fund shall not revert to any
31 other fund. Notwithstanding section 12C.7, interest
32 and earnings on moneys deposited in the fund shall be
33 credited to the fund."

Amendment [H-8344](#) was adopted.

Struyk of Pottawattamie offered amendment [H-8396](#) filed by Struyk et al., as follows:

[H-8396](#)

1 Amend [House File 2660](#) as follows:

2 1. Page 19, by inserting after line 1 the
3 following:

4 "Sec. ____ MEMORANDUM OF UNDERSTANDING –
5 ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

6 1. The attorney general is authorized and directed
7 to negotiate the terms of a memorandum of
8 understanding between the state of Iowa and the United
9 States department of justice or the United States
10 department of homeland security concerning the
11 enforcement of federal immigration and custom laws,
12 detention removals, and investigations in the state of
13 Iowa. The agreement shall provide that costs incurred
14 by the state for the detention and deportation of an
15 unauthorized alien shall be reimbursed by the federal
16 government.

17 2. The memorandum of understanding negotiated
18 pursuant to subsection 1 shall be signed on behalf of
19 this state by the attorney general and the governor or
20 as otherwise required by the appropriate federal
21 agency but shall not be implemented until money is
22 appropriated for such purpose.

23 3. A local government, whether acting through its
24 governing body or by an initiative, referendum, or any
25 other process, shall not enact any ordinance,
26 resolution, or policy that limits or prohibits a law
27 enforcement officer, local officer, or local
28 government employee from communicating or cooperating
29 with federal officials with regard to the immigration
30 status of any person within this state.

31 4. Notwithstanding any other provision of law, a
32 government entity or official within the state of Iowa
33 shall not prohibit, or in any way restrict, any
34 government entity or official from sending to, or
35 receiving from, the United States department of
36 homeland security information regarding the
37 citizenship or immigration status, lawful or unlawful,
38 of any individual.

39 5. Notwithstanding any other provision of law, a
40 person or agency shall not prohibit, or in any way
41 restrict, a public employee from doing any of the
42 following with respect to information regarding the
43 immigration status, lawful or unlawful, of any
44 individual:

45 a. Sending such information to, or requesting or
46 receiving such information from, the United States

47 department of homeland security.
 48 b. Maintaining such information.
 49 c. Exchanging such information with any other
 50 federal, state, or local government entity.

Page 2

1 6. Any natural or legal person lawfully domiciled
 2 in this state may file for a writ of mandamus to
 3 compel any noncooperating local or state governmental
 4 agency to comply with this section."
 5 2. By renumbering as necessary.

T. Taylor of Linn rose on a point of order that amendment [H-8396](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8396](#) not germane.

Struyk of Pottawattamie asked for unanimous consent to suspend the rules to consider amendment [H-8396](#).

Objection was raised.

Struyk of Pottawattamie moved to suspend the rules to consider amendment [H-8396](#).

Speaker Murphy in the chair at 5:03 p.m.

Roll call was requested by Paulsen of Linn and Struyk of Pottawattamie.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment [H-8396](#)?" ([H.F. 2660](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Raecker

Rants	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Tomenga	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 4:

Gayman	Palmer	Pettengill	Staed
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The motion to suspend the rules lost.

Baudler of Adair offered amendment [H-8397](#) filed by Baudler et al., as follows:

[H-8397](#)

- 1 Amend [House File 2660](#) as follows:
- 2 1. Page 19, by inserting after line 1 the
- 3 following:
- 4 "Sec. . **NEW SECTION.** 715A.8A IDENTITY THEFT
- 5 – FALSIFYING DOCUMENTS.
- 6 It is an aggravated misdemeanor for a person to do
- 7 any of the following:
- 8 1. Make a driver's license, a nonoperator's
- 9 identification card, a blank driver's license form, or
- 10 any other form or document used to establish a
- 11 person's identity if the person has no authority or
- 12 right to make the license, card, or form in order to
- 13 assist an unauthorized alien to obtain employment.
- 14 2. Obtain, possess, or have in the person's
- 15 control or on the person's premises, driver's license
- 16 or nonoperator's identification card forms, or any
- 17 other forms or documents used to establish a person's

18 identity in order to assist an unauthorized alien to
 19 obtain employment.
 20 3. Obtain, possess, or have in the person's
 21 control or on the person's premises, a driver's
 22 license or a nonoperator's identification card, or
 23 blank driver's license or nonoperator's identification
 24 card form, or any other form or document which could
 25 be used to establish a person's identity, which has
 26 been made by a person having no authority or right to
 27 make the license, card, or form in order to assist an
 28 unauthorized alien to obtain employment.
 29 4. Use a false or fictitious name in any
 30 application for a driver's license or nonoperator's
 31 identification card or to knowingly make a false
 32 statement or knowingly conceal a material fact or
 33 otherwise commit fraud on an application in order to
 34 assist an unauthorized alien to obtain employment."
 35 2. By renumbering as necessary.

