PROOF

STATE OF IOWA

House Journal

TUESDAY, JANUARY 11, 2011

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.)

JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 11, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Tim Leathers, Heartland Fellowship Church, Wilton. He was the guest of Representative Kaufmann of Cedar County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ryan and Abby Leathers of Wilton. They were the guests of Representative Kaufmann of Cedar County.

The Journal of Monday, January 10, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Iverson of Wright, for the remainder of the week, on request of Upmeyer of Hancock.

COMMITTEE TO NOTIFY THE SENATE

Pettengill of Benton moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Pettengill of Benton, Chair; Baltimore of Boone and Gaines of Polk.

The House stood at ease at 8:37 a.m., until the fall of the gavel.

The House resumed session at 9:48 a.m., Speaker Paulsen in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Pettengill, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 1, duly adopted, the joint convention was called to order at 9:50 a.m. President Kibbie presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Kibbie announced a quorum present and the joint convention duly organized.

Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives be appointed to notify and escort Governor Chester J. Culver into the House chamber and receive him.

The motion prevailed and the President appointed as such committee Senators Dearden of Polk, Horn of Linn and Anderson of Woodbury, on the part of the Senate, and Representatives Pettengill

of Benton, Baltimore of Boone and Kajtazovic of Black Hawk, on the part of the House.

Secretary of State, Matt Schultz; Secretary of Agriculture and Land Stewardship, Bill Northey; State Auditor David Vaudt; and Attorney General Tom Miller were escorted into the House chamber.

The Justices of the Supreme Court, the Chief Judge and Chief Judges of the Court of Appeals were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

Mari Culver, wife of the Governor and his two children, John and Clare, were escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him to the Speaker's station.

President Kibbie then presented Governor Chester J. Culver who delivered the following condition of the state address:

Members of the General Assembly, President Kibbie, Speaker Paulsen, Leaders: Gronstal, Upmeyer, McCarthy and McKinley, thank you for the opportunity to address this joint session of the Legislature.

To my fellow statewide elected officials, members of the Iowa Supreme Court and Iowa Court of Appeals, thank you for being here this morning.

I want to congratulate the newly elected legislators and statewide officials, including Governor-elect Branstad and Lt. Governor-elect Reynolds, on your victory. I wish you Godspeed and good luck in the future.

To members of our Board of Regents, including President Miles, and University Presidents Mason, Geoffrey and Allen, I want to say it's been a pleasure to work with you. It's fair to say that no state in the nation enjoys the leadership and recognition that our three outstanding public universities do. The same is true for the leadership of our community colleges and private colleges.

As the commander in chief of the Iowa National Guard, I would like to acknowledge the outstanding leadership of Adjutant General Tim Orr, and thank the men and women who wear the uniform.

We are now in the midst of the largest single overseas deployment of Guard troops since World War Two. 3,100 of our brave fighting men and women are currently deployed in Afghanistan.

Sadly, during the last decade, 77 Iowans have given the ultimate sacrifice in Iraq and Afghanistan. Hundreds more also have been injured. We honor their sacrifice today and I ask you to always keep our military families in your thoughts and prayers.

I am often inspired by the words of one of my heroes, President John F. Kennedy, who said, "The greatest tribute is not to utter words, but to live by them."

That's why I am so proud last year Iowa became the first state in America to pass the top ten recommendations from the U.S. Department of Defense to support our troops, their families, and our veterans.

One of the highlights of my term was having the opportunity to visit and spend time with our troops, in Iraq, Kosovo, and at Camp Ripley in Minnesota, during pre-deployment training.

Finally what a tremendous honor for me, to formally recognize Iowa's own Staff Sgt. Salvatore Guinta after he was awarded the Medal of Honor.

So, we've kept our promises to our brave men and women in uniform and our state is stronger for it.

I stand before you, for the last time, entrusted by the constitution with the duty of updating you about the condition of our state. As you can imagine, I do so today with a broad range of emotions.

First of all, I am confident our administration has left the state in a better position than we found it. In fact, last fall Iowa was acknowledged in a national publication as being the 3rd best run state in the nation.

So, I am happy to report the condition of our state is strong today, and we are well-positioned for growth, greatness and prosperity tomorrow.

This is especially true when it comes to renewable energy, our children, new 21st Century jobs, and disaster recovery.

Today, Iowa is number one in the nation in renewable energy. We now generate 20 percent of our power from renewable sources, up from just 5 percent four years ago.

