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**STATE OF IOWA**

**House Journal**

**WEDNESDAY, JANUARY 28, 2009**

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Produced daily by the State of Iowa during the sessions of the General Assembly.  
(The official bound copy will be available after a reasonable time upon adjournment.)

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# JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 28, 2009

The House met pursuant to adjournment at 9:13 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend William Cotton, retired pastor of Grace United Methodist Church, Des Moines and formerly of Emmetsburg. He was the guest of Representative Marcella Frevert from Palo Alto County.

## THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Joe Sweeney, House Page from Alden.

The Journal of Tuesday, January 27, 2009 was approved.

## INTRODUCTION OF BILLS

[House File 96](#), by Struyk, Windschitl, Forristall, Pettengill, Huseman, Alons, Helland, Huser, Mertz, Drake, Rayhons, Heaton and Horbach, a bill for an act establishing a rural community dentist loan repayment program and fund.

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

[House File 97](#), by Gaskill, a bill for an act requiring the use of headlights on a motor vehicle during any period of moisture accumulation and making a penalty applicable.

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

[House File 98](#), by Struyk, Forristall, Huseman, Huser, Mertz, Drake, Rayhons and Horbach, a bill for an act providing a property tax exemption for certain recreational property and including effective and retroactive applicability date provisions.

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

[House File 99](#), by Struyk, Windschitl, Forristall, Schultz, Alons, Drake, Rayhons, Heaton and Horbach, a bill for an act establishing a child endangerment offense for the mother of a newborn child who caused an illegal drug to be present in the newborn child's body, and providing a penalty.

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

[House File 100](#), by Struyk, Windschitl, Forristall, Pettengill, Schultz, Alons, Huser, Mertz, Drake and Rayhons, a bill for an act providing exceptions to the age of admission to kindergarten.

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

[House File 101](#), by Struyk, Huser, Mertz and Rayhons, a bill for an act concerning eligibility to participate in a sick leave conversion program by certain peace officers employed within the department of public safety.

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

[House File 102](#), by Raecker and Rants, a bill for an act concerning the operation and governance of the Iowa lottery.

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

[House File 103](#), by Struyk, Windschitl, Alons, Huser, Mertz, Drake, Rayhons and Forristall, a bill for an act relating to articulation agreements between community colleges and regents universities for credits earned under a renewable fuels training program.

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

[House File 104](#), by Lukan, a bill for an act authorizing lottery games to benefit volunteer fire fighters and emergency medical services providers.

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

[House File 105](#), by Heaton, a bill for an act relating to the youthful offender status of a juvenile in adult court.

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

[House File 106](#), by Heaton, a bill for an act relating to including service animals as an eligible service reimbursable under the home and community-based services waivers.

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

[House File 107](#), by Struyk, Windschitl, Forristall, Pettengill, Schultz, Huseman, Alons, Drake, Rayhons and Horbach, a bill for an act providing for the enforcement of immigration laws in this state, including the detention and deportation of unauthorized aliens and the seizure of assets.

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

[House File 108](#), by Struyk, Huser, Mertz and Rayhons, a bill for an act providing for the deposit of certain insurance premium tax receipts in the fire and police retirement fund of the statewide fire and police retirement system.

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

[House File 109](#), by Struyk, Windschitl, Alons, Forristall, Helland, Drake and Rayhons, a bill for an act relating to developing an integrated state government database system regarding the immigration status and citizenship of a person.

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

[House File 110](#), by Smith, a bill for an act relating to leaving a child unattended or not properly supervised in a motor vehicle, and providing a penalty.

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

[House File 111](#), by Gaskill, a bill for an act requiring an election to approve the use of increased local sales and services tax revenues to fund urban renewal projects.

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

[House File 112](#), by Smith, a bill for an act relating to the wearing of an alcohol monitoring device as a condition of probation for certain operating-while-intoxicated and related offenses.

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

[House File 113](#), by Pettengill, Lukan, S. Olson, De Boef, Upmeyer, Struyk, Alons, Horbach, Drake, Deyoe and Paulsen, a bill for an act exempting investment counseling services from state sales tax.

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

[House File 114](#), by Schueller, Kressig, Lukan, Kelley and Gaskill, a bill for an act relating to body piercing and tattooing, and providing penalties.

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

[House File 115](#), by Rants, a bill for an act relating to workers' compensation for an employee's injuries caused by certain willful acts.

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

[House File 116](#), by Baudler, a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable.

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

[House File 117](#), by Pettengill, a bill for an act relating to hunting by landowners on certain land owned by them.

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

[House File 118](#), by Struyk, Windschitl, Forristall, Pettengill, Schultz, Huseman, Helland, Drake, Rayhons, Horbach, Huser and Mertz, a bill for an act eliminating the inheritance tax on property passing to relatives related to the decedent within the third degree of consanguinity or affinity and including an applicability date provision.

