

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, FEBRUARY 14, 2007

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JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 14, 2007

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

Prayer was offered by Reverend Kopacek, priest of St. Edwards Catholic Church, Waterloo. He was the guest of Representative Tami Wiencek of Black Hawk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page, Heather Van Fossen of Davenport. She is the daughter of Representative Jamie Van Fossen of Scott County.

The Journal of Tuesday, February 13, 2007 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thomas of Clayton, until his arrival, on request of McCarthy of Polk.

INTRODUCTION OF BILLS

[House File 371](#), by R. Olson, a bill for an act concerning mandatory retirement for senior judges.

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

[House File 372](#), by R. Olson, a bill for an act concerning approval of horse racing purse agreements.

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

[House File 373](#), by R. Olson, a bill for an act relating to the definition of employee as it relates to accessing personnel files.

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

[House File 374](#), by Anderson and Forristall, a bill for an act relating to the limitation on the reduction in damages awarded to plaintiffs who fail to wear a motor vehicle safety belt or safety harness.

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

[House File 375](#), by Bailey, Wise, Soderberg and Anderson, a bill for an act relating to distress criteria and the designation of enterprise zones under the enterprise zone program and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **economic growth**.

[House File 376](#), by Kelley, Wenthe, Mertz and Drake, a bill for an act modifying and extending state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions.

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

[House File 377](#), by Quirk, a bill for an act relating to the licensing and regulation of plumbers and mechanical professionals, providing an appropriation and penalties, and providing an effective date.

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

[House File 378](#), by Anderson and Forristall, a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment.

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

[House File 379](#), by Anderson and Forristall, a bill for an act relating to the cost of procuring a supersedeas bond.

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

[House File 380](#), by Bukta and Huser, a bill for an act relating to the application and enforcement of the state building code and providing an applicability date.

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

[House File 381](#), by Chambers, a bill for an act relating to certain overpayments of moneys to a county.

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

[House File 382](#), by Rasmussen, a bill for an act concerning eligibility requirements for an organization to conduct games of skill, games of chance, and raffles.

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

[House File 383](#), by Anderson and Forristall, a bill for an act relating to the payment of interest on certain workers' compensation benefit payments and providing an applicability date.

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

[House File 384](#), by committee on local government, a bill for an act relating to county recorder fees for certified copies of certain vital statistics records, and providing an effective date.

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

[House File 385](#), by committee on local government, a bill for an act relating to the filing of nomination petitions to fill a vacancy on a city council.

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

[House File 386](#), by Upmeyer, a bill for an act relating to the legislative review of administrative rules, and rescinding all rules every five years.

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

[House File 387](#), by Upmeyer, a bill for an act relating to the scope of rulemaking authority delegated to an administrative agency.

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

[House File 388](#), by Gayman, Bailey, Wenthe, T. Olson, Staed, Jochum, Smith, Kuhn, Bell, Whitead, Lykam, Hunter, Winckler, Ford, Reasoner, Murphy, McCarthy, Mertz, Wessel-Kroeschell, Heaton, Abdul-Samad, Gaskill, Swaim and Reichert, a bill for an act creating a generation Iowa commission.

Read first time and referred to committee on **economic growth**.

[House File 389](#), by Dolecheck, a bill for an act making an appropriation to the department of agriculture and land stewardship for purposes of providing a grant to assist farmers with disabilities and their families.

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

[House File 390](#), by Ford, a bill for an act requiring diversity training for judges.

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

[House File 391](#), by Ford and Berry, a bill for an act repealing sentences restricting the maximum accumulation of earned time credits to approximately fifteen percent of a criminal sentence.

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

SENATE MESSAGE CONSIDERED

[Senate File 41](#), by committee on judiciary, a bill for an act relating to the disposition of unclaimed property concerning minerals.

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

CONSIDERATION OF BILLS

Regular Calendar

[House Joint Resolution 3](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

Be It Resolved By The General Assembly Of The State Of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Section 5 of Article II of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

DISQUALIFIED PERSONS. SEC. 5. A person adjudged mentally incompetent to vote or a person convicted of any infamous crime shall not be entitled to the privilege of an elector.