With the help of our private sector partners, including MidAmerican and Alliant Energy, in the past four years we've built 40 wind farms. We're one of only 2 states manufacturing wind towers, turbines and blades, the three component parts of a windmill. And, more than 200 Iowa small businesses are now employing thousands of people in the wind energy supply chain.

We have more than 4,700 windmills operating across the state, enough to power more than 1 million homes. And, exciting new transmission plans are now in place to build out our electric grid. This will allow Iowa to one day sell excess power to cities like Chicago. So, we have accomplished our goal of becoming the renewable energy capital of the United States.

One of the tools we used to accomplish this goal is the Iowa Power Fund. It has allowed Iowa to become the silicon prairie of the Midwest. To date, we've invested more than a quarter of a billion dollars, in public and private funds, into 40 cutting edge 2nd and 3rd generation research and development projects. These breakthrough technologies and solutions will help Iowa secure its renewable energy future.

To Chairman Fred Hubbell and the members of the Iowa Power Fund Board, and to Roya Stanley, Director at the Office of Energy Independence, I salute and thank you for your visionary work.

We've also helped increase production of biofuels statewide by supporting and expanding tax credits for biodiesel, ethanol and E-85 at the federal and state level. And, this year, as Chairman of the National Governor's Biofuels coalition, we successfully pushed for an E-15 waiver from the Environmental Protection Agency. This will allow Iowa to produce millions more gallons of ethanol annually and keep us on a pathway toward energy independence.

When it comes to investing in Iowa's children, we also have made great progress. Today, we are number one in the nation in children's health insurance. No state has done more to cover kids in the last four years. We've added 58,000 kids to the rolls, and as a result 99 percent of Iowa's children are now getting basic health care services.

In addition, we are leading the nation in expanding access to preschool. During the last three years alone, 23,000 additional children have been enrolled in early childhood education programs. As a result, 90 percent of 4-year-olds now have the opportunity to attend a quality preschool program, up from just 5 percent a few years ago.

We've also had a clear and consistent focus on creating new 21st Century green-collar and information technology jobs. Our state is now home to more than 8,000 green-collar jobs, and 8 new wind energy companies are now operating in Iowa. In addition, three international information technology companies, Google, Microsoft and IBM, have created nearly 2,000 new IT jobs in the last 3 years.

And, thanks to our Department of Economic Development and its board of directors, we've partnered successfully with 280 businesses that have agreed to create or retain a total of 28,000 good-paying Iowa jobs.

In addition, our workforce development efforts have allowed for real progress in coordinating the needs of our employers with the skills of our workers. Community college enrollment is at an all-time high and our successful community college job training and worker retraining programs have allowed us to help more than 100,000 Iowans find a job.

So, our job creation and workforce development efforts are now paying big dividends. In fact, our unemployment rate is now at 6.6 percent, or 33 percent below than the national average, and the 7th lowest in the nation.

As a result, Iowa has now regained more than a third of the jobs it lost during the recession and just last week it was reported that we're now on track to reach pre-recession employment levels by the third quarter of 2012.

These efforts have allowed Iowa to lead the country out of the recession. 13 of our 19 largest companies just reported double-digit stock gains in 2010, and we are the only state in the nation to post 14 consecutive months of sustained economic growth. These positive signs, coupled with our $950 million surplus, clearly show the strength of Iowa's economy.

You know, these last four years have been challenging times for all of us. Together, we've faced unprecedented natural disasters. We've seen the destruction of tornadoes and floods that killed and injured so many in communities across Iowa in 2008, and again in 2010.

The images from places like Cedar Rapids, New Hartford, Palo, Coralville, Waterloo, Parkersburg, Cedar Falls and Oakville, told the story of the damage and devastation better than any words ever could.

But, I have never been more proud of Iowans. We showed the best of Iowa in the worst of times. Despite tough times, we've come together, to build the foundation for a better, stronger, and more resilient state -- one that is now well on its way to a full and complete recovery.

We stood together, shoulder to shoulder, united as one, committed to rebuilding our state from our worst natural disaster ever. And, together we've helped ease the pain for those who lost so much.

To date, we've secured more than $5 billion in state and federal funds for recovery, rebuilding and flood mitigation efforts. This includes $1 billion for Linn County alone. I would like to thank Retired Lt. General Ron Dardis and the entire Rebuild Iowa Office for their tireless work on flood recovery.

