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**STATE OF IOWA**

# **House Journal**

**THURSDAY, FEBRUARY 12, 2009**

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

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## JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 12, 2009

The House met pursuant to adjournment at 9:07 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Allan Bridges, pastor of Henderson Christian Church and Nishna Church of Christ, Red Oak. He was the guest of Representative Rich Anderson of Page County.

### PLEDGE OF ALLEGIANCE

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

The Journal of Wednesday, February 11, 2009 was approved.

### INTRODUCTION OF BILLS

[House File 267](#), by committee on economic growth, a bill for an act adding four nonvoting members to the Iowa workforce development board.

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

[House File 268](#), by Paulsen, a bill for an act relating to floodplain mapping for the state and providing coordinating amendments.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

[House File 269](#), by Paulsen, a bill for an act relating to the compromise or abatement of penalties, interest, fees, and costs relating to delinquent property taxes on real property located within a disaster area and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

[House File 270](#), by Paulsen, a bill for an act allowing school districts affected by disaster in 2008 to use the previous year's budget enrollments in the budget year beginning July 1, 2009, and providing an effective date.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

[House File 271](#), by Paulsen, a bill for an act creating an evergreen account in the Iowa economic emergency fund for making loans to governmental subdivisions for payment of disaster-related obligations and expenditures, making an appropriation, and providing effective and applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

On motion by Whitaker of Van Buren, the House was recessed at 9:19 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:10 p.m., Speaker Murphy in the chair.

#### INTRODUCTION OF BILLS

[House File 272](#), by Deyoe, a bill for an act to repeal the excise tax on the handling of grain.

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

[House File 273](#), by Wessel-Kroeschell, a bill for an act providing a sales tax exemption from the sale of new and used textbooks for postsecondary educational institution classes.

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

[House File 274](#), by D. Olson, T. Olson, T. Taylor, Petersen, Oldson, Shomshor, Bukta, Whitaker, Murphy, H. Miller, Thede, Heddens, Kressig, Marek, Mascher, Swaim, Berry, Cohoon, Zirkelbach, Gaskill, Frevert, Lykam, Whitead, Winckler, Hunter,

Kuhn, Steckman, Wessel-Kroeschell, Lensing, Beard, Ford, Kearns and Ficken, a bill for an act relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities.

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

[House File 275](#), by Heaton, Tymeson and Bailey, a bill for an act providing for the issuance of special wild turkey and deer hunting licenses to certain nonresident disabled veterans.

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

[House File 276](#), by Kaufmann and Kelley, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

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

[House File 277](#), by Paulsen, a bill for an act relating to disaster recovery by providing tax credits for costs incurred in cleanup or redevelopment of certain damaged property and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

[House File 278](#), by Ford, a bill for an act requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol.

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

[House File 279](#), by Ford, a bill for an act relating to the certification and registration of real estate appraisers, providing a penalty, and making an appropriation.

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

[House File 280](#), by committee on judiciary, a bill for an act relating to the compensation of a guardian ad litem in certain criminal cases involving a child witness.

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

[House File 281](#), by committee on economic growth, a bill for an act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

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

[House File 282](#), by committee on education, a bill for an act relating to the funding of school district programs for returning dropouts and dropout prevention.

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

[House File 283](#), by committee on veterans affairs, a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

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

[House File 284](#), by Wessel-Kroeschell and Abdul-Samad, a bill for an act establishing a task force to develop a plan for the implementation of an online school for certain populations.

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

[House File 285](#), by Paulsen and Wagner, a bill for an act authorizing counties and cities to establish disaster revitalization areas, providing for a disaster revitalization property tax exemption, and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

[House File 286](#), by Wessel-Kroeschell, a bill for an act creating a public transit vehicle fund.

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

[House File 287](#), by Paulsen, a bill for an act providing a property tax exemption for certain agricultural property affected by a natural disaster and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

[House File 288](#), by Smith, a bill for an act modifying provisions applicable to the regulation of delayed deposit services businesses and providing a penalty.

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

[House File 289](#), by Paulsen, a bill for an act authorizing the use of moneys available in the Iowa power fund for the provision of grants to political subdivision for restoration of heating and power capability to buildings under specified circumstances and providing an effective date.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

[House File 290](#), by Paulsen, a bill for an act relating to linked investments by providing for loans to borrowers in disaster areas.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

[House File 291](#), by Paulsen, a bill for an act providing for an adjustment to assessments of flood-damaged real property in certain assessment years, providing an appropriation, and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

[House File 292](#), by Lukan, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including a retroactive applicability date provision.

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

[House File 293](#), by Kressig, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Read first time and referred to committee on **public safety**.

[House File 294](#), by Windschitl, a bill for an act relating to water use permit fees and the water use permit fund.

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

[House File 295](#), by Mascher, a bill for an act modifying the time period after which certain school district proposals defeated at election may be resubmitted to the voters and providing an effective date.

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

[House File 296](#), by Reichert, a bill for an act relating to the membership and administration of the Iowa propane education and research council, increasing an assessment, and providing an effective date.

