

PROOF

STATE OF IOWA

House Journal

TUESDAY, APRIL 21, 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

One Hundredth Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 21, 2009

The House met pursuant to adjournment at 9:20 a.m., Speaker Murphy in the chair.

The prayer was led by the honorable Dolores Mertz, state representative from Kossuth County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jacob Canny from Ottumwa. He is the grandson of Representative Mary Gaskill of Wapello County.

The Journal of Monday, April 20, 2009 was approved.

MESSAGE 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 20, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 712](#), a bill for an act relating to a private cause of action for certain consumer fraud violations and providing an applicability provision.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF [HOUSE RESOLUTION 47](#)

T. Taylor of Linn, Kearns of Lee, Gayman of Scott, T. Olson of Linn Steckman of Cerro Gordo, Schueller of Jackson, Koester of Polk, Ficken of Buchanan, Isenhart of Dubuque and Hunter of Polk called up for consideration [House Resolution 47](#), a resolution urging the spending of federal economic recovery funds on products that are made and services that are performed in the United States, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONFERENCE COMMITTEE APPOINTED
([House File 671](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [House File 671](#): Bukta of Clinton, Chair; Kressig of Black Hawk, Burt of Black Hawk, Worthan of Buena Vista and Lukan of Dubuque.

On motion by McCarthy of Polk, the House was recessed at 9:28 a.m., until 11:00 a.m.

MORNING SESSION

The House reconvened at 11:14 a.m., Zirkelbach of Jones in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Alons of Sioux, Forristall of Pottawattamie, Pettengill of Benton and Rants of Woodbury, on request of Upmeyer of Hancock; Thomas of Clayton, until his return, on request of McCarthy of Polk; Van Engelenhoven of Marion, until his return, on request of Arnold of Lucas.

HOUSE REFUSED TO CONCUR

Kressig of Black Hawk called up for consideration [Senate File 437](#), a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-1560](#) to the House amendment:

[H-1560](#)

- 1 Amend the amendment, [S-3207](#), to [Senate File 437](#), as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 27.
- 4 2. Page 1, by inserting after line 29 the
- 5 following:
- 6 "Sec. ____ Section 331.325, subsection 1, Code
- 7 2009, is amended to read as follows:
- 8 1. As used in this section, "pioneer cemetery"

9 means a cemetery where there have been ~~six~~ twelve or
10 fewer burials in the preceding fifty years."
11 3. Page 1, by striking line 42 and inserting the
12 following: "gather for minor or ministerial matters".
13 4. Page 1, by inserting after line 49 the
14 following:
15 "Sec. _____. Section 523I.102, subsection 39, Code
16 2009, is amended to read as follows:
17 39. "Pioneer cemetery" means a cemetery where
18 there were ~~six~~ twelve or fewer burials in the
19 preceding fifty years."
20 5. Page 2, by striking lines 1 through 3 and
21 inserting the following: "inserting the following:
22 "An Act relating to the activities of governmental
23 entities by amending provisions relating to public
24 access to meetings and records and by modifying
25 provisions relating to cemeteries under the control of
26 certain governmental entities.""
27 6. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment [H-1560](#), to the House amendment.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 437](#) be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Berry of Black Hawk called up for consideration [House File 562](#), a bill for an act relating to the council on human services and the state child care advisory council, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1443](#):

[H-1443](#)

1 Amend [House File 562](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 25 through 27 and
4 inserting the following: "appointment to the
5 council."
6 2. Page 2, line 13, by inserting before the words
7 "a family" the following: "a provider who is exempt
8 from licensing or registration under this chapter or".

The motion prevailed and the House concurred in the Senate amendment [H-1443](#).

Berry of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, 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. 562](#))

The ayes were, 89:

Anderson	Arnold	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
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	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach, Presiding			

The nays were, none.

Absent or not voting, 11:

Abdul-Samad	Alons	Chambers	Ford
Forristall	McCarthy	Pettengill	Rants
Smith	Thomas	Van Engelenhoven	

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

On motion by McCarthy of Polk, the House was recessed at 11:25 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:30 p.m., Speaker Murphy in the chair.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 562](#) be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rayhons of Hancock through Friday, April 24, 2009, on request of Paulsen of Linn.

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 21, 2009, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

[Senate File 457](#), a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions.

Also: That the Senate has on April 21, 2009, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

[Senate File 475](#), a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

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 21st day of April, 2009: House Files 321, 496, 505 and 720.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 20, 2009, he approved and transmitted to the Secretary of State the following bills:

[House File 266](#), an Act relating to recording proceedings before a magistrate.

[House File 468](#), an Act creating an unsewered community revolving loan program and fund.

[House File 697](#), an Act relating to interference with judicial acts, and providing a penalty.

[House File 762](#), an Act relating to reserve certified peace officers and training requirements.

[Senate File 339](#), an Act relating to wastewater treatment and providing an effective date.

[Senate File 420](#), an Act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

[Senate File 447](#), an Act concerning off-premises consumption of resealed bottles of wine.