As a result of our efforts, we're rebuilding Iowa in a stronger, safer and more sustainable way. Together with the help of legislators from flood-impacted communities, we created the Iowa Jobs and Infrastructure Initiative, or I-JOBS, to provide funds totaling $330 million for nearly 100 separate flood recovery and mitigation projects in 37 flood-affected counties.

These include: new fire stations in Elkader and Charles City; a new public library and National Czech and Slovak Museum in Cedar Rapids; replacing 10 buildings at the University of Iowa including Hancher Auditorium; and a new flood wall that will now protect 200 small business owners along the Coralville strip.

So, we've accomplished a great deal together and moved our state forward these last four years, despite governing through some very challenging times.

I am very proud of our record and I am deeply grateful to have had the opportunity to serve as the 40th Governor of Iowa. I would like to thank the people of Iowa for giving me this enormous privilege.

Looking back, perhaps one of the things I'm most proud of is that we kept the promises we made to Iowans. We did what we said we were going to do.

We raised the minimum wage. Increased teacher pay. Made our public places smoke-free. Lifted the ban on stem cell research. Protected civil rights: at home, in the

workplace and for our students in schools. Balanced the budget four years in a row, and earned a triple-A bond rating.

In addition, we tackled racial disparity in sentencing and youth detention. Appointed a record number of women and minorities to boards and commissions. Passed the first in the nation minority impact legislation. And stood tall to protect the constitutional rights of all Iowans regardless of race, gender or sexual orientation.

Finally, we reduced state spending. Reformed and reorganized government. Streamlined and consolidated operations. Offered early retirement to 2,200 state employees. Reduced employees health care costs by $20 million. Implemented strategic purchasing. Reduced our state vehicle fleet. And eliminated redundant email and information technology services.

All of these important reform measures have helped us create a record $950 million surplus, will save us more than $300 million annually, and put us closer to the smaller, smarter and more efficient government our taxpayers deserve.

The reason our record of accomplishment was possible is because I had the privilege of working each day with extraordinary Iowans, and the list of people I want to thank is long.

First and foremost, I want to thank my wife, Mari, and my entire family, including my parents, siblings and relatives, for their constant and unwavering love and support.

I am very proud of the fact Mari has been one of the state's leading advocates for at-risk women and children. In fact, a few weeks ago she was recognized as the 2010 "advocate of the year" by Children and Family Services of Iowa.

So, Mari has been a great First Lady, and an incredible mother to our two children, of whom we are both so proud. Please join me in thanking the first lady for her service, and welcoming our children, John and Clare, to the chamber.

I also want to extend a huge thank-you to Iowa's Lt. Governor, Patty Judge. Patty has been the best partner a Governor could have. She's served as an important adviser on matters big and small. And she's been an excellent oversight executive for the state's homeland security and emergency management agencies.

The State of Iowa is a better place because of Patty Judge's more than 20 years of public service, as a State Senator from Albia, the first woman elected Secretary of Agriculture and Lt. Governor. Please join me in welcoming and thanking Lt. Governor Judge.

Additionally, I want to thank my chief of staff, Jim Larew, Deputy Chief of Staff Joni Klaassen, and the directors of our state's 38 departments and agencies, who showed dedication to our cause and worked hard every day to move this state forward.

I want to say thank-you to each of you for your outstanding public service. Your expertise, advice and input have been invaluable.

I also have been blessed with the opportunity to work every day with a great team of individuals in the Governor's and Lt. Governor's office, along with thousands of exceptionally talented state employees across Iowa.

They include state troopers who put their lives on the line every day to protect us; snowplow drivers who clear our highways after dangerous winter storms; corrections officers who protect our communities from our most dangerous criminals; nurses at the University of Iowa hospitals who take care of our loved ones; the cafeteria staff who will serve many of us lunch today, and the custodians who come in every night to keep this Capitol building one of the most beautiful in the nation.

So, to every member of our state government team, I want to thank you for your professionalism. You make certain state government provides the kind of service Iowans expect.

Finally, to all members of the General Assembly and leadership on both sides of the aisle, I'd like to say thanks to each of you for being important partners in our efforts to made Iowa an even better place .

So, the condition of our state is strong; we've made the tough decisions; and we've kept our promises to the people of Iowa.

However, despite our progress, our work as a state is never done. For example, just today, the Department of Management is releasing our required biannual report detailing progress on our government reform and reorganization initiative. This report identifies more steps that can be taken, such as improved debt collection, further information technology consolidation and targeted strategic purchasing opportunities

These steps will save $84 million in the current fiscal year. I encourage you to continue these efforts and implement the report's recommendations.

