

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, JANUARY 15, 2014

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

Third Calendar Day - Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 15, 2014

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastors Randy Olson and Sarah Trone Garriott, Faith Lutheran Church, Clive. They were the guests of Representative Upmeyer of Cerro Gordo County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alexis Weber, Majority Leader's Page from Parnell.

The Journal of Tuesday, January 14, 2014, was approved.

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 January 14, 2014, adopted the following resolution in which the concurrence of the Senate was asked:

[House Concurrent Resolution 105](#), a concurrent resolution urging the Federal Emergency Management Agency to reverse its unilateral decision to place new and unachievable conditions on the eligibility of the Department of Homeland Security and Emergency Management, rural electric cooperatives, and municipal utilities to receive storm recovery funding in the event of a presidential major disaster declaration.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

[House File 2009](#), by Heddens, a bill for an act relating to the office of substitute decision maker and providing an appropriation.

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

[House File 2010](#), by S. Olson, a bill for an act relating to the operations of certain common interest communities.

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

[House File 2011](#), by Murphy, M. Smith, Mascher, T. Taylor, R. Olson, Meyer, Gaskill, Staed, Kearns, Ourth, Anderson, Thede, H. Miller, Wolfe, Dawson, Steckman, Hunter, Stutsman, Wessel-Kroeschell, Lensing, and Hanson, a bill for an act to increase the state minimum hourly wage and to provide subsequent increases by the same percentage as the increase in federal social security benefits.

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

[House File 2012](#), by Fisher, Windschitl, Alons, Landon, Heartsill, Riding, Koester, and Muhlbauer, a bill for an act relating to the possession of a pistol, revolver, or ammunition by a person under the age of twenty-one in certain circumstances and making penalties applicable.

Read first time and referred to committee on **Public Safety**.

[House File 2013](#), by S. Olson and Lykam, a bill for an act including certain bailiffs in the protection occupation category of the Iowa public employees' retirement system.

Read first time and referred to committee on **Public Safety**.

[House File 2014](#), by Murphy, a bill for an act relating to meetings of advisory boards, advisory councils, advisory commissions, and task forces under Iowa's open meetings and public records laws.

Read first time and referred to committee on **State Government**.

[House File 2015](#), by Riding, a bill for an act relating to the establishment of a committee to study professional licenses administered or supervised by the department of public health.

Read first time and referred to committee on **State Government**.

[House File 2016](#), by Byrnes, a bill for an act relating to the use of automated traffic enforcement systems.

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

COMMITTEE TO NOTIFY THE SENATE

Grassley of Butler 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 Grassley of Butler, Chair; Gassman of Winnebago and Wood of Scott.

The House stood at ease at 8:41 a.m., until the fall of the gavel.

The House resumed session at 9:54 a.m., Speaker Paulsen in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Grassley of Butler, Chair of the committee to notify the Senate that the House was ready to receive it in Joint Convention, reported that it 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 members 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 102](#), duly adopted, the Joint Convention was called to order at 9:56 a.m., President Jochum 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, which motion prevailed.

President Jochum announced a quorum present and the Joint Convention duly organized.

Senator 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 escort Governor Terry E. Branstad to the House chamber for the Condition of the Judicial Branch Message.

The motion prevailed and the President appointed as such committee Senators Bowman of Jackson, Hart of Clinton and Greiner of Washington, on the part of the Senate, and Representatives Hagenow of Polk, Gustafson of Madison and Meyer of Polk, on the part of the House.

Senator 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 Chief Justice Mark S. Cady that the Joint Convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Hogg of Linn, Courtney of Des Moines and Schneider of Polk, on the part of the Senate, and Representatives Worthan of Buena Vista, Hess of Clay and Wolfe of Clinton, on the part of the House.

Secretary of State, Matt Schultz; Secretary of Agriculture and Land Stewardship, Bill Northey; Treasurer of State, Michael Fitzgerald; State Auditor, Mary Mosiman 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 and the Chief Judges of the state's judicial districts were escorted into the House chamber.

The Chief Justice's wife, Rebecca, of Fort Dodge, his son and daughter-in-law, Spencer and Reilly Cady were escorted into the House chamber.

Lieutenant Governor Kim Reynolds was escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him to the Speaker's station.

The committee waited upon Chief Justice Mark S. Cady and escorted him to the Speaker's station.

President Jochum presented Chief Justice Mark S. Cady who delivered the following Condition of the Judicial Branch Message:

Madame President, Mr. Speaker, Distinguished Members of the General Assembly, Governor Branstad, Lt. Governor Reynolds, state officials, colleagues, family, friends, and all Iowans.