T. Taylor of Linn rose on a point of order that amendment [H-8397](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8397](#) not germane.

Baudler of Adair asked for unanimous consent to suspend the rules to consider amendment [H-8397](#).

Objection was raised.

Baudler of Adair moved to suspend the rules to consider amendment [H-8397](#).

Roll call was requested by Baudler of Adair and Paulsen of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment [H-8397](#)?" ([H.F. 2660](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner

Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Raecker
Rants	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevrt	Gaskill
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Tomenga	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 4:

Gayman	Palmer	Pettengill	Staed
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The motion to suspend the rules lost.

Baudler of Adair offered amendment [H-8398](#) filed by Baudler et al., as follows:

[H-8398](#)

1 Amend [House File 2660](#) as follows:
 2 1. Page 19, by inserting after line 1 the
 3 following:
 4 "Sec.____. Section 811.1, Code 2007, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 4. A defendant who is an
 7 identified unauthorized alien and is not lawfully
 8 present in the United States.
 9 Sec.____. NEW SECTION. 811.1B UNAUTHORIZED ALIEN
 10 – NOTIFICATION.
 11 The law enforcement agency responsible for the
 12 arrest of a defendant who has been denied bail
 13 pursuant to section 811.1, subsection 4, shall notify
 14 the United States immigration and customs enforcement

15 about the defendant who has been denied bail."
 16 2. Page 19, by inserting after line 17 the
 17 following:
 18 "Sec. ___. IMPLEMENTATION OF ACT. Section 25B.2,
 19 subsection 3, shall not apply to the sections of this
 20 Act amending section 811.1 and enacting section
 21 811.1B."
 22 3. By renumbering as necessary.

T. Taylor of Linn rose on a point of order that amendment [H-8398](#) was not germane.

CALL OF THE HOUSE

Pursuant to Rule 77, the following members respectfully request a call of the House on amendment [H-8398](#) to [House File 2660](#).

PAULSEN of Linn
 ROBERTS of Carroll
 UPMEYER of Hancock
 STRUYK of Pottawattamie
 KAUFMANN of Cedar
 RANTS of Woodbury

A roll call was taken by Speaker Murphy.

There were 99 members present.

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk

Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

Absent 1:

Pettengill

Speaker Murphy declared that all unexcused members were present.

McCarthy of Polk moved that further proceeding under the Call of the House be dispensed with.

The motion prevailed.

The House resumed consideration of [House File 2660](#), amendment [H-8398](#).

The Speaker ruled the point well taken and amendment [H-8398](#) not germane.

Baudler of Adair moved to suspend the rules to consider amendment [H-8398](#).

Roll call was requested by Baudler of Adair and Paulsen of Linn.

Rule 75 was requested.

On the question "Shall amendment [H-8398](#) be adopted?" ([H.F. 2660](#))

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Hoffman	Horbach
Huseman	Jacobs	Kaufmann	Lukan
May	Miller, L.	Olson, S.	Palmer
Paulsen	Raecker	Rants	Rasmussen

Rayhons	Roberts	Sands	Schickel
Soderberg	Staed	Struyk	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencek	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Tomenga	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 1:

Pettengill

The motion to suspend the rules lost.

Heddens of Story offered amendment [H-8430](#) filed by her and Baudler of Adair from the floor as follows:

[H-8430](#)

- 1 Amend [House File 2660](#) as follows:
- 2 1. Page 19 by inserting after line 1 the
- 3 following:
- 4 "Sec.____. Section 124.212, subsection 4,
- 5 paragraph c, Code Supplement 2007, is amended to read
- 6 as follows:
- 7 c. Pseudoephedrine. A person shall present a
- 8 government-issued photo identification card when
- 9 purchasing a pseudoephedrine product from a pharmacy.
- 10 A person shall not purchase ~~more than seven thousand~~
- 11 ~~five hundred milligrams of pseudoephedrine, either~~
- 12 ~~separately or collectively, within a thirty day period~~
- 13 ~~a quantity of pseudoephedrine in violation of section~~
- 14 ~~124.213~~ from a pharmacy, unless the person has a
- 15 prescription for a pseudoephedrine product in excess
- 16 of that quantity.
- 17 Sec.____. Section 124.213, Code 2007, is amended

18 by striking the section and inserting in lieu thereof
19 the following:

20 124.213 PSEUDOEPHEDRINE PURCHASE RESTRICTIONS FROM
21 PHARMACY OR RETAILER – PENALTY.

22 1. A person shall not purchase more than three
23 thousand six hundred milligrams of pseudoephedrine,
24 either separately or collectively, within a
25 twenty-four-hour period from a pharmacy, or more than
26 one package of a product containing pseudoephedrine
27 within a twenty-four hour period from a retailer in
28 violation of section 126.23A.