We've also provided the legislature and the new administration with a detailed summery addressing the historic egg recall last summer. This includes five proposed changes in Iowa law that will help improve food safety and employee training standards in the wake of the salmonella outbreak last summer.

These are only two examples of ways in which your legislative action will be necessary. But I have no doubt you will meet these challenges and many others you will face this session head-on.

My fellow Iowans, we've been through a great deal together these past four years. From the worst natural disaster in our state's history, to the biggest economic downturn since the Great Depression, to the H1N1 flu pandemic and the largest troop deployment since World War Two.

I think it's fair to say there's never been a dull moment. I understand very well that these difficult times have taken their toll on the people of Iowa. But, time and time again, together we have successfully overcome these challenges, and I believe we are better state and a better people for it.

Our resilience is tied directly to our inherent optimism -- a belief that things will get better and that our best days are ahead of us. We are also a people of strong faith

and character who believe in our Iowa values of hard work, determination and common sense.

We now stand at a critically important time for Iowa. Our state's direction and destination are up to each of you.

So, I want to encourage you in the clearest possible terms to build on our strengths, especially in the areas of renewable energy, investing in our children, creating the jobs of the future and completing disaster recovery efforts.

The vision of Iowa we should all stand for is not a partisan vision, not a political vision nor a self-serving vision. It's an Iowa vision, one that will move the people of this state forward, one that will put the people of Iowa first, embrace our dreams, unlock our potential, and improve our quality of life.

May God bless you, and may God bless the people of the great State of Iowa. Thank you.

Governor Chester J. Culver was escorted from the House chamber by the committee previously appointed.

On motion by Helland of Polk, the joint convention was dissolved at 10:47 a.m.

On motion by Helland of Polk, the House was recessed at 10:49 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:34 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 1, by Paulsen, Raecker, Upmeyer, Schulte, Watts, Tjepkes, Schultz, Anderson, De Boef, Huseman, Lukan, Lofgren, Moore, Garrett, Forristall, L. Miller, Rayhons, Drake, Wagner, Helland, Kaufmann, Pearson, Shaw, Hagenow, J. Smith, Jorgensen, Deyoe, Brandenburg, Sweeney, Hein, Klein, S. Olson, Grassley, Rasmussen, Baltimore, Soderberg, Fry, Worthan, Vander Linden, Byrnes, Sands, and Windschitl, a bill for an act establishing an organized system of reviews and ongoing repeal dates for programs and projects administered by executive branch departments.

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

House File 2, by Upmeyer, L. Miller, Heaton, Schulte, Pettengill, Alons, De Boef, Hagenow, Raecker, S. Olson, Paustian, Chambers, Iverson, Sands, Windschitl, Deyoe, Watts, Tjepkes, Schultz, Anderson, Huseman, Lukan, Moore, Forristall, Rayhons, Drake, Wagner, Helland, Paulsen, Fry, Cownie, Baltimore, Soderberg, Vander Linden, Hanusa, Worthan, Koester, Jorgensen, Dolecheck, Klein, J. Smith, and Sweeney, a bill for an act establishing the right to choose whether to purchase health care.

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

House File 3, by Horbach, Jorgensen, Deyoe, Fry, Sweeney, Hein, Paulsen, Pearson, Shaw, Massie, J. Smith, De Boef, Hagenow, Vander Linden, Schulte, Worthan, Hanusa, Byrnes, Soderberg, Heaton, Huseman, Raecker, Pettengill, Koester, L. Miller, Dolecheck, Paustian, Alons, Klein, Rogers, Grassley, Chambers, Wagner, Drake, Lofgren, Sands, Upmeyer, Hager, and Windschitl, a bill for an act providing for the placement of a right-to-work notice on department of economic development materials.

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

House File 4, by Wagner, Helland, L. Miller, Paustian, Klein, Alons, Soderberg, Grassley, De Boef, Anderson, Chambers, Pearson, Worthan, Hagenow, Sands, Hager, Byrnes, and Windschitl, a bill for an act providing for a reduction in the individual income tax rates and including effective date and applicability provisions.

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

House File 5, by Windschitl, Brandenburg, Hanusa, Schultz, Chambers, Alons, Baudler, Koester, Lukan, Forristall, Rogers, De Boef, Helland, Sweeney, L. Miller, Hagenow, Jorgensen, Soderberg, Huseman, Upmeyer, Dolecheck, Moore, Anderson, Byrnes, Lofgren, Hager, Drake, Kaufmann, Deyoe, Sands, Paustian, and Paulsen, a bill for an act relating to abortions including prohibiting late-term abortions with certain exceptions, providing penalties, and including an effective date provision.

