

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MARCH 3, 2010

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JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 3, 2010

The House met pursuant to adjournment at 9:20 a.m., Abdul-Samad of Polk in the chair.

Prayer was offered by Reverend Cathleen Bascom, Dean of the Cathedral of St. Paul, Des Moines. She was the guest of Representative Ako Abdul-Samad of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chancellor and Brigitte Dakovich from St. Edwards School, Waterloo. They were the guests of Representative Doris Kelley of Black Hawk County.

The Journal of Tuesday, March 2, 2010 was approved.

PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto from eighty-five constituents of the seventh district favoring a vote on the definition of marriage.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Murphy of Dubuque and Wendt of Woodbury on request of McCarthy of Polk.

ADOPTION OF [HOUSE RESOLUTION 116](#)

Raecker of Polk called up for consideration [House Resolution 116](#), a resolution honoring the Urbandale Major League All-Star Team for a successful tournament season and for its participation in

the 2009 Little League World Series, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF [HOUSE RESOLUTION 115](#)

Zirkelbach of Jones, Tymeson of Madison, Gayman of Scott, Chambers of O'Brien and Steckman of Cerro Gordo called up for consideration [House Resolution 115](#), a resolution to recognize Iowa employer support for the Guard and Reserve, their 150 Iowa volunteers, and the programs they provide, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF [HOUSE RESOLUTION 109](#)

Bukta of Clinton called up for consideration [House Resolution 109](#), a resolution to honor state, county, and city road workers for their diligent work in clearing snow and ice from Iowa's vital road network, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:45 a.m., until the fall of the gavel.

The House resumed session at 10:47 a.m., Zirkelbach of Jones in the chair.

CONSIDERATION OF BILLS
Regular Calendar

[House File 2499](#), a bill for an act requiring the department of veterans affairs to provide copies of certain discharge documents to the county commissions of veteran affairs, was taken up for consideration.

Chambers of O'Brien offered the following amendment [H-8280](#) filed by him and moved its adoption:

[H-8280](#)

- 1 Amend [House File 2499](#) as follows:
- 2 1. Page 1, after line 17 by inserting:

3 <Sec. ____ Section 331.608, subsection 6, paragraph
 4 e, Code Supplement 2009, is amended to read as follows:
 5 e. When otherwise required by a department or
 6 agency of the federal or state government or a
 7 political subdivision. The recorder shall make these
 8 records available to the department of veterans affairs
 9 and the county commission of veteran affairs. For
 10 records recorded before, on, or after the effective
 11 date of this Act, the recorder shall provide a copy of
 12 each such record to the county commission of veteran
 13 affairs and to the department of veterans affairs.
 14 Copies of records recorded before the effective date of
 15 this Act shall be provided not later than January 1,
 16 2011. For records recorded on or after the effective
 17 date of this Act, such copies shall be provided within
 18 thirty days of recording. The department of veterans
 19 affairs and its employees and the county commission of
 20 veteran affairs and its employees shall be subject to
 21 the same state and federal confidentiality restrictions
 22 and requirements that are imposed on the recorder.>
 23 2. Title page, line 1, after <Act> by inserting
 24 <relating to veterans records by requiring county
 25 recorders to provide copies of certain records to
 26 the department of veterans affairs and the county
 27 commission of veteran affairs and by>
 28 3. By renumbering as necessary.

Amendment [H-8280](#) was adopted.

Chambers of O'Brien 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. 2499](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.

Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 2:

Murphy, Spkr. Wendt

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

House File 2477, a bill for an act relating to mechanics' liens including the establishment of a state construction registry for residential construction property and providing an effective date, was taken up for consideration.

Palmer of Mahaska offered the following amendment [H-8325](#) filed by him and moved its adoption:

[H-8325](#)

- 1 Amend [House File 2477](#) as follows:
- 2 1. Page 1, line 33, after <record> by inserting
- 3 <who furnishes material or performs labor upon a
- 4 building, erection, or other improvement and>
- 5 2. Page 2, line 32, after <owner,> by inserting
- 6 <owner-builder,>
- 7 3. Page 7, line 19, after <2.> by inserting <a.>
- 8 4. Page 7, after line 22 by inserting:
- 9 <b. Except for residential construction property
- 10 owned by an owner-builder, a mechanic's lien perfected
- 11 under this chapter is enforceable only to the extent
- 12 of the balance due the general contractor at the time
- 13 the owner actually receives the notice sent pursuant
- 14 to subsection 3.
- 15 c. In any action to enforce a mechanic's lien
- 16 perfected under this chapter against the owner,

17 the subcontractor bears the burden to prove by a
 18 preponderance of the evidence that the owner actually
 19 received notice pursuant to subsection 3.>

20 5. Page 7, line 25, after <rule> by inserting <,
 21 including the owner notice described in section 572.13,
 22 subsection 1>

23 6. Page 7, line 26, after <owner-builders.> by
 24 inserting <For purposes of satisfying the notice
 25 requirement in subsection 2, concerning actual receipt
 26 of such notice, a subcontractor may provide a separate
 27 notice directly to the owner.>

28 7. Page 10, line 24, after <dwelling> by inserting
 29 <residential construction>

30 8. Page 12, by striking lines 12 and 13 and
 31 inserting:

32 <2. In a court action to challenge a mechanic's
 33 lien filed on ~~an owner-occupied dwelling~~ a residential
 34 construction property, if the person challenging>

35 9. Page 14, line 26, after <website.> by inserting
 36 <The authority shall not charge a filing fee for a
 37 preliminary notice required pursuant to this chapter
 38 that exceeds the cost of sending such notice by
 39 certified mail with restricted delivery and return
 40 receipt.>

41 10. Page 14, line 30, after <registry.> by
 42 inserting <The authority shall administer the registry
 43 on a revenue neutral basis and shall adjust fees on an
 44 annual basis to prevent the accumulation of surplus
 45 funds.>

Amendment [H-8325](#) was adopted.

