

**PROOF**

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**STATE OF IOWA**

**House Journal**

**MONDAY, MARCH 10, 2008**

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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

Fifty-seventh Calendar Day - Fortieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 10, 2008

The House met pursuant to adjournment at 1:24 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Tim Peters, pastor of the Church of the Brethren, Prairie City. He was the guest of Representative Geri Huser of Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sarah Cutshall, legislative secretary to Representative Polly Granzow of Hardin County.

The Journal of Friday, March 7, 2008 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Soderberg of Plymouth on request of Roberts of Carroll; Greiner of Washington on request of Upmeyer of Hancock.

## INTRODUCTION OF BILLS

**House File 2541**, by H. Miller, a bill for an act providing certain counties with a workforce zone pilot program, providing certain employees in pilot program counties with state individual income tax credits, providing the option of a workforce recruitment local sales and services tax, and authorizing a county to provide residential property tax relief to certain employees, and providing an effective date.

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

**House File 2542**, by committee on labor, a bill for an act concerning work-related injuries suffered and claims made outside of

this state and workers' compensation proceedings to reopen awards for payments or agreements for settlement of contested cases.

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

Speaker pro tempore Bukta in the chair at 1:30 p.m.

### CONSIDERATION OF BILLS Regular Calendar

[House File 2119](#), a bill for an act relating to taking the fingerprints of a child by a governmental unit, was taken up for consideration.

Whitaker of Van Buren 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. 2119](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	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	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Staed	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencck	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Bukta, Presiding			

The nays were, none.

Absent or not voting, 3:

Greiner                      Soderberg                      Taylor, T.

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

**House File 2265**, a bill for an act relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability, was taken up for consideration.

Baudler of Adair 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. 2265**)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	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	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Staed	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Bukta,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Greiner                      Soderberg                      Taylor, T.

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

HOUSE FILE 852 WITHDRAWN

Baudler of Adair asked and received unanimous consent to withdraw House File 852 from further consideration by the House.

House File 2268, a bill for an act making specified revisions to the consumer credit code to conform to federal statutory updates and prohibit the transfer of ownership of a motor vehicle pursuant to a consumer rental purchase agreement, was taken up for consideration.

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?" (H.F. 2268)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	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	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes

Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Bukta, Presiding		

The nays were, none.

Absent or not voting, 2:

Greiner                      Soderberg

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

### [HOUSE FILE 663](#) WITHDRAWN

Whitaker of Van Buren asked and received unanimous consent to withdraw [House File 663](#) from further consideration by the House.

[House File 2283](#), a bill for an act concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date, was taken up for consideration.

Bailey of Hamilton offered the following amendment [H-8040](#) filed by him and moved its adoption:

#### [H-8040](#)

- 1 Amend [House File 2283](#) as follows:
- 2 1. Page 3, by inserting after line 17 the
- 3 following:
- 4 "Sec.\_\_\_\_. Section 422.7, subsection 51, Code
- 5 Supplement 2007, is amended to read as follows:
- 6 51. Subtract, to the extent included, the amount
- 7 of any Vietnam Conflict veterans bonus provided
- 8 pursuant to section 35A.8, subsection 5, and section
- 9 35A.8A."
- 10 2. Page 3, by inserting after line 19 the
- 11 following:
- 12 "Sec. \_\_\_\_\_. *RETROACTIVE APPLICABILITY*. The section
- 13 of this Act amending section 422.7, is retroactively
- 14 applicable to January 1, 2008, and is applicable to
- 15 tax years beginning on and after that date."
- 16 3. Title page, line 3, by inserting after the
- 17 word "date" the following: "and retroactive

18 applicability provision".

19 4. By renumbering as necessary.

Amendment [H-8040](#) was adopted.

Bailey of Hamilton 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. 2283](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	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	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	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	Bukta,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Greiner                      Soderberg

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

HOUSE FILE 2125 WITHDRAWN

Bailey of Hamilton asked and received unanimous consent to withdraw House File 2125 from further consideration by the House.

## IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2119, 2265, 2268 and 2283.**

House File 2287, a bill for an act increasing the penalties that may be imposed by courts-martial under the Iowa code of military justice, was taken up for consideration.

Tymeson of Madison 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. 2287)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	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	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Smith
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  
 Bukta,  
 Presiding

The nays were, none.

Absent or not voting, 3:

Greiner                                      Shomshor                                      Soderberg

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

**House File 2338**, a bill for an act relating to attendance at child in need of assistance proceedings, was taken up for consideration.

Horbach of Tama asked and received unanimous consent to withdraw amendment [H-8061](#) filed by him on March 4, 2008.

Swaim of Davis 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. 2338](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	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	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven

Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Bukta, Presiding		

The nays were, none.

Absent or not voting, 2:

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

**House File 2366**, a bill for an act designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date, was taken up for consideration.

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?” ([H.F. 2366](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	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	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor

Smith	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	Bukta, Presiding		

The nays were, none.

Absent or not voting, 2:

Greiner                      Soderberg

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 2287, 2338 and 2366.**

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 20, 2008. Had I been present, I would have voted "aye" on House Files 2195, 2213 and 2215.

PETERSEN of Polk

#### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

##### DEPARTMENT OF ELDER AFFAIRS

Final report on the Alzheimer's Disease Task Force, pursuant to Chapter 231, Code of Iowa.

##### DEPARTMENT OF HUMAN SERVICES

Report on Iowa's group care usage and wait list, pursuant to Chapter 217, Code of Iowa.

Report on Iowa's Highly Structured Juvenile Program, pursuant to Chapter 217, Code of Iowa.

Report relating to Iowa's Mental Health Systems Improvement, pursuant to Chapter 249A, Code of Iowa.

#### DEPARTMENT OF REVENUE

Annual report of the Iowa Streamlined Sales Tax Advisory Council, pursuant to Chapter 421, Code of Iowa.

#### IOWA UTILITIES BOARD

Report on the Status of Energy Efficiency Programs in Iowa, pursuant to Chapter 476.52, Code of Iowa.

#### LEGISLATIVE SERVICES AGENCY

Annual report of the Livestock Odor Study Committee, pursuant to Chapter 455B.201, Code of Iowa.

#### SECRETARY OF STATE

Principles and Practices for Charitable Nonprofit Excellence Report, pursuant to Chapter 9, Code of Iowa.

### 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\1939 | Janette Twait, Siouxland Community Blood Bank – For being honored with the President's Award for her extraordinary contribution to the blood centers community. |
| 2008\1940 | Norma and Earl Kimbell, Sioux City – For celebrating their 65 <sup>th</sup> wedding anniversary.  |
| 2008\1941 | Gene Rodberg, Sioux City – For celebrating his 81st birthday.   |
| 2008\1942 | William and LaVerna Koch, Mechanicsville – For celebrating their 60 <sup>th</sup> wedding anniversary.  |
| 2008\1943 | Agnes Twedt, Inwood – For celebrating her 90 <sup>th</sup> birthday.  |

## SUBCOMMITTEE ASSIGNMENT

House File 2472

Appropriations: Foege, Chair; Gayman and Heaton.

## AMENDMENTS FILED

<u>H-8071</u>	<u>H.F. 2212</u>	Bailey of Hamilton Windschitl of Harrison
<u>H-8072</u>	<u>H.F. 2509</u>	Raecker of Polk
<u>H-8073</u>	<u>H.F. 2493</u>	Wessel-Kroeschell of Story
<u>H-8074</u>	<u>S.F. 2122</u>	Jacobs of Polk
<u>H-8075</u>	<u>H.F. 2539</u>	Heaton of Henry Horbach of Tama Schueller of Jackson

On motion by McCarthy of Polk the House adjourned at 2:37 p.m., until 9:00 a.m., Tuesday, March 11, 2008.