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**STATE OF IOWA**

# **House Journal**

**THURSDAY, MARCH 26, 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

Seventy-fourth Calendar Day - Fiftieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 26, 2009

The House met pursuant to adjournment at 9:23 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Michael Crawford, pastor of Faith Baptist Church, Fort Dodge. He is an Army Chaplain with the rank of Captain in the Iowa Army National Guard and the guest of Representative Helen Miller of Webster County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Josie Schultz, she is the daughter of Representative Jason Schultz of Crawford County.

The Journal of Wednesday, March 25, 2009 was approved.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas and Horbach of Tama on request of Paulsen of Linn.

### ADOPTION OF [HOUSE RESOLUTION 23](#)

Winckler of Scott and L. Miller of Scott called up for consideration [House Resolution 23](#), a resolution designating March 2009 as Iowa Women's History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

### SPECIAL PRESENTATION

In celebration of "March Women's History Month", the Iowa Commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa sponsored a "Write Women Back Into History" essay contest. Winckler of Scott and L. Miller of Scott presented the following winners of the contest:

### Sixth and Seventh Grade Category Essays

First Place — Brandon Farr, Prairie Middle School, Cedar Rapids.

Second Place — Madison Noble, Parkview Middle School, Ankeny.

Third Place — Maddie Fields, Prairie Middle School, Cedar Rapids.

### Eighth and Ninth Grade Category Essay

First Place — Kelsiann Halbloom, West Marshall Middle School, State Center.

### Best Essays On Women In Science And Engineering Sixth and Seventh Grades

First Place — Aaron Christensen, Prairie Middle School, Cedar Rapids.

Second Place — Morgan Exline, Prairie Middle School, Cedar Rapids.

### CONSIDERATION OF BILLS Regular Calendar

[House File 481](#), a bill for an act providing an excess weight allowance for special trucks hauling distillers grains, was taken up for consideration.

Worthan of Buena Vista 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. 481](#))

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Forristall	Frevert	Gaskill	Gayman

Grassley	Hagenow	Heaton	Heddens
Helland	Hunter	Huseman	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	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, 2:

Huser	Isenhart
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Absent or not voting, 6:

Arnold	Bailey	Chambers	Ford
Horbach	Olson, R.		

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

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 481](#) be immediately messaged to the Senate.

The House stood at ease at 9:41 a.m., until the fall of the gavel.

The House resumed session at 10:34 a.m., Reasoner of Union in the chair.

On motion by Abdul-Samad of Polk, the House was recessed at 10:35 a.m., until 4:00 p.m.

The House resumed session at 4:42 p.m., Speaker Murphy in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Alons of Sioux, Dolecheck of Ringgold, L. Miller of Scott, Rayhons of Hancock and Tymeson of Madison, on request of Roberts of Carroll.

## 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 March 26, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 432](#), a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties.

Also: That the Senate has on March 26, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 456](#), a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILL

[House File 806](#), by May, a bill for an act requiring the department of education to create two one-year pilot programs to fund special education support services, media services, and education services through individual school districts or school district consortiums instead of the respective area education agencies.

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

## SENATE MESSAGE CONSIDERED

[Senate File 432](#), by committee on agriculture, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties and effective dates.

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

CONSIDERATION OF BILLS  
Regular Calendar

[House File 420](#), a bill for an act concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees, was taken up for consideration.

Hunter of Polk offered amendment [H-1293](#) filed by him as follows:

[H-1293](#)

- 1 Amend [House File 420](#) as follows:
- 2 1. Page 3, by striking lines 9 through 12 and
- 3 inserting the following: "city in which they are
- 4 employed, but they shall become a resident of the
- 5 state at the time such appointment or employment
- 6 begins and shall remain a resident of the state during
- 7 employment. ~~Cities~~ However, cities may set a".

Struyk of Pottawattamie asked and received unanimous consent that amendment [H-1320](#) to amendment [H-1293](#) be deferred.

Struyk of Pottawattamie offered the following amendment [H-1321](#), to amendment [H-1293](#), filed by him from the floor and moved its adoption:

[H-1321](#)

- 1 Amend the amendment, [H-1293](#), to [House File 420](#), as
- 2 follows:
- 3 1. Page 1, by striking lines 5 and 6 and
- 4 inserting the following: "state ~~at the time~~ within
- 5 two years of such appointment or the date employment
- 6 begins and shall remain a resident of the state during
- 7 the remainder of".
- 8 2. Page 1, by inserting after line 7 the
- 9 following:
- 10 "\_\_\_\_. Page 3, line 16, by inserting after the
- 11 word "employment," the following: "Each employee
- 12 residing outside the state on the date of appointment
- 13 or on the date employment begins shall take reasonable
- 14 steps to become a resident of the state as soon as
- 15 practicable following appointment or beginning of
- 16 employment.""

Amendment [H-1321](#) was adopted.

On motion by Hunter of Polk, amendment [H-1293](#), as amended, was adopted, placing out of order amendment [H-1320](#), (previously deferred), filed by Struyk from the floor.

Watts of Dallas offered the following amendment [H-1090](#) filed by him and moved its adoption:

[H-1090](#)

- 1 Amend [House File 420](#) as follows:
- 2 1. Page 3, line 17, by inserting after the word
- 3 "appointed," the following: "denied appointment."

Amendment [H-1090](#) was adopted.

Hunter of Polk 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. 420](#))

The ayes were, 90:

Abdul-Samad	Anderson	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Drake	Ficken	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Raecker	Rants	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	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, 10:

Alons	Arnold	Chambers	Dolecheck
Ford	Horbach	Miller, L.	Quirk
Rayhons	Tymeson		

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

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 420](#) be immediately messaged to the Senate.