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

[House File 119](#), by Tymeson, a bill for an act limiting the school aid formula to provide funding for four years of high school per student.

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

[House File 120](#), by Kaufmann and Raecker, a bill for an act allowing voters to reject all candidates on general election ballots for certain offices and providing for a special election and for filing deadlines.

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

[House File 121](#), by Struyk, a bill for an act exempting a resident of a state medical institution from prosecution for the criminal offense of willful injury.

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

#### SENATE MESSAGE CONSIDERED

[Senate File 3](#), by Johnson, a bill for an act relating to a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

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

Whitaker of Van Buren asked and received unanimous consent to suspend the rules for the immediate consideration of [House Resolution 4](#).

ADOPTION OF [HOUSE RESOLUTION 4](#)

Wagner of Linn called up for consideration [House Resolution 4](#), a resolution to honor the memory of former Representative Rosemary Thomson, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

Wagner of Linn introduced to the House Jim Thomson, the husband of the late Rosemary Thomson, former state representative from Linn County who addressed the House briefly thanking the body for the honor.

The House rose and expressed its welcome.

On motion by Whitaker of Van Buren, the House was recessed at 9:28 a.m., until 4:00 p.m.

## AFTERNOON SESSION

The House reconvened at 4:20 p.m., Speaker Murphy in the chair.

## INTRODUCTION OF BILLS

[House File 122](#), by committee on human resources, 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.

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

[House File 123](#), by Struyk, Huser, Drake, Rayhons, Heaton and Horbach, a bill for an act relating to county juvenile detention homes by increasing the financial aid provided by the state.

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

[House File 124](#), by Struyk, Windschitl, Lukan, Pettengill, Schultz, Alons, Helland, Drake, Rayhons and Horbach, a bill for an act prohibiting local legislation that prevents local government

officials or employees from cooperating with federal officials with regard to the immigration status of persons within the state.

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

[House File 125](#), by Frevert, a bill for an act relating to and making an appropriation to provide for an uncompensated care additional payment to hospitals eligible for Medicaid reimbursement rate rebasing.

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

[House File 126](#), by Struyk, a bill for an act relating to classification and assessment of property for purposes of property taxation and including effective date and retroactive applicability date provisions.

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

[House File 127](#), by T. Taylor, a bill for an act providing for the licensure of elevator contractors and elevator mechanics and providing penalties.

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

[House File 128](#), by Smith, Kressig, D. Olson and Ficken, a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties.

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

[House File 129](#), by Abdul-Samad, a bill for an act relating to requirements for the promotion of students from kindergarten through grade twelve based on grade-level proficiency in reading and mathematics.

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

[House File 130](#), by Pettengill, De Boef and Struyk, a bill for an act relating to reimbursement for case management for the frail elderly.

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

[House File 131](#), 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 132](#), by Tymeson, a bill for an act relating to public land included in territory subject to voluntary annexation and providing an applicability date.

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

[House File 133](#), by Reichert, a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date.

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

[House File 134](#), by Pettengill, a bill for an act allowing a refund of motor fuel taxes paid by an authorized, privately owned ambulance, rescue, or first response service.

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

[House File 135](#), by Reichert, a bill for an act relating to the issuance of permits to carry weapons.

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

[House File 136](#), by Wendt and Whitead, a bill for an act relating to representation of the department of human services in juvenile court.

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

[House File 137](#), by May, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

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

[House File 138](#), by Whitaker, a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment.

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

[House File 139](#), by committee on human resources, a bill for an act requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services.

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

[House File 140](#), by Wendt and Whitead, a bill for an act relating to providing sales, use, and property tax exemptions for certain data processing businesses.

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

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on January 27, 2009. Had I been present, I would have voted "aye" on [House File 64](#).

BAUDLER of Adair

#### 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\869 Warren Valentine, Rock Valley – For celebrating his 75<sup>th</sup> birthday.
- 2009\870 Darlene Van Roekel, Sioux Center – For celebrating her 75<sup>th</sup> birthday.
- 2009\871 Willard Wissink, Rock Valley – For celebrating his 75<sup>th</sup> birthday.
- 2009\872 Richard Wissink, Rock Valley – For celebrating his 75<sup>th</sup> birthday.
- 2009\873 Lavonne Riphagen, Sioux Center – For celebrating her 75<sup>th</sup> birthday.

