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**STATE OF IOWA**

**House Journal**

**THURSDAY, FEBRUARY 4, 2010**

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# JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 4, 2010

The House met pursuant to adjournment at 9:17 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Mark Kuhn, state representative from Floyd County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Taylor Schipper, House Page from New Hartford.

The Journal of Wednesday, February 3, 2010 was approved.

## INTRODUCTION OF BILLS

[House File 2281](#), by committee on human resources, a bill for an act relating to the renewal of the family planning network waiver under the medical assistance program and including contingent implementation provisions.

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

[House File 2282](#), by committee on judiciary, a bill for an act relating to judgment liens on homesteads.

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

[House File 2283](#), by committee on human resources, a bill for an act relating to the requirements for national criminal history record checks for child care providers.

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

[House File 2284](#), by committee on human resources, a bill for an act relating to various activities regulated and programs

administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure, and including effective date provisions.

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

[House File 2285](#), by committee on judiciary, a bill for an act relating to the rights of a donee created by an anatomical gift.

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

[House File 2286](#), by committee on public safety, a bill for an act relating to the criminal offense of detention in a brothel.

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

[House File 2287](#), by committee on public safety, a bill for an act relating to the criminal offense of simulated public intoxication.

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

[House File 2288](#), by committee on public safety, a bill for an act repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles.

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

[House File 2289](#), by Schulte, May, Windschitl, Rayhons, L. Miller, Drake, Hagenow, Soderberg, Heaton, Deyoe, Watts, Raecker, Sweeney, Chambers, Huseman, Alons, Koester, Forristall, S. Olson, Dolecheck, Upmeyer and Grassley, a bill for an act requiring the department of human services to accept certain documentation submitted by electronic means.

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

[House File 2290](#), by Schultz, Beard, Upmeyer, Kuhn and Windschitl, a bill for an act allowing certain milk or milk products produced on dairy farms to be sold directly to individuals.

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

[House File 2291](#), by Schultz and Windschitl, a bill for an act relating to protected traits or characteristics of students under public and nonpublic school harassment and bullying prohibitions and policies.

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

[House File 2292](#), by Quirk, a bill for an act regulating automobile liability insurance provisions pertaining to choice of automobile and automobile glass repair facilities.

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

On motion by McCarthy of Polk, the House was recessed at 9:24 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:36 p.m., Speaker Murphy 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 February 4, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2062](#), a bill for an act providing for a retirement incentive program for state employees and including effective date provisions.

Also: That the Senate has on February 4, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2076](#), a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

Also: That the Senate has on February 4, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2151](#), a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

[House File 2293](#), by Running-Marquardt, a bill for an act exempting certain boat harbors from certain dock requirements and including effective date provisions.

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

[House File 2294](#), by committee on rebuild Iowa and disaster recovery, a bill for an act relating to the distribution of moneys from the disaster aid individual assistance grant fund.

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

[House File 2295](#), by committee on education, a bill for an act establishing a task force to review the present mission, structure, governance, and funding of the area education agencies.

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

[House File 2296](#), by Swaim, a bill for an act relating to physical plant and equipment levy special elections and including effective date and applicability provisions.

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

[House File 2297](#), by Mascher, Abdul-Samad, Berry, Cohoon, Kearns, Jacoby, Thede, Steckman, Hunter, Lensing, Ficken, Beard, Gayman, Running-Marquardt, Pettengill, Sorenson and Kaufmann, a bill for an act relating to the licensing of midwives and providing for a fee and a penalty, and including effective date provisions.

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

[House File 2298](#), by Chambers, a bill for an act requiring reports relating to disciplinary action taken against a teacher to be submitted to the board of educational examiners.

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

[House File 2299](#), by Windschitl, a bill for an act relating to the exclusion of veterans' disability compensation from the claims of creditors and in calculating property disposition and support obligations.

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

[House File 2300](#), by Isenhardt, a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date and retroactive applicability provisions.

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

[House File 2301](#), by Bell, a bill for an act allowing county treasurers to collect restitution owed to a district court, certain debts owed to or being collected by the state, and delinquent debt owed to the clerk of the district court from a person renewing a vehicle registration, and providing a fee.

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

[House File 2302](#), by Ford, a bill for an act relating to the criminal offense of invasion of privacy, and providing penalties.

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

[House File 2303](#), by Swaim, a bill for an act concerning automatic enrollment in a qualified retirement plan offered by an employer and making penalties applicable.

