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**STATE OF IOWA**

# **House Journal**

**TUESDAY, FEBRUARY 2, 2010**

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# JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Sixteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 2, 2010

The House met pursuant to adjournment at 9:21 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Jerome Hanus, the Archbishop of Dubuque. He was the guest of Speaker Murphy and Representative Dolores Mertz of Kossuth County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tessa Reynolds, House Page from Anamosa.

The Journal of Monday, February 1, 2010 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto, from ninety-eight citizens favoring an Iowa marriage amendment.

## INTRODUCTION OF BILLS

[House Joint Resolution 2011](#), by Upmeyer, Deyoe, Drake, Watts, Heaton, Schulte, Soderberg, Raecker, Chambers, Sweeney, Huseman, Alons, Koester, L. Miller, Forristall, Tjepkes, S. Olson, Sands, Dolecheck, Sorenson, Cownie, Grassley, May, Roberts, Windschitl, Mertz, Pettengill, Kelley, Anderson and De Boef, a joint resolution urging Congress not to institute new federal review, oversight, or preemption of state health insurance laws as Congress considers health care reform.

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

[House File 2229](#), by committee on commerce, a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan.

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

[House File 2230](#), by Quirk, a bill for an act relating to licensure of persons for the installation and maintenance of geothermal heat pump systems and making penalties applicable.

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

[House File 2231](#), by Pettengill and Sands, a bill for an act repealing statewide licensure requirements for electricians and electrical contractors, and including transition provisions.

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

[House File 2232](#), by Pettengill, a bill for an act relating to hunting by certain nonresident landowners on land owned by them.

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

On motion by McCarthy of Polk, the House was recessed at 9:31 a.m., until 11:50 a.m.

#### AFTERNOON SESSION

The House reconvened at 4:30 p.m., Zirkelbach of Jones in the chair.

#### INTRODUCTION OF BILLS

[House File 2233](#), by committee on judiciary, a bill for an act relating to expunging the conviction for certain alcohol-related offenses.

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

[House File 2234](#), by committee on judiciary, a bill for an act relating to marital agreements, and including effective date and applicability provisions.

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

[House File 2235](#), by Windschitl, Schultz, Hagenow, Soderberg, De Boef, Dolecheck, Sorenson, Huseman, Alons, Rayhons, L. Miller, Roberts and Chambers, a bill for an act relating to the use of federal health care reform funding for abortions, and including effective date provisions.

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

[House File 2236](#), by Worthan, a bill for an act relating to the enforcement of weight limitations for vehicles with retractable axles.

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

[House File 2237](#), by Windschitl, Zirkelbach and Chambers, a bill for an act relating to an additional homestead credit available to disabled veterans and including effective date and applicability provisions.

Read first time and referred to committee on **veterans affairs**.

[House File 2238](#), by Windschitl, a bill for an act requiring the issuance of a special any sex deer hunting license to certain nonresident minors who are relatives of residents.

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

[House File 2239](#), by Alons and Watts, a bill for an act requiring shooting hours for pheasant and quail hunting to commence and end later when daylight savings time is in effect.

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

[House File 2240](#), by T. Olson, a bill for an act relating to the manufacture and sale of native distilled spirits, and establishing a related permit fee and excise tax.

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

[House File 2241](#), by Sorenson, a bill for an act relating to the carrying of weapons.

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

[House File 2242](#), by May, Alons, Watts and Quirk, a bill for an act relating to the operation of all-terrain vehicles on highways, providing a registration fee, and making a penalty applicable.

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

[House File 2243](#), by Mascher, a bill for an act restricting the use of wireless communication devices while operating a motor vehicle on a highway and providing a penalty.

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

[House File 2244](#), by Sorenson, a bill for an act relating to inspection of certain school district coursework materials by students, parents, and guardians.

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

[House File 2245](#), by Petersen, a bill for an act requiring the commissioner of insurance to apply any minimum health care benefits required by federal law to health care coverage regulated by the state.

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

[House File 2246](#), by Mertz, a bill for an act providing for restorations and repairs of damages to drainage or levee district improvements.

