

PROOF

STATE OF IOWA

House Journal

THURSDAY, FEBRUARY 5, 2009

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(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 5, 2009

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

Prayer was offered by Reverend Jonathon Kosec, pastor of Wayne Zion Lutheran Church, Monticello. He was the guest of Representative Ray Zirkelbach of Jones County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nicole Westergaard, House Page from Newell.

The Journal of Wednesday, February 4, 2009 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster, Mertz of Kossuth and Bailey of Hamilton on request of Speaker Murphy.

INTRODUCTION OF BILLS

[House File 210](#), by Sands and Windschitl, a bill for an act relating to smoking in certain indoor areas based on the age of those invited and allowed entrance.

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

[House File 211](#), by Bailey, Arnold, Beard, Bell, Berry, Bukta, De Boef, Deyoe, Dolecheck, Drake, Forristall, Frevert, Hagenow, Heaton, Helland, Horbach, Huseman, Huser, Kaufmann, Kearns, Kelley, Kressig, Lykam, Marek, Mertz, H. Miller, R. Olson, S. Olson, Pettengill, Quirk, Rants, Rayhons, Sands, Schueller, Schultz, Soderberg, Steckman, Struyk, Swaim, Sweeney, D. Taylor, Thomas, Tjepkes, Tymeson, Van Engelenhoven, Watts, Wendt, Wenthe,

Whitaker, Windschitl and Zirkelbach, a bill for an act relating to the regulation of smoking in outdoor areas of bars and restaurants and in theaters.

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

[House File 212](#), by Sands, a bill for an act relating to property taxes by linking the assessment limitations of certain classes of property, and including effective date and retroactive applicability date provisions.

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

[House File 213](#), by committee on state government, a bill for an act relating to electrician licensure by modifying existing provisions and specifying new classifications.

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

[House File 214](#), by committee on veterans affairs, a bill for an act establishing the interstate compact on educational opportunity for military children and providing an effective date.

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

SENATE MESSAGES CONSIDERED

[Senate File 50](#), by committee on state government, a bill for an act relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

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

[Senate File 51](#), by committee on state government, a bill for an act relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date.

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

[Senate File 52](#), by committee on state government, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

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

CONSIDERATION OF BILLS
Regular Calendar

[House File 180](#), a bill for an act providing for the development of a complaint response process by the superintendent of credit unions and relating to the confidentiality of information obtained during the course of that process, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 180](#))

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Bailey Chambers Mertz Miller, H.
Struyk

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

On motion by McCarthy of Polk, the House was recessed at 9:23 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:12 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

[House File 215](#), by Frevert, a bill for an act relating to reimbursement of nonparticipating providers for expansion population benefits provided to IowaCare program members, and creating a nonparticipating provider compensation fund.

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

[House File 216](#), by Arnold, Kaufmann, Swaim and Huser, a bill for an act relating to what constitutes a pioneer cemetery.

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

[House File 217](#), by Wagner, Schulte, D. Taylor, Paulsen, T. Taylor and T. Olson, a bill for an act relating to compensation paid to county supervisors.

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

[House File 218](#), by Windschitl, Alons, Huseman, Struyk, Soderberg, Baudler, Dolecheck, Worthan, Pettengill, De Boef, Sands, May, Kaufmann, Raecker, Helland, Swaim, Arnold and Drake, a bill for an act providing for the establishment of an Iowa veterans college loan repayment program.

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

[House File 219](#), by Struyk, a bill for an act relating to the exclusion of stipends or remuneration paid to volunteer fire fighters from the state individual income tax and including a retroactive applicability date provision.

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

[House File 220](#), by Windschitl, Dolecheck, May, Pettengill, Hagenow, De Boef, Baudler, Helland, Soderberg, Sands, Kaufmann, L. Miller, Swaim, Alons and Drake, a bill for an act relating to children subject to a child in need of assistance removal order relating to the use or presence of methamphetamine.

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

[House File 221](#), by Schueller, a bill for an act exempting the instructional support property tax levy of a school district from being collected as part of the incremental taxes paid to a municipality for an urban renewal area and providing for the Act's applicability.

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

[House File 222](#), by T. Taylor, a bill for an act relating to safe walkways for railroad workers and making penalties applicable.

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

[House File 223](#), by Sands, a bill for an act providing restrictions on nuisance actions or proceedings involving farm operations.

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

COMMUNICATIONS RECEIVED

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

CRIMINAL AND JUVENILE JUSTICE PLANNING

Report of the Sex Offender Research Council, pursuant to Chapter 709, Code of Iowa.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual Recycled Products report, pursuant to Chapter 8A.315, Code of Iowa.

Annual report, pursuant to Chapter 8, Code of Iowa.

2008 annual comprehensive financial report, pursuant to Chapter 8, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

2008 annual report, pursuant to Chapter 15.104(9), Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Annual report, pursuant to Chapter 216, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Voluntary Employee-Sponsored Health Care Coverage Demonstration Project-Non-licensed Direct Care Workers, pursuant to Chapter 217, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Sustainable funding report, pursuant to Chapter 455A, Code of Iowa.

DEPARTMENT OF REVENUE

Tax Credits Tracking and Analysis Program

Biofuel Retailers Tax Credits Evaluation Study, pursuant to Chapter 422, Code of Iowa.

STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

Second annual report, pursuant to 2007 Iowa Acts.