Sec. 2. RATIFICATION. The foregoing proposed amendment to the Constitution of the State of Iowa, having been adopted and agreed to by the Eighty-first General Assembly, 2006 Session, thereafter duly published, and now adopted and agreed to by the Eighty-second General Assembly in this joint resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year 2008 in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

EXPLANATION

This joint resolution proposes an amendment to the Constitution of the State of Iowa, for adoption by the second consecutive general assembly, relating to persons who are disqualified from voting or holding elective office. The resolution removes the words "idiot" and "insane" from the constitutional provision and substitutes the phrase "mentally incompetent to vote".

The resolution, if adopted, would be referred to the electorate for ratification at the general election in November 2008, was taken up for consideration.

Jochum of Dubuque moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" ([H.J.R. 3](#))

The yeas were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Ford
Forristall	Frevert	Gaskill	Gayman

Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 5:

Foege	Huser	Olson, D.	Thomas
Zirkelbach			

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House Joint Resolution 3](#) be immediately messaged to the Senate.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 14, 2007, he approved and transmitted to the Secretary of State the following bill:

[Senate File 95](#), an Act making supplemental appropriations for the home ownership assistance and injured veterans grant programs for Iowa residents who are eligible members or military veterans of the armed forces of the United States and providing an effective date.

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

- 2007\1128 Glenn Braden, Hedrick – For celebrating his 90th birthday.
- 2007\1129 Betty Daly, Des Moines – For celebrating her 80th birthday.
- 2007\1130 Beulah Curry, Des Moines – For celebrating her 75th birthday.
- 2007\1131 Bonnie Thompson, Des Moines – For celebrating her 80th birthday.
- 2007\1132 Clara Torri, Des Moines – For celebrating her 90th birthday.
- 2007\1133 Darlene Chaney, Des Moines – For celebrating her 75th birthday.
- 2007\1134 Doris Gracey, Des Moines – For celebrating her 80th birthday.
- 2007\1135 Edward Wortham, Des Moines – For celebrating his 90th birthday.
- 2007\1136 Etha Tyler, Des Moines – For celebrating her 90th birthday.
- 2007\1137 Fannie Lamendola, Des Moines – For celebrating her 95th birthday.
- 2007\1138 Frances Cunningham, Des Moines – For celebrating her 85th birthday.
- 2007\1139 Ida Detrick, Des Moines – For celebrating her 75th birthday.
- 2007\1140 James Poulsen, Des Moines – For celebrating his 75th birthday.
- 2007\1141 Jasper Richards, Des Moines – For celebrating his 85th birthday.
- 2007\1142 Joy Gusler, Des Moines – For celebrating her 75th birthday.
- 2007\1143 Kenneth Minard, Des Moines – For celebrating his 85th birthday.
- 2007\1144 Kenneth Wadle, Des Moines – For celebrating his 80th birthday.
- 2007\1145 Laverne Smith, Des Moines – For celebrating his 75th birthday.
- 2007\1146 Leonard Cosimo, Des Moines – For celebrating his 75th birthday.
- 2007\1147 Ralph Jennings, Des Moines – For celebrating his 80th birthday.
- 2007\1148 Ray Ceretti, Des Moines – For celebrating his 85th birthday.

- 2007\1149 Roman Garcia, Des Moines – For celebrating his 80th birthday.
- 2007\1150 Rose Johnson, Des Moines – For celebrating her 75th birthday.
- 2007\1151 Ruth Corrigan, Des Moines – For celebrating her 80th birthday.
- 2007\1152 Vergida Vonk, Des Moines – For celebrating her 80th birthday.
- 2007\1153 Vernon Chandler, Des Moines – For celebrating his 95th birthday.
- 2007\1154 Viola Hibbert, Des Moines – For celebrating her 75th birthday.
- 2007\1155 Virginia Philipsen, Des Moines – For celebrating her 75th birthday.
- 2007\1156 Wanda Martin, Des Moines – For celebrating her 90th birthday.
- 2007\1157 William Patterson, Des Moines – For celebrating his 80th birthday.
- 2007\1158 Lervy and Virginia Wheeldon, Pleasantville – For celebrating their 50th wedding anniversary.
- 2007\1159 Margaret and Vernon Menninga, Pella – For celebrating their 60th wedding anniversary, and for Margaret celebrating her 80th birthday.
- 2007\1160 Gary and Beulah De Graaf, Pleasantville – For celebrating their 50th wedding anniversary.
- 2007\1161 Andrew and Aletta Hiemstra, Pella – For celebrating their 68th wedding anniversary.
- 2007\1162 Dwight and Dorthea Wanders, New Sharon – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House File 257](#)

Public Safety: Heddens, Chair; Baudler and Bell.