While the holiday season has now passed, the memories left behind from when families gather together continue to nourish and guide us today and will be with us tomorrow. For me, these memories now include the special joy of a granddaughter and a greater appreciation for the importance of values passed from parent to child and grandchild. One such value instilled in me by my parents was to lead a life of gratitude and be quick to express gratitude to others. So, this morning, I begin my remarks on behalf of the Iowa Judicial Branch with two important words: "Thank you." I want this legislative body and Governor Branstad to know how much we appreciate your support and cooperation throughout this past year. This support has lifted our spirits to better reveal the possibilities of what can be and brought into better focus the steps we can take to reach our goal of becoming the best court system in the nation.

This morning I am pleased to share the progress made by the judicial branch during the past year and to discuss what we must accomplish before we can be the best. I view this annual State of the Judiciary Address as one of my most important duties as chief justice, and I appreciate the kind invitation from President Jochum and Speaker Paulsen to be here today. I invite everyone to join the members of the supreme court, and other members of the judicial branch, for a reception downstairs in our historic courtroom immediately following my remarks.

Last year, I described six priorities for the judicial branch shaped from what Iowans have told us they expect and need from their courts. These priorities continue to be:

- Protecting Iowa's children;
- Providing full-time access to justice;
- Operating an efficient, full-service court system;
- Providing faster and less costly resolution of legal disputes;
- Being open and transparent; and
- Providing fair and impartial justice for all.

With your support and cooperation, we continue to do these things every day for more and more Iowans. I will address each priority.

We have strengthened Iowa's commitment to juvenile justice by adding thirteen juvenile court officers across the state. This action has improved our ability to meet face-to-face with children who have engaged in delinquent behavior. Meaningful court intervention guides these children towards productive lives as adults and saves taxpayers the cost of paying for future incarceration or treatment of more serious conditions that too often occur without such intervention. Last year, I described the frustration of juvenile court officers across the state who were increasingly unable to meet face-to-face with children in trouble. This year, say the additional juvenile court officers and the continued use of evidence-based practices have replaced the frustration with renewed enthusiasm. Gary Niles, a Chief JCO in northwest Iowa, told me that with the additional staff, his team can now personally meet with and assist each troubled child who enters the juvenile system in his district. This interaction allows juvenile court officers to better discover the root cause of negative behavior and to introduce positive influences in the life of a child at the time they are needed most and can do the most good.

We know what works to help at-risk children. We also know the goal of protecting Iowa's children is within reach. And, we all know what it means for Iowa's future to achieve this goal. We are committed, in every individual case, to break the cycle of juvenile delinquency that leads to broken homes and adult incarceration.

Equal access to justice for all begins with a full-time justice system that is open to all. Consistent with the goal of providing full-time access to justice, last September we were able to reopen every clerk of court office in every county courthouse on a full-time basis. These offices were closed to full-time public access for the past four years. With your support, once again, our courthouse doors are open to everyone.

As you know, an important part of our efforts to improve access to justice and to operate an efficient and full-service court system is EDMS, our electronic document management system. Last year, we expanded our paperless court system into 28 additional counties, and EDMS is now operational in forty-three counties. The results have exceeded our expectations. The Herculean efforts of Ken Bosier, our Director of Information Systems and Technology, and his very talented team, have given more and more court users, including law enforcement officers, the Department of Human Services, and hospitals—to name a few—secure, prompt, and easy access to judges, court records, and the court system. Within two years, this project will be complete, and Iowa will be a national leader and a model of efficiency with the first totally paperless court system in the nation.

Last year, we also introduced our business court. This court is a pilot project led by three judges highly skilled in business litigation. Iowa's initial business court judges are Mike Huppert of Des Moines, Annette Scieszinski of Albia, and John Telleen of Davenport. Businesses with legal disputes are now taking advantage of the innovative and efficient processes offered by this specialty court. We strengthen the entire court system when we leverage the expertise of our district courts with targeted innovations such as the business court. The business court will help make Iowa an even better place to create and expand business opportunities.

This past year, the supreme court began to develop a new litigation track for civil cases filed in district court with claims less than \$75,000. This litigation track has been designed to schedule a trial within one year. Reduced costs and greater court efficiencies for litigants would be achieved with streamlined discovery and trial

processes. I invite you to review the details of this proposal on our website. We are currently seeking input from the public to ensure this new litigation track is a success. This new approach to litigation will offer greater access to justice for Iowans with legitimate claims and defenses that were not considered cost effective in the traditional court system.