29 2. A person shall not purchase more than seven
30 thousand five hundred milligrams of pseudoephedrine,
31 either separately or collectively, within a thirty-day
32 period from a pharmacy or from a retailer in violation
33 of section 126.23A.

34 3. A person who violates this section commits a
35 serious misdemeanor.

36 Sec.____. Section 126.23A, subsection 1, paragraph
37 a, subparagraph (1), Code 2007, is amended by striking
38 the subparagraph and inserting in lieu thereof the
39 following:

40 (1) Sell more than seven thousand five hundred
41 milligrams of pseudoephedrine to the same person
42 within a thirty-day period.

43 Sec.____. Section 126.23A, subsection 1, paragraph
44 b, Code 2007, is amended to read as follows:

45 b. A retailer or an employee of a retailer shall
46 do the following:

47 (1) Provide for the sale of a pseudoephedrine
48 product in a locked cabinet or behind a sales counter
49 where the public is unable to reach the product and
50 where the public is not permitted.

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1 (2) Require a purchaser to present a
2 government-issued photo identification card
3 identifying the purchaser prior to purchasing a
4 pseudoephedrine product.

5 (3) Require the purchaser to sign a logbook and to
6 also require the purchaser to legibly print the
7 purchaser's name and address in the logbook.

8 (4) Print the name of the pseudoephedrine product
9 purchased and quantity sold next to the name of each
10 purchaser in the logbook.

11 ~~(4)~~ (5) Determine the signature in the logbook
12 corresponds with the name on the government-issued
13 photo identification card.

14 ~~(5)~~ (6) Keep the logbook ~~twelve~~ twenty-four
15 months from the date of the last entry.

16 ~~(6)~~ (7) Provide notification in a clear and

17 conspicuous manner in a location where a
18 pseudoephedrine product is offered for sale stating
19 the following:
20 Iowa law prohibits the over-the-counter purchase of
21 more than one package of a product containing
22 pseudoephedrine in a twenty-four-hour period or of
23 more than seven thousand five hundred milligrams of
24 pseudoephedrine within a thirty-day period. If you
25 purchase a product containing pseudoephedrine, you are
26 required to sign a logbook which may be accessible to
27 law enforcement officers.
28 (8) Provide notification affixed to the logbook
29 stating that a purchaser entering a false statement or
30 misrepresentation in the logbook may subject the
31 purchaser to criminal penalties under state or federal
32 law.
33 (9) Disclose logbook information as provided by
34 state and federal law.
35 (10) Comply with training requirements pursuant to
36 federal law."
37 2. By renumbering as necessary.

Raecker of Polk rose on a point of order that amendment [H-8430](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8430](#) not germane.

L. Miller of Scott offered the following amendment [H-8343](#), previously deferred, filed by her and Abdul-Samad of Polk and moved its adoption:

[H-8343](#)

1 Amend [House File 2660](#) as follows:
2 1. Page 19, by inserting after line 1 the
3 following:
4 "Sec. ___. Section 135.11, Code Supplement 2007,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 32. In consultation with the
7 department of corrections, the antibiotic resistance
8 task force, and the American federation of state,
9 county and municipal employees, develop educational
10 programs to increase awareness and utilization of
11 infection control practices in institutions listed in
12 section 904.102."

Amendment [H-8343](#) was adopted.

T. Taylor of Linn 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. 2660](#))

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Raecker
Rants	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

Absent or not voting, 1:

Pettengill

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 2660](#) be immediately messaged to the Senate.

[HOUSE FILE 2652](#) REREFERRED

The Speaker announced that [House File 2652](#), previously referred to committee on **appropriations** was rereferred to committee on **ways and means**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 7th day of April, 2008: House Files 2119, 2195, 2196, 2364, 2407, 2423, 2452, 2551, 2553, 2554, 2609, 2626 and 2642.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Report of the Early Termination Programs, pursuant to Chapter 7E.5(1b), Code of Iowa.

Review of Affirmative Action in the Executive Branch of State Government, pursuant to Chapter 19B, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual report on Pilot Project Program, pursuant to Chapter 7E.5(1g), Code of Iowa.

DEPARTMENT OF EDUCATION

Statewide Voluntary Preschool Programs for Four-Year-Olds preliminary report, pursuant to Chapters 216.9 and 256.10(2), Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Report from the commission on the Status of Women, pursuant to Chapter 216A.1, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Report on Mental Health System Improvement, pursuant to Chapter 225C, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Annual report of the Oil Overcharge Restitution Program, pursuant to Chapter 473.11, Code of Iowa.

Report on Household Hazardous Materials Programs, pursuant to Chapter 455B.381, Code of Iowa.