Palmer of Mahaska 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. 2477](#))

The ayes were, 90:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Jacoby	Kaufmann	Koester
Kressig	Kuhn	Lensing	Lukan

Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Roberts	Running-Marquardt	Sands
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, 8:

Gaskill	Isenhart	Kearns	Kelley
Olson, D.	Reichert	Schueller	Whitead

Absent or not voting, 2:

Murphy, Spkr.	Wendt
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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 2477** and **2499**.

McCarthy of Polk asked and received unanimous consent to suspend the rules for the committee on transportation to meet after 4:00 p.m.

On motion by McCarthy of Polk, the House was recessed at 11:12 a.m., until 6:00 p.m.

EVENING SESSION

The House reconvened at 6:10 p.m., Speaker pro tempore Bukta in the chair.

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 3, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2484](#), a bill for an act exempting certain boat harbors from certain dock requirements and including effective date and retroactive applicability provisions.

Also: That the Senate has on March 3, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2348](#), a bill for an act providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions.

Also: That the Senate has on March 3, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2353](#), a bill for an act relating to the provision of services through Iowa communications network connection facilities under specified circumstances.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

[Senate File 2348](#), by committee on commerce, a bill for an act providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions.

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

[Senate File 2353](#), by committee on state government, a bill for an act relating to the provision of services through Iowa communications network connection facilities under specified circumstances.

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

COMMITTEE REVISIONS

Speaker Murphy announced the following revisions to the House committee assignments effective immediately:

David Jacoby of Johnson County replaces Representative Roger Wendt on the committee on **human resources**.

Tom Schueller of Jackson County replaces Representative Roger Wendt on the committee on **ways and means**.

Abdul-Samad of Polk replaces Representative Wendt of Woodbury on the committee on **state government**.

[SENATE FILE 2333](#) REFERRED

The Speaker announced that [Senate File 2333](#), previously referred to committee on **human resources** was **passed on file**.

SPONSOR WITHDRAWN
([H-8299](#))

Hanson of Jefferson requested to be withdrawn as a sponsor of amendment [H-8299](#) to [Senate File 2243](#).

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 2, 2010, he approved and transmitted to the Secretary of State the following bills:

[House File 2253](#), an Act relating to Iowa's uniform disclaimer of property interest Act.

[House File 2282](#), an Act relating to judgment liens on homesteads.

[House File 2376](#), an Act providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board.

[House File 2407](#), an Act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

[Senate File 2181](#), an Act relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

[Senate File 2291](#), an Act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

[Senate File 2300](#), an Act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

[Senate File 2313](#), an Act modifying provisions applicable to the formation and operation of electric power agencies.

[Senate File 2350](#), an Act relating to prohibited contracts and activities for civil service commissioners.

SUBCOMMITTEE ASSIGNMENTS

[House File 221](#) Reassigned

Ways and Means: Isenhart, Chair; Schueller and Struyk.

[Senate File 2302](#)

Judiciary: Swaim, Chair; Mertz and Schulte.

[Senate File 2320](#)

Transportation: Quirk, Chair; Kelley and Tjepkes.

[Senate File 2329](#)

State Government: Lensing, Chair; Pettengill and Taylor.

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 COMMERCE

[Senate File 2073](#), a bill for an act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

[Senate File 2075](#), a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

[Senate File 2157](#), a bill for an act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

[Senate File 2192](#), a bill for an act prohibiting the running of a transfer fee covenant with the title to real property.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

[Senate File 2201](#), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

COMMITTEE ON EDUCATION

Senate file 2178, a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

COMMITTEE ON JUDICIARY

[Senate File 2298](#), a bill for an act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

COMMITTEE ON NATURAL RESOURCES

[Senate File 2216](#), a bill for an act allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

COMMITTEE ON TRANSPORTATION

[Senate File 2179](#), a bill for an act concerning the use of child restraint systems or seat belts by motor vehicle passengers who are minors and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8331](#) March 2, 2010.

COMMITTEE ON VETERANS AFFAIRS

[Senate File 2175](#), a bill for an act providing for representation of military veterans on certain mental health policy bodies.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

[Senate File 2274](#), a bill for an act relating to certain national security and military education benefits and programs.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

[Senate File 2297](#), a bill for an act concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, and declarations for disposition of remains.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

[Senate File 2318](#), a bill for an act concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2010.

RESOLUTION FILED

[HR 120](#), by Bell, a resolution supporting the Republic of China on Taiwan as a part of the globe community.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8326	H.F. 2494	L. Miller of Scott
H-8327	H.F. 2501	Whitead of Woodbury
H-8328	H.F. 2456	Raecker of Polk
H-8329	S.F. 2288	Bailey of Hamilton
H-8330	H.F. 2494	Struyk of Pottawattamie
H-8331	S.F. 2179	Committee on Transportation
H-8332	H.F. 2423	Running-Marquardt of Linn
H-8333	H.F. 2327	S. Olson of Clinton
H-8334	H.F. 2494	L. Miller of Scott
H-8335	H.F. 2494	L. Miller of Scott
H-8336	S.F. 2297	Alons of Sioux
H-8337	S.F. 2201	Soderberg of Plymouth

On motion by Steckman of Cerro Gordo the House adjourned at 6:11 p.m., until 9:00 a.m., Thursday, March 4, 2010.