We also continue to work to be the most open and transparent court system possible. Iowans deserve to know about their courts, and we have taken a major step towards maintaining our role as a national leader in media access to our courts by proposing new expanded media coverage rules. These rules are consistent with the approach that has served this state so well for thirty-five years. The proposed rules would accommodate new forms of communication, social media, and media forums. In fact, last year a reporter, for the first time, sent a live tweet from the courtroom of the Iowa Supreme Court during oral arguments. And, for historical accuracy, I can report that the first word tweeted was ... "bedbugs."

To enhance Iowans' understanding of their courts and for us to better understand the expectations and needs of Iowans, we continue our outreach efforts across the state. Last year, the supreme court was back on the road to hear oral arguments in four communities outside of Des Moines. We visited Sioux City, Dubuque, Fort Dodge, and Burlington.

The supreme court benefits from these travels by talking with Iowans and student groups about the value of our state government, including our court system. Many of you have taken the time to attend these events and talk with us afterwards, and we thank you. The court will visit Clarinda and Toledo this spring, so a heads up to Senators Ernst and Sodders and Representatives Dolecheck and Fisher: we are headed your way. I will also continue my office hours here at the Capitol during the legislative session, and I invite each of you to visit with me.

Let me reflect on our priority of providing fair and impartial justice equally to all persons. Justice for all is, and always has been, our most important goal. Every year, hundreds of thousands of Iowans turn to the courts to seek fair resolution of disputes. And, every day, the judges in this state work hard to apply your laws with impartiality, honesty, and integrity. Every judge in our state also maintains a profound commitment to justice and a genuine respect for the people of Iowa, which will be found at the heart of every decision we make. Our fair and impartial courts have given Iowa a proud history of justice and will ensure a proud future.

We have taken important steps to promote these six priorities during the past year, and we continue to search for new and innovative ways to meet the needs and expectations of all Iowans.

We have learned that creating partnerships between courts and communities is an effective way to address the core problems responsible for many crimes and broken families. These partnerships have created new and innovative courts, such as Drug Courts, Mental Health Courts, and Family Treatment Courts. These courts work with community professionals to empower people to break free from the grip of substance abuse or other problems and take control of their future. While some may consider judges in these courts to be working outside their traditional role, results from around the country and here at home show that these partnerships improve lives and save

taxpayer dollars otherwise spent on incarceration. These are the results Iowans want, and they could not be more compatible with justice.

As a district associate judge thirty years ago, I presided over termination of parental rights cases and saw firsthand how addictions can destroy families. Like our juvenile court judges today, I am also very aware of the tragic cycle created when destructive conduct by parents is imprinted on children and then repeated when those children become parents. These problems are not new, but they are in need of a new solution. Our Family Treatment Courts offer much promise as part of this new solution. They work intensively with a community treatment team of human services workers, substance abuse counselors, mental health providers, and many others to help parents overcome their addictions and assume responsibility for their lives.

I would like to share one successful story from our Family Treatment Courts using the compelling words of a 14-year-old boy, written in a letter to his mother on the eve of her graduation from the program. His mother entered Family Treatment Court feeling, in her words, "hopeless," "unwanted," and "totally broken." Her son wrote:

Mom, I'm very proud of you. Together you and I have come pretty far. I remember many times when at night I would stay up praying and wishing you would stop drinking. Pretty soon I gave up. . . . I didn't think you were ever going to stop. I will never forget the night you passed out drunk on the couch with a cigarette in your hand. Lizzy (his baby sister) was hungry and we had no food for her to eat. She was very tired and I was too. But, I knew I couldn't fall asleep because I had to keep an eye on you and make sure you were okay. . . .

The brave young man continued:

But that's all over now. You are a completely changed woman. . . . You have become the mom I've always wanted. I love that you are devoted and willing to change a lot to become the sober, loving, and caring mother you are today. I love you mom. And, no matter what happens, I will be here for you.

We were there for this child and his mother. She left this program with her children safely at her side and the promise of a productive life ahead. With your help, we can be there for more parents and children in their times of crisis. We must give life to the hope of every child. Success comes one family, one parent, one child at a time. Family Treatment Courts can reunite broken families and will create a better Iowa for all of us.

For example, in Wapello County, Juvenile Court Judge William Owens achieved national recognition last year for the success of his community's Family Treatment Court. As a long-time juvenile judge, Judge Owens was frustrated by the number of parents suffering from substance abuse who appeared in his courtroom for hearings on termination of parental rights. The number of hearings was increasing each year, so in 2006, Judge Owens began working with members of his community to create a Family Treatment Court. Before starting a Family Treatment Court, Judge Owens saw an average of twenty-four parental terminations each year. That number has now dropped to ten.