DEPARTMENT OF REVENUE
Iowa Capital Investment Board

Annual report, pursuant to Chapter 15E.46, Code of Iowa.

IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM

Final report, pursuant to Chapter 97B.4(4)(a), Code of Iowa.

OFFICE OF DRUG CONTROL POLICY

2008 Drug Control Strategy, pursuant to Chapter 126, Code of Iowa.

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

- | | |
|-----------|--|
| 2008\2677 | Ethel Stephens, Sioux City – For celebrating her 90 th birthday. |
| 2008\2678 | Sam Vander Schaaf, Rock Valley – For celebrating his 97 th birthday. |
| 2008\2679 | Hessel and Anna De Jong, Rock Rapids – For celebrating their 70 th wedding anniversary. |

- 2008\2680 Harold and Barbara Kline, Atalissa – For celebrating their 50th wedding anniversary.
- 2008\2681 Mr. and Mrs. Walter Abels, Davenport – For celebrating their 50th wedding anniversary.
- 2008\2682 Mr. and Mrs. Lawrence Dorgan, Davenport – For celebrating their 50th wedding anniversary.
- 2008\2683 Brad Vermeer, Sioux Center – For receiving the Golden Cleat Award from the Iowa Sports Turf Managers Association.
- 2008\2684 Harlyn Kempema, Rock Valley – For his 36 years of dedicated service with Hope Haven.
- 2008\2685 Natalie Weires, Hempstead High School, Dubuque – For receiving a perfect test score on her ACT.
- 2008\2686 Eileen Arends, Hawarden – For celebrating her 80th birthday.
- 2008\2687 Ty Zirker, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2688 Celina Rubio, Dubuque – For winning the Curator Book Award for her clay sculpture at the National K-12 Ceramics Exhibition.
- 2008\2689 Jonathan Novander, Dubuque – For receiving the Certificate of Artistic Merit for his Herbert Hoover mask at the National K-12 Ceramics Exhibition.

SUBCOMMITTEE ASSIGNMENT

[House File 2675](#)

Labor: T. Taylor, Chair; Hunter and Watts.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

[H.S.B. 789](#) Appropriations

Relating to and making appropriations for health and human services and including other related provisions and appropriations, making penalties applicable and providing effective, retroactive, and applicability date provisions.

RESOLUTIONS FILED

[HR 145](#), by Petersen, a resolution in recognition of the life and work of Dr. Kenneth Jernigan and the Iowa Department for the Blind.

Laid over under **Rule 25.**

[HR 146](#), by Foege and Grassley, a resolution honoring Wartburg College's wrestling team for winning the National Collegiate Athletic Association Division III Wrestling Championship.

Laid over under **Rule 25.**

[HR 147](#), by Granzow and Smith, a resolution recognizing the 50th anniversary of the Iowa Rose Festival in State Center.

Laid over under **Rule 25.**

AMENDMENTS FILED

<u>H-8415</u>	<u>S.F. 2350</u>	Huser of Polk
<u>H-8416</u>	<u>S.F. 2122</u>	S. Olson of Clinton
<u>H-8417</u>	<u>S.F. 2122</u>	Alons of Sioux
<u>H-8418</u>	<u>H.F. 2651</u>	Paulsen of Linn
<u>H-8419</u>	<u>H.F. 2651</u>	S. Olson of Clinton
<u>H-8420</u>	<u>H.F. 2651</u>	Alons of Sioux
<u>H-8423</u>	<u>S.F. 2400</u>	Hunter of Polk
<u>H-8424</u>	<u>S.F. 2400</u>	Hunter of Polk
<u>H-8425</u>	<u>S.F. 2193</u>	Baudler of Adair
<u>H-8426</u>	<u>H.F. 2412</u>	Baudler of Adair
<u>H-8427</u>	<u>H.F. 2610</u>	Dandekar of Linn
<u>H-8428</u>	<u>S.F. 2216</u>	Alons of Sioux
<u>H-8429</u>	<u>S.F. 2216</u>	Tymeson of Madison
<u>H-8431</u>	<u>H.F. 2412</u>	Kaufmann of Cedar
<u>H-8432</u>	<u>S.F. 2216</u>	Raecker of Polk
		Quirk of Chickasaw
		Mertz of Kossuth
		Bailey of Hamilton
		Chambers of O'Brien
		Dandekar of Linn
		Kelley of Black Hawk
		Huser of Polk
		Tymeson of Madison
		Wise of Lee
<u>H-8433</u>	<u>S.F. 2400</u>	Gaskill of Wapello
<u>H-8434</u>	<u>S.F. 2216</u>	Raecker of Polk

On motion by McCarthy of Polk the House adjourned at 6:18 p.m., until 9:00 a.m., Tuesday, April 8, 2008.