[House File 263](#)

Appropriations: Winckler, Chair; Chambers and Wenthe.

[House File 265](#)

State Government: Shomshor, Chair; Abdul-Samad and Roberts.

[House File 269](#)

State Government: Lensing, Chair; Roberts and Whitead.

[House File 273](#)

Public Safety: Kressig, Chair; Hunter and Tjepkes.

[House File 274](#)

State Government: Lensing, Chair; L. Miller and Wendt.

[House File 281](#)

State Government: Shomshor, Chair; Abdul-Samad and Jacobs.

[House File 290](#)

Appropriations: Foegen, Chair; Gayman and Heaton.

[House File 291](#)

State Government: Jacoby, Chair; Gipp and T. Taylor.

[House File 296](#)

Human Resources: Hunter, Chair; L. Miller and T. Olson.

[House File 300](#) Reassigned

Veterans Affairs: Staed, Chair; Thomas and Tymeson.

[House File 308](#)

Human Resources: Smith, Chair; Heaton and Mascher.

[House File 309](#)

Human Resources: Smith, Chair; Foegen and Heaton.

[House File 310](#)

Human Resources: Smith, Chair; Heaton and T. Olson.

[House File 311](#)

Human Resources: Smith, Chair; Palmer and Upmeyer.

[House File 316](#)

Human Resources: Wessel-Kroeschell, Chair; Heaton and Palmer.

[House File 323](#)

Human Resources: Smith, Chair; Heaton and Palmer.

[House File 330](#)

Public Safety: Berry, Chair; Gayman and Lukan.

[House File 331](#)

State Government: T. Taylor, Chair; Boal, Drake, Gipp, Jochum, Pettengill and Wendt.

[House File 332](#)

Appropriations: Winckler, Chair; Chambers and Wenthe.

[House File 336](#)

Public Safety: Whitaker, Chair; Baudler and Heddens.

[House File 337](#)

Human Resources: Petersen, Chair; Heddens and Roberts.

[House File 340](#)

Public Safety: Whitaker, Chair; Baudler and Heddens.

[House File 347](#)

Appropriations: Foege, Chair; Gayman and Heaton.

[House File 351](#)

Appropriations: Cohoon, Chair; Huseman and Reichert.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 109](#) **Reassigned**

State Government: Lensing, Chair; Jacobs and Wendt.

[House Study Bill 176](#) **Reassigned**

State Government: T. Taylor, Chair; Jacobs and Jochum.

[House Study Bill 180](#)

Appropriations: Gayman, Chair; Foege and Heaton.

[House Study Bill 184](#)

Judiciary: Lensing, Chair; Baudler and Winckler.

[House Study Bill 185](#)

Commerce: Berry, Chair; Clute and D. Taylor.

[House Study Bill 186](#)

Judiciary: Lensing, Chair; Anderson and Winckler.

[House Study Bill 187](#)

Judiciary: Huser, Chair; Palmer and Tomenga.

[House Study Bill 188](#)

Judiciary: R. Olson, Chair; Baudler and Lensing.

[House Study Bill 189](#)

Judiciary: R. Olson, Chair; Struyk and Wessel-Kroeschell.

[House Study Bill 190](#)

Judiciary: Palmer, Chair; Horbach and Wessel-Kroeschell.

[House Study Bill 191](#)

Judiciary: Swaim, Chair; Horbach and Winckler.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 192](#) Labor

Relating to the provision of medical services and evaluation of permanent disabilities of injured employees under workers' compensation laws.

[H.S.B. 193](#) State Government

Relating to the privacy of social security numbers and other personal information in public records and providing remedies.

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 162](#)), authorizing the formation of a professional corporation or a professional limited liability company by licensed real estate brokers.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 2007.

Committee Bill (Formerly [House Study Bill 163](#)), relating to qualifications for licensure as a real estate broker or salesperson upon conviction of specified offenses.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 2007.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly [House File 124](#)), creating a Vietnam Conflict veterans bonus for a certain period of active duty military service, making an appropriation, and providing a tax exemption and a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 2007.

On motion by McCarthy of Polk the House adjourned at 9:27 a.m., until 9:00 a.m., Thursday, February 15, 2007.