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**STATE OF IOWA**

**House Journal**

**THURSDAY, FEBRUARY 7, 2008**

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# JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 7, 2008

The House met pursuant to adjournment at 9:12 a.m., Speaker Murphy in the chair.

Prayer was offered by Dr. David Ruhe, pastor of Plymouth Congregational Church, Des Moines. He is the guest of Representative Libby Jacobs of Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Jonathan Sukup from Sheffield.

The Journal of Wednesday, February 6, 2008 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Page on request of Roberts of Carroll.

## INTRODUCTION OF BILLS

[House File 2282](#), by Kelley, Reichert, Staed, and Wenthe, a bill for an act relating to the sentencing of a person convicted of a sexually predatory offense.

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

[House File 2183](#), by Reichert, a bill for an act authorizing utilization of physical plant and equipment levy revenue to guarantee school district energy savings contracts.

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

[House File 2184](#), by Arnold, a bill for an act relating to establishment of residency for purposes of the state's hunting and fishing regulations.

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

[House File 2185](#), by Reasoner, a bill for an act relating to approval of proposed urban renewal plans and amendments to urban renewal plans, and including effective and applicability date provisions.

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

[House File 2186](#), by L. Miller, a bill for an act relating to the administration of epinephrine in schools, and providing effective and applicability dates.

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

[House File 2187](#), by Baudler, a bill for an act relating to bail restrictions imposed against a person who is an unauthorized alien.

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

[House File 2188](#), by Whitead, a bill for an act relating to economic development urban renewal areas and including an effective date provision.

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

[House File 2189](#), by committee on judiciary, a bill for an act relating to the regulation and certification of shorthand reporters and the appropriation of fees to offset costs.

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

[House File 2190](#), by Gaskill, a bill for an act relating to certain local hotel and motel tax elections.

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

[House File 2191](#), by Zirkelbach, Bukta, D. Taylor, Wise, Shomshor, Reasoner, Schueller, Smith, Quirk, Davitt, D. Olson, Bailey, Lensing, Wessel-Kroeschell, Hunter, Wendt, Thomas, Murphy, Mertz, Mascher, Heddens, Gaskill, Kuhn, H. Miller, Bell, Berry, Frevert, Whitead, Lykam, Whitaker, Gayman, Winckler, Kelley, Foege, and Reichert, a bill for an act prohibiting the sale at retail of designated flags manufactured outside of the United States and establishing a penalty.

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

[House File 2192](#), by Kuhn and Gaskill, a bill for an act providing for separation distance requirements between a structure associated with a confinement feeding operation and a wetland designated as protected by the department of natural resources, and making penalties applicable.

Read first time and referred to committee on **environmental protection**.

## CONSIDERATION OF BILLS Regular Calendar

[Senate File 261](#), a bill for an act requiring certain private sewage disposal system-related inspections to be conducted when certain property is sold or transferred and including an effective date provision, with report of committee recommending amendment and passage, was taken up for consideration.

Kressig of Black Hawk offered the following amendment [H-8005](#) filed by the committee on environmental protection and moved its adoption:

### [H-8005](#)

- 1 Amend [Senate File 261](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, line 1, by striking the figure "2008"
- 4 and inserting the following: "2009".

The committee amendment [H-8005](#) was adopted.

Sands of Louisa offered amendment [H-8010](#) filed by him as follows:

[H-8010](#)

1 Amend [Senate File 261](#), as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. NEW SECTION. 16.135 UNSEWERED  
6 COMMUNITY REVOLVING LOAN PROGRAM – FUND.

7 1. The authority shall establish and administer an  
8 unsewered community revolving loan program.  
9 Assistance under the program shall consist of  
10 no-interest loans with a term not to exceed forty  
11 years and shall be used for purposes of installing  
12 sewage disposal systems in a city without a sewage  
13 disposal system or in an area where a cluster of homes  
14 is located.

