

PROOF

STATE OF IOWA

House Journal

MONDAY, MARCH 15, 2010

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

Sixty-fourth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 15, 2010

The House met pursuant to adjournment at 1:15 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Alan Wiese, Chariton United Methodist Church, Chariton. He was the guest of Representative Rich Arnold from Lucas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the grandchildren of Representative Betty De Boef of Keokuk County.

The Journal of Friday, March 12, 2010 was approved.

INTRODUCTION OF BILL

[House File 2526](#), by committee on appropriations, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

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

SPECIAL PRESENTATION Orange City Tulip Festival

Soderberg of Plymouth presented to the House Amy Hulst, Queen of the 2010 Orange City Tulip Festival.

Queen Hulst presented her attendants, Malea Beeson, Rachel Muilenburg, Meredith Pennings and Anna Zeutenhorst.

Queen Hulst addressed the House briefly and invited everyone to attend the Orange City Tulip Festival on May 13, 14 and 15th, 2010.

The House rose and expressed its welcome.

Zirkelbach of Jones in the chair at 1:33 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk, Horbach of Tama and Struyk of Pottawattamie, until their return, on request of Paulsen of Linn; Wendt of Woodbury on request of McCarthy of Polk.

CONSIDERATION OF BILLS Appropriations Calendar

[House File 2519](#), a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions, was taken up for consideration.

Wenthe of Fayette 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. 2519](#))

The ayes were, 53:

| | | | |
|-------------|---------------|-------------------|-----------|
| Abdul-Samad | Bailey | Beard | Bell |
| Berry | Bukta | Burt | Cohoon |
| Ficken | Ford | Frevert | Gaskill |
| Gayman | Hanson | Heddens | Hunter |
| Isenhart | Jacoby | Kearns | Kelley |
| Kressig | Kuhn | Lensing | Lykam |
| Marek | Mascher | McCarthy | Mertz |
| Miller, H. | Murphy, Spkr. | Oldson | Olson, D. |
| Olson, R. | Olson, T. | Palmer | Petersen |
| Reasoner | Reichert | Running-Marquardt | Schueller |
| Shomshor | Smith | Steckman | Swaim |
| Taylor | Thede | Thomas | Wenthe |

| | | | |
|-------------------|---------|---------|----------|
| Wessel-Kroeschell | Whitead | Willems | Winckler |
| Zirkelbach | | | |
| Presiding | | | |

The nays were, 41:

| | | | |
|------------------|------------|------------|------------|
| Alons | Anderson | Arnold | Baudler |
| Chambers | Cownie | Deyoe | Dolecheck |
| Drake | Forristall | Grassley | Hagenow |
| Heaton | Helland | Huseman | Kaufmann |
| Koester | Lukan | May | Miller, L. |
| Olson, S. | Paulsen | Pettengill | Raecker |
| Rants | Rayhons | Roberts | Sands |
| Schulte | Schultz | Soderberg | Sorenson |
| Sweeney | Tjepkes | Tymeson | Upmeyer |
| Van Engelenhoven | Wagner | Watts | Windschitl |
| Worthan, | | | |

Absent or not voting, 6:

| | | | |
|---------|---------|-------|-------|
| De Boef | Horbach | Huser | Quirk |
| Struyk | Wendt | | |

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

Speaker Murphy in the chair at 1:43 p.m.

[House File 2518](#), a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions, was taken up for consideration.

The House stood at ease at 1:56 p.m., until the fall of the gavel.

The House resumed session at 2:58 p.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent that [House File 2518](#) be deferred and that the bill retain its place on the calendar.

HOUSE INSISTS

Hanson of Jefferson called up for consideration [House File 2456](#), a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties and moved that the House insist on its amendment, which motion prevailed.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2456** and **2519**.