- 2009\874 Marvin G. Wissink, Sioux Center – For celebrating his 75<sup>th</sup> birthday.
- 2009\875 Jenni Van Whye, Lester – For celebrating her 75<sup>th</sup> birthday.
- 2009\876 Robert Hodgson, Alvord – For celebrating his 75<sup>th</sup> birthday.
- 2009\877 Gertrude Vanden Top, Doon – For celebrating her 75<sup>th</sup> birthday.
- 2009\878 Arend Folkens, Lester – For celebrating his 80<sup>th</sup> birthday.
- 2009\879 Harley Behrens, George – For celebrating his 80<sup>th</sup> birthday.
- 2009\880 Marvin Warns, Inwood – For celebrating his 80<sup>th</sup> birthday.
- 2009\881 Marilyn Boote, Hull – For celebrating her 80<sup>th</sup> birthday.
- 2009\882 Louis Altena, Rock Valley – For celebrating his 80<sup>th</sup> birthday.
- 2009\883 Dolores Wiertzema, Little Rock – For celebrating her 80<sup>th</sup> birthday.
- 2009\884 Donald Grotluschen, George – For celebrating his 80<sup>th</sup> birthday.
- 2009\885 John Van Ginkel, Rock Valley – For celebrating his 80<sup>th</sup> birthday.
- 2009\886 Eleanor Wibben, George – For celebrating her 80<sup>th</sup> birthday.
- 2009\887 Berdena Bylsma, Hull – For celebrating her 80<sup>th</sup> birthday.
- 2009\888 Martena Kragt, Rock Valley – For celebrating her 85<sup>th</sup> birthday.
- 2009\889 George Oldenkamp, Rock Valley – For celebrating his 85<sup>th</sup> birthday.
- 2009\890 Grace Dykstra, Hull – For celebrating her 85<sup>th</sup> birthday.
- 2009\891 Gerald Juffer, Sioux Center – For celebrating his 85<sup>th</sup> birthday.
- 2009\892 Marius Evertse, Hull – For celebrating his 85<sup>th</sup> birthday.
- 2009\893 Myra Heuer, Rock Valley – For celebrating her 85<sup>th</sup> birthday.
- 2009\894 Arlene Schuiteman, Sioux Center – For celebrating her 85<sup>th</sup> birthday.
- 2009\895 Hubert Landegent, Rock Valley – For celebrating his 85<sup>th</sup> birthday.
- 2009\896 Lorayne Koll, Rock Valley – For celebrating her 85<sup>th</sup> birthday.
- 2009\897 William Koedam, Rock Valley – For celebrating his 85<sup>th</sup> birthday.
- 2009\898 Wava Braun, Rock Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\899 Alice Wulf, Lester – For celebrating her 85<sup>th</sup> birthday.

- 2009\900 Gertie Bonnema, Sioux Center – For celebrating her 90<sup>th</sup> birthday.
- 2009\901 Gertie Feller, Rock Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\902 Stella Dahlman, Rock Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\903 Jack and Loretta Meyers, Nichols – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\904 Harold and Mary Ann Stange, Muscatine – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\905 Joe Ann Lockwood, Muscatine – For celebrating her 80<sup>th</sup> birthday.
- 2009\906 Emil and Bernice Hanschel, Dubuque – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\907 George and Gertrude Klinge, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\908 Robert and Sandy Connolly, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\909 Rodney Fitzgerald, Peterson – For being named a 2008 Master Pork Producer by the Iowa Pork Producers Association.
- 2009\910 Dana and Nicky Sleezer, Aurelia – For being named 2008 Pork All Americans by the Iowa Pork Producers Association.
- 2009\911 Buzz and Judy Messenbrink, Schleswig – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\912 Ina Ulmer, Denison – For celebrating her 85<sup>th</sup> birthday.
- 2009\913 Verna Pieper, Denison – For celebrating her 90<sup>th</sup> birthday.
- 2009\914 Shirley Schneider, Denison – For celebrating her 75<sup>th</sup> birthday.
- 2009\915 Nadine Stender, Denison – For celebrating her 75<sup>th</sup> birthday.

SUBCOMMITTEE ASSIGNMENTS

[House Joint Resolution 3](#)

State Government: T. Taylor, Chair; Frevert and Koester.

[House File 31](#)

Education: Cohoon, Chair; Abdul-Samad and Sweeney.

[House File 75](#)

Education: Winckler, Chair; Koester and Mascher.

[House File 82](#)

Public Safety: Bukta, Chair; Kressig and Worthan.

[House File 90](#)

State Government: Wendt, Chair; Isenhart and Schulte.

[House File 91](#)

Education: Ficken, Chair; Abdul-Samad and May.

[House File 94](#)

Education: Cohoon, Chair; Steckman and Tymeson.

[House File 101](#)

State Government: Frevert, Chair; Beard and Drake.

[House File 102](#)

State Government: Quirk, Chair; Kaufmann and Willems.

[House File 104](#)

State Government: Quirk, Chair; Pettengill and T. Taylor.