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

[House File 2304](#), by committee on economic growth, a bill for an act providing for a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

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

[House File 2305](#), by committee on economic growth, a bill for an act relating to provisions authorizing sales and use tax exemptions and refunds for a data center business, and including effective date provisions.

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

[House File 2306](#), by committee on judiciary, a bill for an act relating to judicial branch records.

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

[House File 2307](#), by committee on judiciary, a bill for an act providing for restitution for Medicaid expenditures.

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

#### SENATE MESSAGES CONSIDERED

[Senate File 2076](#), by committee on economic growth, a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

Read first time and **passed on file**.

[Senate File 2151](#), by committee on appropriations, a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

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

#### CONSIDERATION OF BILLS Regular Calendar

[House File 2200](#), a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable, was taken up for consideration.

Beard of Winneshiek 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. 2200](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Huseman	Huser
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	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	Wendt	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, 4:

Bukta	Hunter	Isenhart	Kuhn
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Absent or not voting, none.

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

#### HOUSE FILES 116 and 721 WITHDRAWN

Beard of Winneshiek asked and received unanimous consent to withdraw House Files 116 and 721 from further consideration by the House.

**House File 2076**, a bill for an act establishing an Iowa innovation council in the department of economic development, was taken up for consideration.

The House stood at ease at 4:52 p.m., until the fall of the gavel.

The House resumed session at 5:21 p.m., Speaker Murphy in the chair.

Thomas of Clayton asked and received unanimous consent to withdraw amendment [H-8039](#) filed by him on February 2, 2010.

Thomas of Clayton offered the following amendment [H-8042](#) filed by him and moved its adoption:

[H-8042](#)

- 1 Amend [House File 2076](#) as follows:
- 2 1. Page 1, before line 5 by inserting:
- 3 <Sec. \_\_\_\_ Section 15.104, subsection 8, paragraph
- 4 1, Code Supplement 2009, is amended to read as follows:
- 5 1. Targeted industries development – ~~financial~~
- 6 ~~assistance~~ innovation and commercialization. A
- 7 report of the expenditures of moneys appropriated
- 8 and allocated to the department for certain programs
- 9 authorized pursuant to ~~section sections~~ 15.411
- 10 and 15.412 relating to the development and
- 11 commercialization of businesses in the targeted
- 12 industry areas of advanced manufacturing, bioscience,
- 13 and information technology. including a summary of
- 14 the activities of the technology commercialization
- 15 committee created pursuant to section 15.116 and the
- 16 Iowa innovation council established pursuant to section
- 17 15.117A.>
- 18 2. Page 1, line 28, by striking <Twenty-seven> and
- 19 inserting <Twenty-nine>
- 20 3. Page 2, before line 23 by inserting:
- 21 <(9) Two community college presidents from
- 22 geographically diverse areas of the state, selected by
- 23 the Iowa association of community college trustees.>
- 24 4. Page 3, by striking lines 16 and 17.
- 25 5. Title page, by striking lines 1 and 2 and
- 26 inserting: <An Act relating to economic development
- 27 by establishing an Iowa innovation council in the
- 28 department of economic development and by providing for
- 29 certain reports on innovation and commercialization
- 30 within certain targeted industries.>

31 6. By renumbering and correcting internal  
32 references as necessary.

Amendment [H-8042](#) was adopted.

Thomas of Clayton 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. 2076](#))

The ayes were, 100:

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	Wendt	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, 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 2076** and **2200**.

[SENATE FILE 2138](#) REFERRED

The Speaker announced that [Senate File 2138](#), previously referred to committee on **judiciary** was **passed on file**.

[HOUSE FILE 2299](#) REREFERRED

The Speaker announced that [House File 2299](#), previously referred to committee on **veterans affairs** was rereferred to committee on **judiciary**.

## SUBCOMMITTEE ASSIGNMENTS

[House Joint Resolution 2011](#)

Commerce: Petersen, Chair; T. Olson and Windschitl.

[House File 430](#) Reassigned

Commerce: Zirkelbach, Chair; Petersen and Sorenson.

[House File 2227](#)

Commerce: T. Olson, Chair; Petersen and Windschitl.

[House File 2228](#)

Commerce: Reasoner, Chair; Rants and Shomshor.

[House File 2232](#)

Natural Resources: Lykam, Chair; May and Whitead.

[House File 2235](#)

Human Resources: Mascher, Chair; Heaton and Hunter.

[House File 2236](#)

Transportation: Quirk, Chair; Kelley and Worthan.