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\3690 Arley Bowman, Sioux City – For celebrating her 80th birthday.
- 2009\3691 Roger and Della McCoy, Sioux City – For celebrating their 60th wedding anniversary.
- 2009\3692 Virgil and Phyllis Boisen, Durant – For celebrating their 60th wedding anniversary.
- 2009\3693 Robert and Bonnie Anderson, Davenport – For celebrating their 50th wedding anniversary.
- 2009\3694 Donald and Irene Salow, Manchester – For celebrating their 60th wedding anniversary.
- 2009\3695 Anthony (Bud) and Esther Goedken, Manchester – For celebrating their 50th wedding anniversary.
- 2009\3696 Una Zimmerman Voelker, Manchester – For celebrating her 90th birthday.
- 2009\3697 Elva June Gibson, Panora – For celebrating her 90th birthday.
- 2009\3698 Elsie Hansen, Audubon – For celebrating her 90th birthday.
- 2009\3699 Ellen Campbell, Guthrie Center – For celebrating her 90th birthday.
- 2009\3700 Bea Millholin, Guthrie Center – For celebrating her 80th birthday.
- 2009\3701 Grace Voetberg, Rock Valley – For celebrating her 90th birthday.
- 2009\3702 Jim and Peggy Oetker, Cumming – For celebrating their 60th wedding anniversary.
- 2009\3703 Norbert and Phyllis Tigges, Dexter – For celebrating their 60th wedding anniversary.
- 2009\3704 Kenneth and Rose Zieser, Coggon – For celebrating their 50th wedding anniversary.
- 2009\3705 Ivan “Corky” and Linda Martin, Muscatine – For celebrating their 50th wedding anniversary.
- 2009\3706 Eldon and Janice Estabrook, Muscatine – For celebrating their 50th wedding anniversary.
- 2009\3707 David L. and Judith K. Hanks, Burlington – For celebrating their 50th wedding anniversary.
- 2009\3708 Irvin and Ruth Stein, Burlington – For celebrating their 60th wedding anniversary.
- 2009\3709 Fern E. Munday, Muscatine – For celebrating her 90th birthday.

- 2009\3710 Walt Brice, Burlington – For celebrating his 80th birthday.
- 2009\3711 Darrel Bell, Lone Tree – For celebrating his 80th birthday.
- 2009\3712 Darrell and Carol Needham, Greene – For celebrating their 60th wedding anniversary.
- 2009\3713 Darrell Needham, Greene – For celebrating his 80th birthday.
- 2009\3714 Dallas and Darlene Williams, New Providence – For celebrating their 60th wedding anniversary.
- 2009\3715 Lorraine Chizek, Britt – For celebrating her 75th birthday.
- 2009\3716 Donald and Lola Eisenman, Britt – For celebrating their 60th wedding anniversary.
- 2009\3717 Alan and Frances Doughan, Britt – For celebrating their 60th wedding anniversary.
- 2009\3718 Leroy Edmondson, Keswick – For celebrating his 90th birthday.
- 2009\3719 Winifred Wehr, Sigourney – For celebrating her 90th birthday.
- 2009\3720 Esther Heisdorffer, Sigourney – For celebrating her 85th birthday.
- 2009\3721 Martha Fay Zimmermann, Muscatine – For celebrating her 100th birthday.
- 2009\3722 Marshall Robert Moyer, Burlington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3723 Otis and Rita Sebastian, Newhall – For celebrating their 50th wedding anniversary.
- 2009\3724 Carroll and Evelyn Border, Belle Plaine – For celebrating their 55th wedding anniversary.
- 2009\3725 Thomas Gregory, Boy Scout Troop 95 – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3726 Sam Harmon, Boy Scout Troop 95 – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3727 Erran Holtz, Boy Scout Troop 95 – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3728 Alex Lee Leeper, Adair – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2009\3729 Jessie Scott Leeper, Adair – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3730 Timothy James Claussen, Adair – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3731 Benjamin Leroy William Wilson, Adair – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3732 Paul and Julie Saeugling, Dubuque – For celebrating their 50th wedding anniversary.
- 2009\3733 Clarence and Sharon Faust, Dubuque – For celebrating their 50th wedding anniversary.
- 2009\3734 Loras and Darlene Flynn, Dubuque – For celebrating their 50th wedding anniversary.
- 2009\3735 Spencer Hurley-Boyd, Woodward Academy – For his personal growth and accomplishments while participating at Woodward Academy, and for being selected Team Captain of the Woodward-Granger High School Football Team and receiving All-State honors.
- 2009\3736 Woodward Academy Knights Powerlifting Team, Woodward Academy – For winning their 4th consecutive USAPL High School National Powerlifting Championship in Killeen, Texas on April 3-5, 2009.
- 2009\3737 Don and Judi Brobston, Libertyville – For celebrating their 50th wedding anniversary.
- 2009\3738 Don and Dolores Brown, Birmingham – For celebrating their 50th wedding anniversary.
- 2009\3739 Ronald and Beverly Bengé, Douds – For celebrating their 50th wedding anniversary.
- 2009\3740 Ralph and Betty Gonterman, Birmingham – For celebrating their 60th wedding anniversary.
- 2009\3741 Wilbur and Ida Mae Schultz, Elkader – For celebrating their 65th wedding anniversary.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Bill (Formerly LSB 2731YC), relating to an annual budget for the daily operations of the House of Representatives.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 2009.

RESOLUTION FILED

[HR 50](#), by committee on administration and rules, a resolution relating to an annual budget for the daily operations of the House of Representatives.

Placed on the **calendar**.

AMENDMENTS FILED

H-1652	S.F. 484	Jacoby of Johnson
H-1653	H.F. 807	Jacoby of Johnson
H-1654	S.F. 475	Senate Amendment
H-1655	S.F. 457	Senate Amendment

On motion by McCarthy of Polk the House adjourned at 3:30 p.m., until 2:30 p.m., Wednesday, April 22, 2009.