The Wapello County Family Treatment Court is now one of six federally funded Iowa Family Treatment Court pilot sites. Since our Family Treatment Court pilot project began, 463 families in Iowa, composed of 549 parents and almost 900 children, have

participated in the program through March of last year. As a result, nearly eighty percent of the children have been able to remain in the custody of a parent or caregiver, and ninety-five percent of the children did not suffer a recurrence of abuse or neglect. Additionally, our six pilot courts have saved Iowa's taxpayers \$3.5 million.

One problem we face, today, is that our Family Treatment Courts are sprinkled across the state and can only help a fraction of Iowa's troubled parents and at-risk children. Additionally, the federal funding for these pilot courts expires this summer. Even as federal funding is about to run out, more and more people are asking us to expand Family Treatment Courts into their communities. We all know that family services of such critical importance should not be limited to only a handful of communities. All Iowans will benefit from a systematic statewide implementation of Family Treatment Courts. This is what we should do. By working together for a better Iowa, we can and must do our best to end the tragic cycle of broken families and broken lives.

During the past year, we made progress towards reaching our goal to be the best court system in the nation. As we travel across the state, we see this progress through the work of our dedicated, skilled, and experienced judges. We witness this progress when we meet with our committed court staff and administrators. We hear about our progress from Iowans who come to meet us when we visit their communities. What we hear the most is simply, "Keep up the good work." To you and to all Iowans, I promise you that we will.

We will reach our goal of eliminating all unnecessary delays in our court system, so that the time needed for courts to resolve disputes will only be the time needed to render a fair and just result. Justice can only be delivered with the greatest amount of care, but it can never fully be delivered when accompanied by unnecessary delays. Only then can we be the best.

We will take the necessary steps to continue to attract the best and brightest attorneys in our state to serve as judges. We will work with you to build Iowa's judiciary, so that all aspects of the job of a judge, including compensation, will appeal to all Iowa attorneys, and enable us to keep our devoted and experienced judges. Iowa must maintain the high quality of its judiciary, a judiciary that is enhanced by greater gender and racial diversity. We are strongest when attorneys from all backgrounds, from both the public and private sectors, aspire to be judges. Only then can we be the best.

We will work with all of you, as well as law enforcement, schools, and many others, to find practical solutions to eliminate racial disparity in our criminal justice system. Today there is a disproportionate number of African-Americans in Iowa's corrections system. This is a problem we must all address. It is a community problem that requires a community solution and all three branches of government working together in each community. We can, and we must, do better as a state to address all inequities in our criminal justice system. Only then can we be the best.

We will listen and respond to the requests of Iowans to improve their court system. In the same way, we will continue to work with you on those problems that we need to solve together. We must resolve every problem and reach every goal before our court system can be its best. We must continue our spirit of support and cooperation so the problems we tackle in the future will only be those we cannot yet see. Only then can we be the best.

Our progress comes from the power of support and cooperation. Our goals can be achieved through this power of support and cooperation. Together, we can build the best court system in the nation. It would be a profound and wonderful legacy for our children and grandchildren. As my mom would remind me, "Where there is a will, there is a way." We have both, and by working together, our state will shine as bright as the gold dome of this magnificent building, and we will be the best.

Thank you.

On motion by Upmeyer of Cerro Gordo the Joint Convention was dissolved at 10:43 a.m.

The House resumed session at 10:52 a.m., Speaker Paulsen in the chair.

[HOUSE FILE 369](#) REREFERRED

The Speaker announced that [House File 369](#), previously referred to committee on **Local Government** was rereferred to committee on **Ways and Means**.

[SENATE FILE 220](#) REREFERRED

The Speaker announced that [Senate File 220](#), previously referred to committee on **Ways and Means** was rereferred to committee on **Education**.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 501](#) **Judiciary**

Relating to commission of a criminal offense involving a victim fifteen years of age or younger, and providing penalties.

[H.S.B. 502](#) **Judiciary**

Relating to the exclusion from the computation of net income for the individual income tax of net capital gains from the sale of a business and including retroactive applicability provisions.

H.S.B. 503 Judiciary

Relating to the criminal offense of interference with official acts, and providing penalties.

H.S.B. 504 Judiciary

Reducing the statute of repose period in a case arising out of the unsafe or defective condition of an improvement to real property and including applicability provisions.

H.S.B. 505 Judiciary

Relating to the criminal sentencing of juveniles in district court.

H.S.B. 506 Judiciary

Relating to elections or appointments to a county magistrate appointing commission.

H.S.B. 507 Judiciary

Relating to the fees and expenses of a court appointed attorney or guardian ad litem representing an indigent person in a guardianship, conservatorship, or dissolution proceeding.