Appropriations Calendar

[Senate File 2366](#), a bill for an act relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Oldson of Polk offered the following amendment [H-8419](#) filed by her from the floor and moved its adoption:

[H-8419](#)

1 Amend [Senate File 2366](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, after line 2 by inserting:
4 <Sec. ____ ELDERLY AND DISABLED TAX CREDIT. After
5 applying the reduction made pursuant to executive order
6 number 19 issued October 8, 2009, to the appropriation
7 made for the following designated purpose, there is
8 appropriated from the general fund of the state to the
9 department of revenue for the fiscal year beginning
10 July 1, 2009, and ending June 30, 2010, the following
11 amount, or so much thereof as is necessary, to be used
12 for the purpose designated:
13 For implementing the elderly and disabled tax
14 credit and reimbursement pursuant to sections 425.16
15 through 425.39, to supplement the amount appropriated
16 in 2009 Iowa Acts, chapter 179, section 9, subsection
17 2, paragraph "d":

18 \$ 1,426,000>
 19 2. Page 19, line 15, by striking <27,500,000> and
 20 inserting <23,000,000>
 21 3. Page 19, lines 27 and 28, by striking
 22 <twenty-seven million five hundred thousand> and
 23 inserting <twenty-three million>
 24 4. Page 20, line 1, by striking
 25 <twenty-seven million five hundred thousand> and
 26 inserting <twenty-three million>
 27 5. Page 20, lines 9 and 10, by striking
 28 <eleven million eight three> and inserting <six million
 29 eight>
 30 6. By renumbering as necessary.

Amendment [H-8419](#) was adopted.

Tymeson of Madison offered the following amendment [H-8415](#) filed by her and Winckler of Scott and moved its adoption:

[H-8415](#)

1 Amend [Senate File 2366](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 7, after line 1 by inserting:
 4 <Notwithstanding section 8.33, moneys appropriated
 5 in this subsection that remain unencumbered or
 6 unobligated at the close of the fiscal year shall not
 7 revert but shall remain available for expenditure
 8 for the purposes designated until the close of the
 9 succeeding fiscal year. For the purposes of section
 10 28.8, subsection 5, and section 256L.9, subsection
 11 4, paragraph "e", as enacted by 2010 Iowa Acts,
 12 [Senate File 2088](#), section 286, or any other provision
 13 of law addressing the percentage of school ready
 14 children grant money that can be carried forward to
 15 the succeeding fiscal year without a reduction to
 16 subsequent grant funding, the amount of school ready
 17 children grant moneys distributed to a local area board
 18 pursuant to this subsection that are carried forward
 19 by the board to the succeeding fiscal year shall be
 20 disregarded.>

Amendment [H-8415](#) was adopted.

Oldson of Polk offered the following amendment [H-8399](#) filed by her and moved its adoption:

[H-8399](#)

1 Amend [Senate File 2366](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 19, after line 2 by inserting:
 4 <Sec. ____ 2009 Iowa Acts, chapter 179, section
 5 10, is amended by adding the following new unnumbered
 6 paragraph:
 7 NEW UNNUMBERED PARAGRAPH Of the amount
 8 appropriated in this section, \$883,628 shall be used
 9 for storm damage repair at the state training school
 10 in Eldora. Notwithstanding section 8.33, moneys
 11 allocated in this paragraph that remain unencumbered
 12 or unobligated at the close of the fiscal year shall
 13 not revert but shall remain available for expenditure
 14 for the purposes designated until the close of the
 15 succeeding fiscal year.>
 16 2. By renumbering as necessary.

Amendment [H-8399](#) was adopted.

Oldson 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?" ([S.F. 2366](#))

The ayes were, 55:

| | | | |
|-------------|-------------------|-------------|-------------------|
| Abdul-Samad | Bailey | Beard | Bell |
| Berry | Bukta | Burt | Cohoon |
| Ficken | Ford | Frevert | Gaskill |
| Gayman | Hanson | Heddens | Hunter |
| Huser | Isenhardt | Jacoby | Kearns |
| Kelley | Kressig | Kuhn | Lensing |
| Lykam | Marek | Mascher | McCarthy |
| Mertz | Miller, H. | Oldson | Olson, D. |
| Olson, R. | Olson, T. | Palmer | Petersen |
| Quirk | Reasoner | Reichert | Running-Marquardt |
| Schueller | Shomshor | Smith | Steckman |
| Swaim | Taylor | Thede | Thomas |
| Wenthe | Wessel-Kroeschell | Whitead | Willems |
| Winckler | Zirkelbach | Mr. Speaker | |
| | | Murphy | |