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

[House File 2247](#), by Mascher, a bill for an act providing for the foreign-language instruction of students in kindergarten through grade twelve, providing a funding option for such instruction, and including applicability provisions.

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

[House File 2248](#), by Ford, a bill for an act relating to electronic supervision for a person charged with or convicted of domestic abuse assault or stalking including a notification procedure for registered victims.

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

[House File 2249](#), by Bell, a bill for an act relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts.

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

[House File 2250](#), by Schueller, De Boef, Struyk, Windschitl, Dolecheck, Lukan, Sorenson, Koester, Schultz, Soderberg, Pettengill, Kaufmann, Alons, May, Sands and Roberts, a bill for an act requiring random drug testing for recipients of certain public benefits.

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

[House File 2251](#), by Petersen, a bill for an act relating to urban revitalization areas by authorizing a property tax exemption for certain vacant commercial property, providing a sales tax refund for purchase of certain building materials, supplies, and equipment, and including effective date and applicability provisions.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sands of Louisa on request of Paulsen of Linn.

#### CONSIDERATION OF BILLS

Regular Calendar

[House File 2195](#), a bill for an act concerning fine arts projects in state buildings, was taken up for consideration.

H. Miller of Webster 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. 2195](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Sands

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

[Senate File 2062](#), a bill for an act providing for a retirement incentive program for state employees and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Frevert of Palo Alto offered the following amendment [H-8033](#) filed by the committee on state government and moved its adoption:

[H-8033](#)

1 Amend [Senate File 2062](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, line 27, by striking <May 28> and  
4 inserting <June 24>  
5 2. Page 2, line 34, by striking <May 28> and  
6 inserting <June 24>

The committee amendment [H-8033](#) was adopted.

Heaton of Henry offered the following amendment [H-8034](#) filed by him and moved its adoption:

[H-8034](#)

1 Amend [Senate File 2062](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 5, after line 13 by inserting:  
4 <8. Department of human services – critical needs  
5 employees. Notwithstanding any provision of this  
6 section to the contrary, participants who are employees  
7 of the department of human services in critical needs  
8 positions at a facility operated by the department but  
9 subject to closure by November 1, 2010, may be rehired  
10 by the department to fill critical needs positions  
11 at the applicable facility until November 1, 2010.  
12 Participants rehired by the department pursuant to  
13 this subsection shall be deemed to have a bona fide  
14 retirement under section 97B.52A.>  
15 2. By renumbering as necessary.

Baudler of Adair asked and received unanimous consent to withdraw amendment [H-8037](#), to amendment [H-8034](#), filed by him from the floor.

Heaton of Henry offered the following amendment [H-8040](#), to amendment [H-8034](#), filed by him from the floor and moved its adoption:

[H-8040](#)

1 Amend the amendment, [H-8034](#), to [Senate File 2062](#),  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 6 through 14 and  
 5 inserting <section to the contrary, an employee of  
 6 the department of human services in a critical needs  
 7 position at a facility operated by the department that  
 8 is subject to closure by the end of calendar year 2010,  
 9 may maintain employment until the effective date of the  
 10 closure, agree to leave employment upon the effective  
 11 date of the closure, and have a first month of  
 12 entitlement as defined in section 97B.1A no later than  
 13 the first month after the employee leaves employment,  
 14 and still elect to participate in the program as an  
 15 eligible employee without penalty.>>

Amendment [H-8040](#) was adopted.

On motion by Heaton of Henry amendment [H-8034](#), as amended,  
 lost.

Under the provision of Rule 31, related to the timely filing of  
 amendments, amendment [H-8038](#) filed by Baudler of Adair from the  
 floor is placed out of order.

Frevert of Palo Alto 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. 2062](#))

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.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Schueller	Schulte

Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, 1.

Rants

Absent or not voting, 1:

Sands

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

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2195](#) and [Senate File 2062](#) be immediately messaged to the Senate.

#### 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 February 1, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2088](#), a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

MICHAEL E. MARSHALL, Secretary

#### SENATE MESSAGE CONSIDERED

[Senate File 2088](#), by committee on state government, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions.

