

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, FEBRUARY 25, 2009

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JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 25, 2009

The House met pursuant to adjournment at 9:11 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Aaron James, pastor of Plymouth Congregational United Churches of Christ, Des Moines. He was the guest of Representative Jo Oldson of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Allison Adams, House Page from Red Oak.

The Journal of February 24, 2009 was approved.

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 February 24, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 151](#), a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

Also: That the Senate has on February 24, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 217](#), a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Also: That the Senate has on February 24, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 218](#), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

MICHAEL E. MARSHALL, Secretary

On motion by Gayman of Scott, the House recessed at 9:17 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:13 p.m., Speaker Murphy in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-eight members present, two absent.

INTRODUCTION OF BILL

[House File 426](#), by committee on public safety, 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 placed on the **calendar**.

SENATE MESSAGES CONSIDERED

[Senate File 151](#), by committee on transportation, a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

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

[Senate File 217](#), by committee on education, a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Read first time and **passed on file**.

[Senate File 218](#), by committee on education, a bill for an act providing for the establishment of the state percent of growth for

purposes of the state school foundation program, and providing an applicability date.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster on request of Speaker Murphy.

CONSIDERATION OF BILLS Regular Calendar

Senate File 51, 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, with report of committee recommending passage, was taken up for consideration.

Cohoon of Des Moines moved that the bill be read a last time now and paced upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (**S.F. 51**)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	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
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
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, 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, 2:

Chambers Miller, H.

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

[Senate File 52](#), a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees, with report of committee recommending passage, was taken up for consideration.

Lensing of Johnson 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. 52](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	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
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
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, 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, 2:

Chambers Miller, H.

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

Petersen of Polk in the chair at 3:27 p.m.

[House File 314](#), a bill for an act relating to health-related activities and regulation by the department of public health and making penalties applicable, was taken up for consideration.

Thede of Scott 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. 314](#)).

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	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
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte

Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	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	Petersen		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers Miller, H.

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

[House File 406](#), a bill for an act establishing a shaken baby syndrome prevention program in the department of public health, was taken up for consideration.

[SENATE FILE 101](#) SUBSTITUTED FOR [HOUSE FILE 406](#)

Steckman of Cerro Gordo asked and received unanimous consent to substitute [Senate File 101](#) for [House File 406](#).

[Senate File 101](#), a bill for an act establishing a shaken baby syndrome prevention program in the department of public health, was taken up for consideration.

Steckman of Cerro Gordo 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. 101](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	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	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	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	Petersen		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers Miller, H.

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

[HOUSE FILE 406](#) WITHDRAWN

Steckman of Cerro Gordo asked and received unanimous consent to withdraw [House File 406](#) from further consideration by the House.

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 February 25, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 49](#), a bill for an act relating to the administration of campaign disclosure laws.

Also: That the Senate has on February 25, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 81](#), a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

Also: That the Senate has on February 25, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 112](#), a bill for an act providing for presentation of flags flown at half-staff over the state capitol in recognition of the death of a member of the armed forces of the United States while serving on active duty.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 314](#), [Senate File 51](#), [52](#) and [101](#) be immediately messaged to the Senate.

SUBCOMMITTEE ASSIGNMENTS

[House File 288](#) Reassigned

Commerce: Kressig, Chair; Bailey, Helland, Petersen and Sands.

[House File 346](#)

Veterans Affairs: Thomas, Chair; D. Taylor and Windschitl.

[House File 365](#)

Veterans Affairs: Zirkelbach, Chair; Whitead and Windschitl.

[House File 399](#)

Veterans Affairs: Zirkelbach, Chair; Whitead and Windschitl.

[House File 417](#)

Public Safety: Reichert, Chair; Kuhn and Sands.

[House File 424](#)

Transportation: Whitaker, Chair; Huseman and Quirk.

[Senate File 137](#)

State Government: Lensing, Chair; Isenhart and Pettengill.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 223](#)

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

[House Study Bill 224](#)

Judiciary: T. Olson, Chair; Helland and Willems.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 225](#) **State Government**

Relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, public intoxication testing, operating a vehicle, motorboat, or sailboat while intoxicated testing, interception of communications, and peace officers acting with federal agents, and providing penalties.

[H.S.B. 226](#) **Human Resources**

Relating to financial liability for the costs of services paid by the county for a person with mental illness.

[H.S.B. 227](#) **Human Resources**

Relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions.

[H.S.B. 228](#) **Human Resources**

Relating to county liability for adult mental health, mental retardation, developmental disabilities, and substance abuse services authorized through the county central point of coordination process.

[H.S.B. 229](#) **State Government**

Relating to the licensing of midwives under a title act and providing for a fee and a penalty.

H.S.B. 230 Judiciary

Relating to admissibility into evidence of medical records and bills in civil cases.

H.S.B. 231 State Government

Establishing a board of clinical laboratory science, requiring the licensure of clinical laboratory science practitioners, and providing for fees and penalties.

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 EDUCATION

Committee Bill (Formerly [House File 191](#)), relating to participation in varsity interscholastic athletic contests and athletic competitions by students participating in open enrollment.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2009.

Committee Bill (Formerly [House File 276](#)), requiring institutions of higher learning and community colleges to provide students with specific textbook information.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2009.

Committee Bill (Formerly [House Study Bill 159](#)), relating to licensing fees retained by the board of educational examiners and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2009.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly [House File 106](#)), relating to including service animals as an eligible service reimbursable under the home and community-based services waivers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2009.

AMENDMENTS FILED

H-1084	H.F. 259	May of Dickinson
H-1085	H.F. 414	Watts of Dallas Raecker of Polk Alons of Sioux
H-1086	H.F. 414	Raecker of Polk Alons of Sioux Watts of Dallas
H-1087	H.F. 243	Horbach of Tama
H-1088	H.F. 414	Heaton of Henry Lukan of Dubuque Raecker of Polk
H-1089	H.F. 414	Upmeyer of Hancock Paulsen of Linn Raecker of Polk
H-1090	H.F. 420	Watts of Dallas
H-1091	S.F. 218	Schulte of Linn Wagner of Linn May of Dickinson
H-1092	S.F. 218	Sands of Louisa
H-1093	H.F. 414	Raecker of Polk Wagner of Linn Helland of Polk
H-1094	H.F. 414	Raecker of Polk Rayhons of Hancock Anderson of Page Baudler of Adair De Boef of Keokuk Drake of Cass Grassley of Butler Heaton of Henry Huseman of Cherokee
		Schulte of Linn Alons of Sioux Arnold of Lucas Cownie of Polk Deyoe of Story Forristall of Pottawattamie Hagenow of Polk Helland of Polk

Kaufmann of Cedar		Koester of Polk
L. Miller of Scott		Lukan of Dubuque
May of Dickinson		S. Olson of Clinton
Pettengill of Benton		Roberts of Carroll
Soderberg of Plymouth		Sorenson of Warren
Struyk of Pottawattamie		Tjepkes of Webster
Tymeson of Madison		Upmeyer of Hancock
Van Engelenhoven of Marion		Wagner of Linn
Watts of Dallas		Windschitl of Harrison
Worthan of Buena Vista		
H-1095	H.F. 416	May of Dickinson
H-1096	S.F. 217	May of Dickinson
H-1097	H.F. 259	Winckler of Scott
H-1098	H.F. 414	Oldson of Polk
H-1099	H.F. 414	Oldson of Polk

On motion by McCarthy of Polk the House adjourned at 3:47 p.m., until 9:00 a.m., Thursday, February 26, 2009.