The nays were, 43:

| | | | |
|-----------|----------|------------|----------|
| Alons | Anderson | Arnold | Baudler |
| Chambers | Cownie | De Boef | Deyoe |
| Dolecheck | Drake | Forristall | Grassley |

| | | | |
|------------|------------|------------------|------------|
| Hagenow | Heaton | Helland | Huseman |
| Kaufmann | Koester | Lukan | May |
| Miller, L. | Olson, S. | Paulsen | Pettengill |
| Raecker | Rants | Rayhons | Roberts |
| Sands | Schulte | Schultz | Soderberg |
| Sorenson | Struyk | Sweeney | Tjepkes |
| Tymeson | Upmeyer | Van Engelenhoven | Wagner |
| Watts | Windschitl | Worthan | |

Absent or not voting, 2:

Horbach Wendt

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 [Senate File 2366](#) be immediately messaged to the Senate.

CONFERENCE COMMITTEE APPOINTED ([House File 2456](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [House File 2456](#): Hanson of Jefferson, Co-Chair; R. Olson of Polk; Lykam of Scott; Tjepkes of Webster, Co-Chair and Hagenow of Polk.

On motion by McCarthy of Polk, the House was recessed at 3:31 p.m., until the conclusion of the afternoon committee meeting.

EVENING SESSION

The House reconvened at 6:20 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILL

[House File 2527](#), by committee on ways and means, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 15, 2010, appointed the conference committee to [House File 2456](#), a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties. (Formerly [HF 2021](#)), and the members of the Conference Committee on the part of the Senate are: The Senator from Black Hawk, Senator Danielson, Chair; the Senator from Mahaska, Senator Rielly; the Senator from Bremer, Senator Heckroth; the Senator from Clarke, Senator Reynolds; the Senator from Benton, Senator Kapucian.

MICHAEL E. MARSHALL, Secretary

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 15th day of March, 2010: [House File 2110](#).

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 15, 2010, he approved and transmitted to the Secretary of State the following bills:

[House File 2111](#), an Act providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to ensure certain tax obligations have been fulfilled.

[House File 2195](#), an Act concerning fine arts projects in state buildings.

[House File 2283](#), an Act relating to the requirements for national criminal history record checks for child care providers.

[House File 2286](#), an Act relating to the criminal offense of detention in a brothel.

[House File 2287](#), an Act relating to the criminal offense of simulated public intoxication.

[House File 2288](#), an Act repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles.

[House File 2403](#), an Act making changes to the uniform controlled substances Act.

[Senate File 2247](#), an Act authorizing the modification of the designation of a gaming enforcement officer.

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 WAYS AND MEANS

Committee Bill (Formerly [House File 2088](#)), providing for the waiver of tax penalties and interest under certain disaster loss circumstances and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2010.

Committee Bill (Formerly [House Study Bill 738](#)), relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2010.

RESOLUTION FILED

[HR 125](#), by Raecker, a resolution recognizing the contributions, innovations, and valuable learning experiences offered by the Center for Legislative Practice at the Drake University Law School and its internship program.

Laid over under **Rule 25**.

AMENDMENTS FILED

| | | |
|------------------------|---------------------------|------------------------|
| H-8417 | S.F. 2354 | Isenhart of Dubuque |
| H-8418 | S.F. 2354 | Isenhart of Dubuque |
| H-8420 | S.F. 2333 | Hunter of Polk |
| H-8421 | S.F. 2367 | Kressig of Black Hawk |
| H-8422 | H.F. 2481 | Bell of Jasper |
| H-8423 | S.F. 2370 | Windschitl of Harrison |
| H-8424 | S.F. 2354 | Cohoon of Des Moines |
| H-8425 | S.F. 2354 | Cohoon of Des Moines |
| H-8426 | S.F. 2235 | Smith of Marshall |
| H-8427 | H.F. 2525 | Reichert of Muscatine |

On motion by Abdul-Samad of Polk the House adjourned at 6:23 p.m., until 9:00 a.m., Tuesday, March 16, 2010.