[House File 107](#)

State Government: T. Taylor, Chair; Koester and Willems.

[House File 109](#)

State Government: T. Taylor, Chair; Koester and Willems.

[House File 120](#)

State Government: Gaskill, Chair; Pettengill and Willems.

[Senate File 45](#)

Local Government: Kressig, Chair; Sorenson and D. Taylor.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 3 Reassigned**

Education: Winckler, Chair; Forristall and Wendt.

**House Study Bill 90**

Environmental Protection: Smith, Chair; Anderson and Gaskill.

**House Study Bill 91**

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

**House Study Bill 92**

Judiciary: T. Olson, Chair; Helland and Wessel-Kroeschell.

**House Study Bill 93**

Public Safety: Burt, Chair; Bukta and Tjepkes.

**House Study Bill 94**

Public Safety: Whitead, Chair; Alons and Kuhn.

**House Study Bill 95**

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

**House Study Bill 96**

Public Safety: Berry, Chair; Heddens and Worthan.

**House Study Bill 97**

Public Safety: Heddens, Chair; Baudler and Burt.

**House Study Bill 98**

State Government: Gaskill, Chair; Lensing and Struyk.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 103 Ways and Means**

Providing a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

**H.S.B. 104 Ways and Means**

Relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision.

**H.S.B. 105 Ways and Means**

Updating the Code references to the Internal Revenue Code, providing for decoupling from a certain bonus depreciation provision in the Internal Revenue Code, and including effective and retroactive applicability date provisions.

**H.S.B. 106 Ways and Means**

Relating to a sales tax exemption for the operation of nonprofit private performing arts centers and allowing a sales tax refund for construction of such centers.

**H.S.B. 107 Local Government**

Concerning the issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

**H.S.B. 108 Labor**

Relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

**H.S.B. 109 Economic Growth**

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.

**H.S.B. 110 Local Government**

Relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners.

**H.S.B. 111 Human Resources**

Relating to the public health system by providing for the voluntary accreditation of certain public health agencies, the adoption of Iowa public health standards, the establishment of an accreditation data collection system, creating a fund, and providing for a penalty and an effective date.

**H.S.B. 112 Human Resources**

Relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

**H.S.B. 113 Public Safety**

Modifying the elements of sexual abuse by including certain deceptive acts, and providing penalties.

**H.S.B. 114 Transportation**

Relating to the civil penalty imposed when the department of transportation suspends or revokes a person's driver's license or nonresident operating privilege for failure to maintain proof of financial responsibility.

**H.S.B. 115 Transportation**

Relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

**H.S.B. 116 Transportation**

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.

**H.S.B. 117 Agriculture**

Providing for an agriculture energy efficiency education program.

**H.S.B. 118 Transportation**

Providing for specially designed motor vehicle registration plates to be issued for municipal police vehicles.

**H.S.B. 119 Public Safety**

Relating to the detention of a person taken into immediate custody in an involuntary hospitalization proceeding and providing a penalty.

**H.S.B. 120 State Government**

Requiring the licensing of abstractors within the department of commerce, establishing fees, penalties, and judicial remedies, and providing an effective date.

**H.S.B. 121 Agriculture**

Relating to the fees deposited in and the balance maintained in the grain depositors and sellers indemnity fund, and by providing for fees.

**H.S.B. 122 Judiciary**

Relating to the assessment of city and county fines.

## 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 HUMAN RESOURCES

**Committee Bill** (Formerly [House File 2](#)), adding hallucinogenic substances to the list of schedule I controlled substances, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 2009.

**Committee Bill** (Formerly [House File 8](#)), relating to child abuse involving members of the clergy and child abuse reporting requirements, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 2009.

## COMMITTEE ON NATURAL RESOURCES

[House Joint Resolution 1](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

Fiscal Note is not required.

Recommended **Do Pass** January 27, 2009.

## COMMITTEE ON WAYS AND MEANS

[Senate File 44](#), a bill for an act relating to the imposition of a local option sales and services tax after a disaster and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 2009.

## RESOLUTION FILED

[HR 5](#), by Reichert, Cohoon, Jacoby and Struyk, a resolution to recognize the Iowa Small Business Development Centers and honor 2008 award winners Sally Nichols and John Lohman.

Laid over under **Rule 25**.

## AMENDMENTS FILED

<a href="#">H-1007</a>	<a href="#">S.F. 44</a>	Helland of Polk
<a href="#">H-1008</a>	<a href="#">S.F. 44</a>	Helland of Polk
<a href="#">H-1009</a>	<a href="#">S.F. 44</a>	Helland of Polk

On motion by McCarthy of Polk the House adjourned at 4:26 p.m., until 9:00 a.m., Thursday, January 29, 2009.