H.S.B. 508 Judiciary

Relating to property tax assessment and taxation by modifying requirements relating to property assessment notices and equalization order notices and including applicability provisions.

H.S.B. 509 Judiciary

Relating to a magistrate acting as counsel for clients within the jurisdiction of the magistrate.

H.S.B. 510 Judiciary

Relating to strip searches at a county jail or municipal holding facility.

H.S.B. 511 State Government

Relating to school corporations by changing the date of the election of directors of local school districts, merged areas, and area education agency boards.

H.S.B. 512 Veterans Affairs

Allowing private employers to grant a preference in hiring and promotion to veterans and certain spouses.

H.S.B. 513 Veterans Affairs

Relating to permits to acquire and members of the armed forces of the United States or this state serving on active duty.

H.S.B. 514 Transportation

Increasing the rate of the excise taxes on motor fuel and certain special fuel used in motor vehicles and providing for the use of revenues resulting from the increase.

SUBCOMMITTEE ASSIGNMENTS**House File 384**

Judiciary: Windschitl, Chair; Brandenburg and Wessel-Kroeschell.

House File 618

Judiciary: Kaufmann, Chair; Baltimore and R. Olson.

House File 2002

Judiciary: Kaufmann, Chair; Gassman and Lensing.

House File 2004

Natural Resources: Fisher, Chair; Baudler and Ruff.

House File 2005

Public Safety: S. Olson, Chair; Dawson and Fry.

House File 2008

Judiciary: Hess, Chair; Dawson and Windschitl.

[House File 2010](#)

Judiciary: Brandenburg, Chair; Heartsill and Meyer.

[House File 2011](#)

Labor: Forristall, Chair; Murphy and Watts.

[House File 2012](#)

Public Safety: Heartsill, Chair; Muhlbauer and Salmon.

[House File 2013](#)

Public Safety: Fry, Chair; S. Olson and Wolfe.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 500](#)

Judiciary: Heartsill, Chair; Heaton and Oldson.

[House Study Bill 501](#)

Judiciary: Baltimore, Chair; Windschitl and Wolfe.

[House Study Bill 502](#)

Judiciary: Hagenow, Chair; Oldson and Worthan.

[House Study Bill 503](#)

Judiciary: Hess, Chair; Anderson and Gassman.

[House Study Bill 504](#)

Judiciary: Kaufmann, Chair; Gustafson and Meyer.

[House Study Bill 505](#)

Judiciary: Hagenow, Chair; Hess and Wessel-Kroeschell.

[House Study Bill 506](#)

Judiciary: Windschitl, Chair; Gustafson and Lensing.

[House Study Bill 507](#)

Judiciary: Brandenburg, Chair; Heaton and Prichard.

[House Study Bill 508](#)

Judiciary: Baltimore, Chair; Kaufmann and Meyer.

[House Study Bill 509](#)

Judiciary: Hess, Chair; Dawson and Hagenow.

[House Study Bill 510](#)

Judiciary: Gustafson, Chair; Prichard and Windschitl.

[House Study Bill 511](#)

State Government: Hagenow, Chair; Cohoon, Pettengill, Watts and Winckler.

[House Study Bill 512](#)

Veterans Affairs: Stanerson, Chair; Costello and Staed.

[House Study Bill 513](#)

Veterans Affairs: Alons, Chair; Brandenburg and Gaines.

[House Study Bill 514](#)

Transportation: Byrnes, Chair; Cohoon, Lykam, Moore and Worthan.

RESOLUTION FILED

[H.R. 101](#), by Grassley, Cownie, S. Olson, Dolecheck, Heartsill, Heaton, Soderberg, Landon, Moore, Brandenburg, Stanerson, Deyoe, Costello, Forristall, Gustafson, Drake, Paulsen, Koester, Hagenow, Shaw, Hess, Schultz, Maxwell, Bacon, Gassman, Windschitl, Byrnes, Kaufmann, Hein, Klein, Pettengill, Sands, Baudler, J. Smith, Alons, Huseman, Vander Linden, Upmeyer, R. Taylor, Ourth, Muhlbauer, M. Smith, Murphy, Lofgren, Fry, Hall, Gaskill, Hanson, Ruff, Hanusa, Jorgensen, Bearinger, H. Miller, Riding, Fisher, Sheets, and Dunkel, a resolution urging the United States government to renew its commitment to farmers, lower fuel prices, and the environment by supporting a robust and sustainable renewable fuel standard.

Laid over under **Rule 25**.

On motion by Upmeyer of Cerro Gordo, the House adjourned at 10:53 a.m., until 8:30 a.m., Thursday, January 16, 2014.