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

[House File 297](#), by Wendt and Whitead, a bill for an act relating to the ballots used for voting at the commissioner's office or at a satellite absentee voting station.

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

[House File 298](#), by Wendt, a bill for an act providing for the establishment of election district boundaries for schools, counties, and cities and including an applicability provision.

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

[House File 299](#), by Anderson, a bill for an act to require proof of financial liability coverage upon registration of a motor vehicle.

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

[House File 300](#), by Mertz, a bill for an act relating to certain watercraft dealership agreements.

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

[House File 301](#), by Paulsen, a bill for an act relating to possession or consumption of an alcoholic beverage by an under legal age person, and providing a penalty.

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

[House File 302](#), by Helland, a bill for an act permitting the payment of wages by a stored-value card.

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

[House File 303](#), by Whitaker, a bill for an act providing for the establishment of an energy affordability program for the benefit of residential consumers of propane.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dolecheck of Ringgold on request of Paulsen of Linn.

#### CONSIDERATION OF BILLS Regular Calendar

[House File 122](#), a bill for an act relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date, was taken up for consideration.

Smith of Marshall 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. 122](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	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	Mertz	Miller, H.
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	Struyk	Swaim
Sweeney	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, 3:

Chambers            Dolecheck            Taylor, D.

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

**House File 214**, a bill for an act establishing the interstate compact on educational opportunity for military children and providing an effective date, was taken up for consideration.

Zirkelbach of Jones 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. 214](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	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	Mertz	Miller, H.
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	Struyk	Swaim
Sweeney	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, 3:

Chambers            Dolecheck            Taylor, D.

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 Files 122 and 214.**

[SENATE FILE 82](#) REFERRED

The Speaker announced that [Senate File 82](#), previously referred to committee on **economic growth** was **passed on file**.

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\1608 Adam Crawford, Nevada – For earning the Raccoon River Conference championship title in the 285- pound weight class.
- 2009\1609 Patrick Stall, Huxley – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1610 Fred Weeks, Indianola – For celebrating his 95<sup>th</sup> birthday.
- 2009\1611 Edwina Foley, Indianola – For celebrating her 90<sup>th</sup> birthday.
- 2009\1612 Frieda Schneider, Denison – For celebrating her 80<sup>th</sup> birthday.

SUBCOMMITTEE ASSIGNMENTS

[House File 236](#)

Human Resources: T. Olson, Chair; L. Miller and Wessel-Kroeschell.

[House File 240](#)

Judiciary: R. Olson, Chair; Heaton and Huser.

[House File 254](#)

Natural Resources: Beard, Chair; May and Palmer.

[House File 255](#)

Human Resources: Hunter, Chair; Mascher and L. Miller.

[House File 258](#)

State Government: T. Taylor, Chair; Beard and Roberts.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 157 Reassigned**

Local Government: Gaskill, Chair; Burt and Wagner.

**House Study Bill 161**

Rebuild Iowa and Disaster Recovery: T. Olson, Chair; Berry and Sands.

**House Study Bill 162**

Rebuild Iowa and Disaster Recovery: Thomas, Chair; Burt and Pettengill.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 169 Judiciary**

Relating to the uniform athlete agents Act and providing remedies and penalties.

**H.S.B. 170 Judiciary**

Relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing applicability provisions.

**H.S.B. 171 Judiciary**

Relating to criminal law by making changes to existing criminal offenses, adding new criminal offenses, relating to deferred judgments and expunged records, and making penalties applicable.

**H.S.B. 172 Judiciary**

Relating to damages recoverable for the wrongful or negligent injury or death of a spouse or parent.

**H.S.B. 173 Judiciary**

Relating to mechanic's liens including the establishment of a state construction registry for residential property and providing an effective date.

## 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 COMMERCE

**Committee Bill** (Formerly [House Study Bill 141](#)), requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2009.

## COMMITTEE ON HUMAN RESOURCES

[House File 45](#), a bill for an act relating to the suspension or termination of medical assistance during the period that an individual is committed to certain facilities or institutions.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2009.

**Committee Bill** (Formerly [House File 57](#)), relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2009.

**Committee Bill** (Formerly [House Study Bill 8](#)), creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2009.

**Committee Bill** (Formerly [House Study Bill 50](#)), relating to health-related activities and regulation by the department of public health and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2009.

COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly [House File 195](#)), relating to the age at which a registered voter is eligible to vote in a primary election.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2009.

RESOLUTION FILED

[HCR 4](#), by Jacoby, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to the consideration of bills and joint resolutions in successive regular sessions of the same general assembly.

Referred to committee on **administration and rules**.

AMENDMENTS FILED

<a href="#">H-1020</a>	<a href="#">H.F. 259</a>	Gayman of Scott L. Miller of Scott
<a href="#">H-1021</a>	<a href="#">H.F. 259</a>	Winckler of Scott

On motion by McCarthy of Polk the House adjourned at 4:34 p.m., until 9:00 a.m., Friday, February 13, 2009.