15 2. An unsewered community may apply for assistance  
16 under the program. In awarding assistance, the  
17 authority shall encourage the use of innovative,  
18 cost-effective sewage disposal systems and  
19 technologies. The authority shall adopt rules that  
20 prioritize applications for disadvantaged unsewered  
21 communities.

22 3. For purposes of this section, "an area where a  
23 cluster of homes is located" means an area located in  
24 a county which includes six or more homes but less  
25 than five hundred homes.

26 4. An unsewered community revolving loan fund is  
27 created in the state treasury under the control of the  
28 authority and consisting of moneys appropriated by the  
29 general assembly and any other moneys available to and  
30 obtained or accepted by the authority for placement in  
31 the fund.

32 5. Repayments of moneys loaned and recaptures of  
33 loans shall be deposited in the fund.

34 6. Moneys in the fund shall be used to provide  
35 assistance under the unsewered community revolving  
36 loan program established in this section.

37 7. Moneys in the fund are not subject to section  
38 8.33. Notwithstanding section 12C.7, interest or  
39 earnings on moneys in the fund shall be credited to  
40 the fund."

41 2. Title page, line 1, by inserting after the  
42 word "Act" the following: "relating to sewage by  
43 creating an unsewered community revolving loan program  
44 and fund and by".

45 3. By renumbering as necessary.

Kressig of Black Hawk rose on a point of order that amendment [H-8010](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8010](#) not germane.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-8009](#) filed by Alons of Sioux et al., on February 4, 2008.

Sands of Louisa offered the following amendment [H-1442](#) filed by him and moved its adoption:

[H-1442](#)

- 1 Amend [Senate File 261](#) as follows:
- 2 1. Page 1, by striking lines 6 through 26 and
- 3 inserting the following: "system serving the building
- 4 inspected prior to July 1, 2017."
- 5 2. Page 2, by striking lines 5 through 7 and
- 6 inserting the following: "adopted by the department
- 7 within a reasonable time period as determined by the
- 8 department. The department shall prioritize the
- 9 renovation requirements schedule. The highest
- 10 priority systems for renovation shall be those that
- 11 are located nearest to public lakes and high quality
- 12 water resources as determined by the department. The
- 13 next highest priority shall be those that are located
- 14 nearest to public waters that have human sources of
- 15 bacteriological or pathogen impairments as determined
- 16 by the department. If moneys are not available
- 17 through the on-site wastewater systems assistance fund
- 18 established in section 466.9, renovations shall not be
- 19 required until financial assistance through those
- 20 programs are available. If the private".
- 21 3. Page 2, by striking lines 31 through 34.

A non-record roll call was requested.

The ayes were 43, nays 52.

Amendment [H-1442](#) lost.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-8008](#) filed by her on February 4, 2008.

Huser of Polk offered amendment [H-8012](#) filed by her as follows:

[H-8012](#)

1 Amend [Senate File 261](#), as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 25 and 26 and  
4 inserting the following: "For the purposes of this  
5 subsection, "transfer" means the transfer or  
6 conveyance by sale, exchange, real estate contract, or  
7 any other method by which real estate and improvements  
8 are purchased, if the property includes at least one  
9 but not more than four dwelling units. However,  
10 "transfer" does not include any of the following:

11 (1) A transfer made pursuant to a court order,  
12 including but not limited to a transfer under chapter  
13 633 or 633A, the execution of a judgment, the  
14 foreclosure of a real estate mortgage pursuant to  
15 chapter 654, the forfeiture of a real estate contract  
16 under chapter 656, a transfer by a trustee in  
17 bankruptcy, a transfer by eminent domain, or a  
18 transfer resulting from a decree for specific  
19 performance.