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\1509 John and Kay Van Ryswyk, Monroe – For celebrating their 50th wedding anniversary.
- 2009\1510 Allyson Hovda, Cedar Rapids – For recognition for being crowned Miss Iowa Teen USA 2009 and will represent the state at the 2009 Miss Teen USA Pageant.
- 2009\1511 Emma deNeui, Ackley – For celebrating her 101st birthday.
- 2009\1512 Thelma Rae Long, Conrad – For celebrating her 90th birthday.
- 2009\1513 Raymond and Betty Cooper, Indianola – For celebrating their 60th wedding anniversary.
- 2009\1514 Leo and Gay Nelle Holzmer, Rogers, Arkansas – For celebrating their 50th wedding anniversary.
- 2009\1515 Don and Janice Lyons, Dysart – For celebrating their 50th wedding anniversary.
- 2009\1516 Dan Otto, Everly – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1517 Ben Blair, Everly – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1518 Ella Wheeler, Spencer – For celebrating her 100th birthday.
- 2009\1519 Leslie and Luella Neubauer, Battle Creek – For celebrating their 65th wedding anniversary.
- 2009\1520 Erwin and Margie Moeller, Denison – For celebrating their 50th wedding anniversary.
- 2009\1521 Milfred Nemitz, Denison – For celebrating his 80th birthday.
- 2009\1522 Delmar (Jack) and Betty Robertson, Hiawatha – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House Joint Resolution 4](#)

Education: Winckler, Chair; Dolecheck and Wendt.

[House File 143](#)

Public Safety: Reichert, Chair; Lykam and Rayhons.

[House File 149 Reassigned](#)

Local Government: D. Olson, Chair; Cohoon and Deyoe.

[House File 166](#)

Education: Mascher, Chair; Koester and Palmer.

[House File 174](#)

Commerce: Petersen, Chair; T. Olson and Windschitl.

[House File 177](#)

Commerce: Petersen, Chair; Oldson and Soderberg.

[House File 182](#)

Education: Steckman, Chair; Koester and Winckler.

[House File 183](#)

Education: Winckler, Chair; Tymeson and Willems.

[House File 186](#)

Education: Winckler, Chair; L. Miller and Willems.

[House File 187](#)

Human Resources: Mascher, Chair; Forristall and Petersen.

[House File 188](#)

Education: Thede, Chair; Schulte and Wendt.

[House File 189](#)

Natural Resources: Mertz, Chair; Arnold and Lykam.

[House File 190](#)

Natural Resources: Whitaker, Chair; Arnold and Palmer.

[House File 191](#)

Education: Raecker, Chair; Ficken and Wendt.

[House File 192](#)

Commerce: Reichert, Chair; D. Olson, Soderberg, D. Taylor and Wagner.

[House File 194](#)

Education: Winckler, Chair; Mascher and Tymeson.

[House File 195](#)

State Government: Isenhart, Chair; Gaskill and Pettengill.

[House File 198](#)

State Government: Quirk, Chair; Roberts and Willems.

[House File 199](#)

Education: Willems, Chair; Cownie and Thede.

[House File 201](#)

Commerce: Reichert, Chair; D. Olson, Petersen, Soderberg and Wagner.

[House File 203](#)

Natural Resources: Palmer, Chair; Deyoe and Zirkelbach.

[House File 207](#)

Natural Resources: Whitaker, Chair; Schultz and Steckman.

[House File 210](#)

Commerce: Petersen, Chair; T. Olson and Windschitl.

[House File 211](#)

Commerce: Petersen, Chair; T. Olson and Windschitl.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 146](#)

Human Resources: Petersen, Chair; Heaton and Steckman.

[House Study Bill 147](#)

Human Resources: Hunter, Chair; Abdul-Samad and Soderberg.

[House Study Bill 148](#)

Agriculture: Mertz, Chair; Bailey and Drake.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 149](#) **Labor**

Requiring the payment of local prevailing wage rates to persons working on public improvements for public bodies, and providing penalties and effective and applicability dates.

[H.S.B. 150](#) **Commerce**

Establishing an energy efficiency savings standard applicable to gas and electric public utilities.

[H.S.B. 151](#) **Commerce**

Relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; examination of insurance companies; articles of incorporation filing requirements; viatical settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation, merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and providing for retroactive applicability.

[H.S.B. 152](#) **Commerce**

Relating to the regulation of the business of debt management and making penalties applicable.

[H.S.B. 153](#) **Commerce**

Relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates.

H.S.B. 154 Commerce

Prohibiting declaration of value forms for the conveyance of real estate to include social security numbers.

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

Committee Bill (Formerly [House Study Bill 144](#)), relating to joint rules of the Senate and House of Representatives for the Eighty-third General Assembly.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2009.

Committee Bill (Formerly [House Study Bill 145](#)), relating to permanent rules of the House for the Eighty-third General Assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 2009.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly [House Study Bill 109](#)), 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** February 5, 2009.

COMMITTEE ON EDUCATION

Committee Bill (Formerly [House Study Bill 4](#)), relating to the disposition of school property and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 2009.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly [House File 139](#)), requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2009.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly [House Study Bill 31](#)), relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

Fiscal note is required.

Recommended **Do Pass** February 5, 2009.

Committee Bill (Formerly [House Study Bill 139](#)), relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2009.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly [House File 59](#)), relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2009.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly [House Study Bill 10](#)), exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2009.

RESOLUTIONS FILED

[HCR 3](#), by committee on administration and rules, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-third General Assembly.

Placed on the **calendar**.

[HR 8](#), by committee on administration and rules, a resolution relating to permanent rules of the House for the eighty-third general assembly.

Placed on the **calendar**.

On motion by McCarthy of Polk the House adjourned at 4:14 p.m., until 1:00 p.m., Monday, February 9, 2009.