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

## SUBCOMMITTEE ASSIGNMENTS

[House Joint Resolution 2010](#)

Public Safety: R. Olson, Chair; Lukan and Lykam.

[House File 657](#)

Judiciary: Baudler, Chair; R. Olson and Swaim.

[House File 2136](#)

Judiciary: Swaim, Chair; Kaufmann and T. Olson.

[House File 2156](#)

Transportation: Kelley, Chair; Quirk and Tjepkes.

[House File 2157](#)

Transportation: Hanson, Chair; Hagenow and Quirk.

[House File 2160](#)

Rebuild Iowa and Disaster Recovery: Running-Marquardt, Chair; Helland and Jacoby.

[House File 2173](#)

Rebuild Iowa and Disaster Recovery: Taylor, Chair; Berry and Sands.

[House File 2174](#)

Rebuild Iowa and Disaster Recovery: Thomas, Chair; Grassley and Running-Marquardt.

[House File 2177](#)

Human Resources: Mascher, Chair; Hunter and L. Miller.

[House File 2178](#)

Human Resources: Mascher, Chair; Hunter and Schulte.

[House File 2179](#)

Human Resources: Smith, Chair; Baudler and Wendt.

[House File 2184](#)

Human Resources: Heddens, Chair; Heaton and Wendt.

[House File 2185](#)

Education: Ford, Chair; Abdul-Samad and Cownie.

[House File 2186](#)

Education: Kelley, Chair; Ficken and Forristall.

[House File 2187](#)

Education: Winckler, Chair; Forristall and Palmer.

[House File 2188](#)

Education: Steckman, Chair; Raecker and Wendt.

[House File 2189](#)

Education: Mascher, Chair; Bukta and Sweeney.

[House File 2190](#)

Education: Cohoon, Chair; Dolecheck and Wendt.

[House File 2206](#)

Agriculture: Mertz, Chair; Bailey and Rayhons.

[House File 2209](#)

Human Resources: Mascher, Chair; Forristall and Hunter.

[House File 2211](#)

Public Safety: Whitead, Chair; R. Olson and Tjepkes.

[House File 2212](#)

State Government: Lensing, Chair; Isenhart and Rants.

[House File 2215](#)

Rebuild Iowa and Disaster Recovery: T. Olson, Chair; Huser and Kaufmann.

[House File 2216](#)

State Government: Lensing, Chair; Isenhart and Rants.

[House File 2217](#)

Agriculture: Mertz, Chair; Bailey and Rayhons.

[House File 2218](#)

State Government: Lensing, Chair; Frevert and Kaufmann.

[House File 2219](#)

State Government: Lensing, Chair; Frevert and Kaufmann.

[House File 2220](#)

State Government: Lensing, Chair; Frevert and Kaufmann.

[House File 2221](#)

State Government: Lensing, Chair; Frevert and Schulte.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 650](#) Reassigned

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

[House Study Bill 672](#)

Rebuild Iowa and Disaster Recovery: Kuhn, Chair; Burt and Sorenson.

[House Study Bill 676](#)

Veterans Affairs: Windschitl, Chair; Isenhardt and Whitead.

[House Study Bill 677](#)

Veterans Affairs: Bukta, Chair; Sweeney and Whitead.

[House Study Bill 678](#)

Transportation: Worthan, Chair; Marek and Wenthe.

[House Study Bill 679](#)

Agriculture: Reasoner, Chair; Bell and Drake.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 680](#) **Economic Growth**

Authorizing creation of consumption tax bonding districts and providing for the issuance of bonds secured by certain tax revenues collected within a district.

**H.S.B. 681 Human Resources**

Authorizing implementation of county mental health, mental retardation, and developmental disabilities services pilot projects involving such services and levy rates.

**H.S.B. 682 Human Resources**

Requiring certain health insurance contracts, policies, or plans to provide coverage for audiological services and hearing aids for children.

**H.S.B. 683 State Government**

Relating to election laws by making changes to voter registration, absentee voting, and election day procedures, providing a penalty, and including effective date and applicability provisions.