20 (2) A transfer to a mortgagee by a mortgagor or  
21 successor in interest who is in default, or a transfer  
22 by a mortgagee who has acquired real property at a  
23 sale conducted pursuant to chapter 654, a transfer  
24 back to a mortgagor exercising a right of first  
25 refusal pursuant to section 654.16A, a nonjudicial  
26 voluntary foreclosure procedure under section 654.18  
27 or chapter 655A, or a deed in lieu of foreclosure  
28 under section 654.19.

29 (3) A transfer by a fiduciary in the course of the  
30 administration of a decedent's estate, guardianship,  
31 conservatorship, or trust.

32 (4) A transfer between joint tenants or tenants in  
33 common.

34 (5) A transfer made to a spouse, or to a person in  
35 the lineal line of consanguinity of a person making  
36 the transfer.

37 (6) A transfer between spouses resulting from a  
38 decree of dissolution of marriage, a decree of legal  
39 separation, or a property settlement agreement which  
40 is incidental to the decree, including a decree  
41 ordered pursuant to chapter 598."

42 2. Page 1, by inserting before line 27 the  
43 following:

44 "aa. The inspection requirement of paragraph "a"  
45 does not apply to a transfer in which the transferee  
46 intends to demolish or raze the building. The  
47 department shall adopt rules pertaining to such

48 transfers."

49 3. Page 1, line 31, by deleting the words "one  
50 year" and inserting the following: "five years".

Page 2

1 4. By renumbering as necessary.

Kressig of Black Hawk offered the following amendment [H-8014](#), to amendment [H-8012](#), filed by him and moved its adoption:

[H-8014](#)

1 Amend the amendment [H-8012](#), to [Senate File 261](#), as  
2 passed by the Senate, as follows:  
3 1. Page 1, line 50, by striking the word "five"  
4 and inserting the following: "three".

Amendment [H-8014](#) was adopted.

On motion by Huser of Polk, amendment [H-8012](#), as amended, was adopted.

Alons of Sioux offered the following amendment [H-8013](#) filed by him and moved its adoption:

[H-8013](#)

1 Amend [Senate File 261](#), as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 27 the  
4 following:  
5 "aa. The inspection requirement of paragraph "a"  
6 does not apply to transfers of a single-family  
7 residence on a parcel consisting of three acres or  
8 more as long as none of the following conditions  
9 exist:  
10 (1) The parcel is located in a county requiring  
11 inspections at the time of transfer as of July 1,  
12 2008.  
13 (2) The parcel is located adjacent to a lake that  
14 is operated by the United States army corps of  
15 engineers or by a public utility.  
16 (3) The discharge points of the sewage disposal  
17 system are located within ten feet of an adjoining  
18 property.  
19 (4) Effluent is flowing onto an adjoining property  
20 or contaminating surface water or groundwater.  
21 (5) The system is creating a nuisance, as

22 determined quantifiably by a scientific method."

23 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 42, nays 51.

Amendment [H-8013](#) lost.

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?" ([S.F. 261](#))

The ayes were, 95:

Abdul-Samad	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	Heaton	Heddens
Hoffman	Horbach	Hunter	Huseman
Huser	Jacobs	Jacoby	Jochum
Kaufmann	Kelley	Kressig	Kuhn
Lensing	Lukan	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	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			

The nays were, 3:

Alons	Greiner	Sands
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Absent or not voting and 2:

Anderson	Lykam
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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 [Senate File 261](#) be immediately messaged to the Senate.

### [HOUSE FILE 609](#) WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw [House File 609](#) from further consideration by the House.