#### [HOUSE FILE 627](#) REFERRED

The Speaker announced that [House File 627](#), previously placed on the **calendar** was referred to committee on **ways and means**.

#### [HOUSE FILE 764](#) REFERRED

The Speaker announced that [House File 764](#), previously placed on the **calendar** was referred to committee on **ways and means**.

#### [HOUSE FILE 769](#) REFERRED

The Speaker announced that [House File 769](#), previously placed on the **calendar** was referred to committee on **ways and means**.

#### 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\3459 Matthew Webb, Norwalk – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

2009\3460 Zelda Tanke, Deep River – For celebrating her 80<sup>th</sup> birthday.

## SUBCOMMITTEE ASSIGNMENTS

[House File 744](#)

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

[House File 767](#)

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

[Senate File 117](#)

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

[Senate File 119](#)

Judiciary: Huser, Chair; Smith and Struyk.

[Senate File 226](#)

State Government: Frevert, Chair; Beard and Struyk.

[Senate File 283](#)

Judiciary: R. Olson, Chair; Palmer and Struyk.

[Senate File 433](#)

Human Resources: Berry, Chair; L. Miller and Thede.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 277](#) Ways and Means

Allowing the department of revenue to subpoena certain customer records of individuals owing taxes, penalties, or interest.

[H.S.B. 278](#) Ways and Means

Relating to local government revenues by modifying provisions related to city franchise fees and authorizing cities and counties to impose certain local taxes and fees and including effective date provisions.

**H.S.B. 279 Ways and Means**

Directing the director of revenue to negotiate reciprocal income tax agreements with other states.

**H.S.B. 280 Ways and Means**

Modifying provisions relating to the regulation of delayed deposit service businesses, making penalties applicable, and providing an effective date.

**H.S.B. 281 Ways and Means**

Relating to renewable energy by establishing an energy independence renewable energy transmission franchise process which may be used under specified circumstances, providing for an annual transmission line surcharge, and providing for renewable energy job training grants.

**H.S.B. 282 Ways and Means**

Creating a new construction housing assistance program and fund.

**H.S.B. 283 Ways and Means**

Relating to residential property and property taxation within a self-supported municipal improvement district, providing a property tax exemption, and providing for mail delivery of notices.

**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 AGRICULTURE

[Senate File 405](#), a bill for an act providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine, and making penalties applicable.

Fiscal Note is not required.

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

## COMMITTEE ON ECONOMIC GROWTH

[Senate File 304](#), a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009

**Pursuant to Rule 31, [Senate File 304](#) was referred to the committee on ways and means.**

[Senate File 403](#), a bill for an act concerning the sale of beer by native wineries.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1312](#)** March 25, 2009.

## COMMITTEE ON PUBLIC SAFETY

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1308](#)** March 25, 2009.

## COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

[Senate File 336](#), a bill for an act providing for waivers of certain community attraction and tourism program requirements.

Fiscal Note is not required.

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

[Senate File 415](#), a bill for an act relating to the acquisition of title to disaster-affected abandoned property by cities in certain years.

Fiscal Note is not required.

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

## COMMITTEE ON STATE GOVERNMENT

[Senate File 224](#), a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

[Senate File 420](#), a bill for an act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

[Senate File 447](#), a bill for an act concerning off-premises consumption of resealed bottles of wine.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

## COMMITTEE ON TRANSPORTATION

[House File 783](#), a bill for an act relating to small business concerns regarding contracts with the department of transportation, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1311](#)** March 24, 2009.

[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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1310](#)** March 24, 2009.

[Senate File 356](#), a bill for an act 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1309](#)** March 24, 2009.

## COMMITTEE ON VETERANS AFFAIRS

[Senate File 407](#), a bill for an act relating to the rights and responsibilities of Iowa veterans home members.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

[Senate File 440](#), a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

## AMENDMENTS FILED

<a href="#">H-1308</a>	<a href="#">S.F. 3</a>	Committee on Public Safety
<a href="#">H-1309</a>	<a href="#">S.F. 356</a>	Committee on Transportation
<a href="#">H-1310</a>	<a href="#">S.F. 151</a>	Committee on Transportation
<a href="#">H-1311</a>	<a href="#">H.F. 783</a>	Committee on Transportation
<a href="#">H-1312</a>	<a href="#">S.F. 403</a>	Committee on Economic Growth
<a href="#">H-1313</a>	<a href="#">S.F. 187</a>	Whitaker of Van Buren
<a href="#">H-1314</a>	<a href="#">H.F. 486</a>	Kuhn of Floyd
		Lykam of Scott
<a href="#">H-1315</a>	<a href="#">S.F. 419</a>	Lykam of Scott
<a href="#">H-1316</a>	<a href="#">S.F. 344</a>	Kaufmann of Cedar
<a href="#">H-1317</a>	<a href="#">S.F. 344</a>	Koester of Polk
<a href="#">H-1318</a>	<a href="#">S.F. 419</a>	Huser of Polk
		Petersen of Polk
<a href="#">H-1319</a>	<a href="#">S.F. 404</a>	De Boef of Keokuk
		Sweeney of Hardin
<a href="#">H-1322</a>	<a href="#">S.F. 152</a>	Heaton of Henry
		Tjepkes of Webster
		Schulte of Linn
<a href="#">H-1323</a>	<a href="#">H.F. 732</a>	Baudler of Adair

On motion by McCarthy of Polk the House adjourned at 5:04 p.m., until 9:00 a.m., Friday, March 27, 2009.