**H.S.B. 684 Appropriations**

Relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

**H.S.B. 685 Agriculture**

Providing an exemption for electrical installations on farms from licensing and inspections, and including effective date provisions.

**H.S.B. 686 Labor**

Requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

**COMMITTEE RECOMMENDATIONS**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON AGRICULTURE

[House File 763](#), a bill for an act relating to administrative costs to support the watershed improvement review board.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2010.

## COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly [House Study Bill 552](#)), providing for a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

Fiscal Note is not required.

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

**Committee Bill** (Formerly [House Study Bill 593](#)), relating to provisions authorizing sales and use tax exemptions and refunds for a data center business, and including effective date provisions.

Fiscal Note is not required.

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

**Committee Bill** (Formerly [House Study Bill 666](#)), relating to the Iowa finance authority by modifying certain duties and programs of the authority and establishing a workforce housing assistance grant fund administered by the authority.

Fiscal Note is not required.

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

## COMMITTEE ON HUMAN RESOURCES

[Senate File 153](#), a bill for an act to allow medical or osteopathic physicians, physician assistants, and advanced registered nurse practitioners to form limited liability companies or professional corporations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8036** February 1, 2010.

[Senate File 393](#), a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2010.

**Committee Bill** (Formerly [House Study Bill 571](#)), relating to various activities regulated and programs administered by the department of public health, including the Iowa collaborative safety net provider network, fetal death certification, and optometry, cosmetology, and barbering licensure, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 2010.

**Committee Bill** (Formerly [House Study Bill 611](#)), relating to the renewal of the family planning network waiver under the medical assistance program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 2010.

**Committee Bill** (Formerly [House File 2056](#)), relating to the requirements for national criminal history record checks for child care providers.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2010.

#### COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly [House Study Bill 597](#)), relating to judgment liens on homesteads.

Fiscal Note is not required.

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

**Committee Bill** (Formerly [House Study Bill 598](#)), relating to the rights of a donee created by an anatomical gift.

Fiscal Note is not required.

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

**Committee Bill** (Formerly [House File 770](#)), relating to judicial branch records and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2010.

**Committee Bill** (Formerly [House File 2024](#)), providing for restitution for Medicaid expenditures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2010.

## COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly [House Study Bill 605](#)), relating to the criminal offense of simulated public intoxication.

Fiscal Note is not required.

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

**Committee Bill** (Formerly [House Study Bill 606](#)), relating to the criminal offense of detention in a brothel.

Fiscal Note is not required.

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

**Committee Bill** (Formerly [House Study Bill 607](#)), repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles.

Fiscal Note is not required.

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

## COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

**Committee Bill** (Formerly [House Study Bill 513](#)), relating to the distribution of moneys from the disaster aid individual assistance grant fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 2010.

## COMMITTEE ON VETERANS AFFAIRS

**Committee Bill** (Formerly [House File 2102](#)), relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2010.

## RESOLUTIONS FILED

[HR 107](#), by Ford, a resolution honoring those family caregivers who provide services and financial support to dependent adult loved ones.

Laid over under **Rule 25**.

[HR 108](#), by Heddens, Schulte, Whitead, Palmer, Kearns, Ficken, Reasoner, Lensing, Kressig, Frevert, Gayman, Kuhn, Kelley, Jacoby,

H. Miller, Steckman, Koester, Murphy, T. Olson, Reichert, Marek, Hanson, Gaskill, Bell, Oldson, Winckler, Smith, Drake, Isenhart, Wenthe, Burt, R. Olson and Bukta, a resolution to commemorate the 90<sup>th</sup> anniversary of the League of Women Voters and to recognize February 14, 2010, as League of Women Voters Making Democracy Work Day.

Laid over under **Rule 25**.

AMENDMENTS FILED

<a href="#">H-8036</a>	<a href="#">S.F. 153</a>	Committee on Human Resources
<a href="#">H-8039</a>	<a href="#">H.F. 2076</a>	Thomas of Clayton

On motion by McCarthy of Polk the House adjourned at 5:13 p.m., until 9:00 a.m., Wednesday, February 3, 2010.