### 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\1058 | Edward and Ruth Keller, Newton – For celebrating their 60 <sup>th</sup> wedding anniversary.         |
| 2008\1059 | Otto Green, Newton – For celebrating his 90 <sup>th</sup> birthday.                                  |
| 2008\1060 | Dorothy Probasco, Newton – For celebrating her 80 <sup>th</sup> birthday.                            |
| 2008\1061 | Dorothy Schimmelpfennig Thomas, Sigourney – for celebrating her 90 <sup>th</sup> birthday.           |
| 2008\1062 | Thelma Shipley Keller, Sigourney – for celebrating her 90 <sup>th</sup> birthday.                    |
| 2008\1063 | Gordon Day, Ollie – For celebrating his 80 <sup>th</sup> birthday.                                   |
| 2008\1064 | Larry and Pat Morrow, Victor – For celebrating their 50 <sup>th</sup> wedding anniversary.           |
| 2008\1065 | Caroline Ballard, Sigourney – For celebrating her 90 <sup>th</sup> birthday.                         |
| 2008\1066 | Gale Joe and Dorothy Conrad, Sigourney – For celebrating their 60 <sup>th</sup> wedding anniversary. |
| 2008\1067 | Esther Heitshusen, Williamsburg – For celebrating her 80 <sup>th</sup> birthday.                     |

- 2008\1068 Harvey and Esther Huedepohl, Williamsburg – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\1069 Wilfred “Bill” and Dorothy Furler, Williamsburg – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\1070 David and Erna Davies, Williamsburg – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\1071 Hugh and Shirley Owens, Homestead – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\1072 James B. “Doc” and Anne Garringer, Williamsburg –For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\1073 Tiffany Homan, Sigourney – For receiving the 2007 Governor’s Volunteer Award.
- 2008\1074 Amy Becker, Le Mars – For celebrating her 95<sup>th</sup> birthday.
- 2008\1075 Norma and Bertha Eason, Alton – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\1076 Howard and Wilma Ruisch, Maurice – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\1077 Ilene Koehn – For celebrating her 100<sup>th</sup> birthday.
- 2008\1078 William “bill” and Mary “Bobbie” Shy, Iowa City – For celebrating their 60<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### [House File 2149](#)

Human Resources: T. Olson, Chair; Foegen and Grassley.

##### [House File 2168](#)

Public Safety: Berry, Chair; Gayman and Sands.

##### **House File 2169**

Public Safety: R. Olson, Chair; Baudler and Whitaker.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### [House Study Bill 628](#)

Transportation: Huser, Chair; Lykam, Roberts and Tjepkes.

**House Study Bill 629**

Human Resources: Abdul-Samad, Chair; Roberts and Smith.

**House Study Bill 633**

Ways and Means: Frevert, Chair; Huser and Van Fossen.

**House Study Bill 634**

Commerce: Kelley, Chair; Jacobs, Jacoby, Kressig, Quirk, Sands and Van Fossen.

**House Study Bill 635**

Public Safety: Zirkelbach, Chair; Gayman and Tomenga.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 636 Human Resources**

Relating to health care reform in Iowa including the Iowa health care coverage exchange; medical homes; prevention and chronic care management; the Iowa health information technology system; health care quality, consumer information, strategic planning, and resource development; and the certificate of need program.

**H.S.B. 637 Human Resources**

Relating to criminal and abuse records of prospective and current employees of licensed hospitals and health care facilities and certain health-related programs and services and providing penalties.

**H.S.B. 638 Human Resources**

Relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the program.

**H.S.B. 639 Human Resources**

Relating to child care and family support subsidy services regulated or administered by the department of human services.

**H.S.B. 640 State Government**

Relating to alarm system installer or contractor certification and electrician licensure provisions, and providing an effective date.

**H.S.B. 641 Local Government**

Prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

**H.S.B. 642 State Government**

Relating to conflicts of interest, lobbying activities, and receipt of gifts by certain government officials and employees.

**RESOLUTIONS FILED**

**HR 103**, BY Kuhn, a resolution to ensure that Iowans with developmental disabilities are supported by a quality workforce.

Laid over under **Rule 25**.

**HR 104**, By Winckler and L. Miller, a resolution designating March 2008 as Iowa Women's History Month.

Laid over under **Rule 25**.

On motion by McCarthy of Polk the House adjourned at 10:07 a.m., until 9:00 a.m., Friday, February 8, 2008.