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

House File 6, by Cownie, Grassley, Alons, Soderberg, Hager, Rogers, Vander Linden, Paustian, S. Olson, Sands, Chambers, Heaton, Pettengill, Raecker, L. Miller, Forristall, Garrett, Lofgren, Moore, Dolecheck, Hanusa, Huseman, De Boef, Drake, Deyoe, Pearson, Hagenow, Koester, Kaufmann, Windschitl, Klein, Fry, Wagner, Worthan, Byrnes, Jorgensen, Helland, J. Smith, and Baltimore, a bill for an act requiring the development of a searchable budget database and internet site for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database and internet site for the public to access the details of each tax rate for all taxing districts in the state.

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

House File 7, by Windschitl, Dolecheck, Deyoe, Schulte, Soderberg, L. Miller, Fry, Huseman, Rasmussen, Alons, De Boef, Klein, Hager, Drake, Lofgren, Sweeney, Sands, Lukan, Helland, Byrnes, Brandenburg, Chambers, Kaufmann, Watts, Schultz, Hagenow, Upmeyer, Paustian, and Rogers, a bill for an act relating to the justifiable use of reasonable force and providing a remedy.

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

House File 8, by Cownie, Alons, Anderson, Baltimore, Brandenburg, Chambers, De Boef, Deyoe, Dolecheck, Forristall, Fry, Garrett, Hagenow, Helland, Huseman, Jorgensen, Lofgren, L. Miller, S. Olson, Paustian, Pearson, Pettengill, Raecker, Rasmussen, Rogers, Sands, Schulte, Iverson, J. Smith, Sweeney, J. Taylor, Tjepkes, Upmeyer, Vander Linden, Watts, Windschitl, Worthan, Grassley, Soderberg, Hager, Heaton, Moore, Lukan, Klein, Hanusa, Byrnes, Koester, Wagner, and Drake, a bill for an act establishing a requirement for voters to provide certain identification when voting in person at the polling place.

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

House File 9, by Sands, Hagenow, J. Smith, Kaufmann, Schulte, Fry, S. Olson, Jorgensen, Worthan, Helland, Hanusa, Huseman, Wagner, Soderberg, Paustian, Grassley, Chambers, Raecker, Alons, Deyoe, Drake, Byrnes, Pearson, Hager, Lofgren, and Windschitl, a bill for an act relating to property taxation and local government and school financing by increasing the regular program foundation base,

establishing local government financing requirements for essential services, establishing a method for determining property assessment limitations, and including retroactive and other applicability provisions.

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

House File 10, by Pettengill, Sands, Deyoe, Lukan, Windschitl, Dolecheck, Chambers, Shaw, Watts, Kaufmann, Soderberg, Worthan, Paustian, and Schultz, a bill for an act repealing statewide licensure requirements for electricians and electrical contractors, including transition provisions, and providing an effective date.

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

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Report of the Study on the Opportunities for Recruiting Racial and Ethnic Minority Teachers in Iowa, pursuant to House File 2432, 2010 Iowa Acts.

DEPARTMENT OF ADMINISTRATIVE SERVICES

TGB Annual Report, pursuant to Chapter 8A.204, Code of Iowa.

DEPARTMENT OF EDUCATION

Iowa Council of Early ACCESS Report, pursuant to Chapter 281, Code of Iowa.

Report on School Disaster Waivers, pursuant to Chapter 256.9(59), Code of Iowa.

DEPARTMENT OF INSPECTIONS AND APPEALS

Report on the Expansion of the Divestiture Program Staffing, pursuant to Senate File 2367, 2010 Iowa Acts.

DEPARTMENT OF NATURAL RESOURCES

Household Hazardous Materials Annual Report, pursuant to Chapter 455F.8, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Report of the Iowa Highway Research Board, pursuant to Chapters 310.36 and 312.3A, Code of Iowa.

IOWA HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Enhanced 911 Annual Report, pursuant to Chapter 34A.7A(3)(a), Code of Iowa.

IOWA STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

Annual Report, pursuant to House File 353, 2007 Iowa Acts.

On motion by Upmeyer of Hancock the House adjourned at 1:37 p.m., until 8:30 a.m., Wednesday, January 12, 2011.