[House File 2238](#)

Natural Resources: Hanson, Chair; Ficken and Huseman.

[House File 2239](#)

Natural Resources: Beard, Chair; Sweeney and Thede.

[House File 2242](#)

Transportation: May, Chair; Quirk and Wenthe.

[House File 2243](#)

Transportation: Hanson, Chair; Abdul-Samad and Arnold.

[House File 2244](#)

Education: Cohoon, Chair; Dolecheck and Thede.

[House File 2245](#)

Commerce: T. Olson, Chair; Petersen and Pettengill.

[House File 2247](#)

Education: Mascher, Chair; Cohoon and Sweeney.

[House File 2250](#)

Human Resources: Mascher, Chair; Baudler and Hunter.

[House File 2254](#)

Education: Wendt, Chair; Ficken and Tymeson.

[House File 2255](#)

Public Safety: R. Olson, Chair; Baudler, Burt, Lykam and Worthan.

[House File 2257](#)

Public Safety: Kuhn, Chair; Lykam and Sands.

[House File 2259](#)

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

[House File 2260](#)

Human Resources: Mascher, Chair; Hunter and Soderberg.

[House File 2261](#)

Education: Cohoon, Chair; Koester and Palmer.

[House File 2263](#)

Human Resources: Mascher, Chair; Forristall and Hunter.

[House File 2264](#)

Human Resources: Abdul-Samad, Chair; L. Miller and Smith.

[House File 2266](#)

Commerce: Petersen, Chair; Jacoby and Soderberg.

[House File 2267](#)

Public Safety: Burt, Chair; Lykam and S. Olson.

[House File 2268](#)

Education: Cohoon, Chair; Raecker and Wendt.

[House File 2269](#)

Education: Mascher, Chair; Thede and Tymeson.

[House File 2270](#)

Education: Cohoon, Chair; May and Wendt.

[House File 2271](#)

Education: Cohoon, Chair; May and Thede.

[House File 2272](#)

Commerce: Shomshor, Chair; Helland and Petersen.

[House File 2279](#)

Commerce: D. Olson, Chair; Kressig and Sands.

[House File 2292](#)

Commerce: Quirk, Chair; Kelley and Wagner.

[Senate File 2075](#)

Commerce: D. Olson, Chair; Helland and Kressig.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 687](#)

Commerce: Quirk, Chair; Reasoner and Windschitl.

[House Study Bill 688](#)

Agriculture: Wenthe, Chair; Reasoner and Worthan.

[House Study Bill 690](#)

Agriculture: Reasoner, Chair; Drake and Wenthe.

[House Study Bill 691](#)

State Government: Taylor, Chair; Koester and Quirk.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 692](#) **Judiciary**

Modifying sex offender registry provisions, and providing penalties.

[H.S.B. 693](#) **Judiciary**

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.

[H.S.B. 694](#) **Judiciary**

Relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

[H.S.B. 695](#) **Transportation**

Relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits.

**H.S.B. 696 Agriculture**

Concerning gambling and horse racing, by providing for pari-mutuel wagering, purse agreements for races of standardbred horses at county fairs, and county gambling elections, and including effective date and retroactive applicability provisions.

**H.S.B. 697 Commerce**

Relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

**H.S.B. 698 Local Government**

Relating to the review and approval of proposed subdivisions by a city.

**H.S.B. 699 Labor**

Requiring that prevailing wage rates by locality be paid to persons working on public improvements for public bodies, unless by public resolution a political subdivision of the state chooses not to utilize the prevailing wage rate for a public improvement project, providing penalties, and including effective date and applicability provisions.

**H.S.B. 700 Natural Resources**

Creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation.

**H.S.B. 701 Commerce**

Relating to prescription drug costs, purchasing, and other practices, and making penalties applicable.

**H.S.B. 702 Labor**

Concerning public employee collective bargaining, including provisions allowing reasonable reimbursement for employee organization services provided to certain executive branch employees, and including applicability provisions.

**H.S.B. 703 Environmental Protection**

Providing for the application of pesticides by commercial applicators using an aircraft, providing penalties, and including effective date provisions.

## 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

**Senate File 404**, a bill for an act establishing a local food and farm task force, providing for a local food and farm plan, and providing for an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8044** February 3, 2010.

## COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly **House File 2082**), providing for a tax credit against the individual and corporate income taxes, the franchise tax, insurance premiums tax, and the moneys and credits tax for a charitable contribution to certain institutions engaged in regenerative medicine research and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

**Committee Bill** (Formerly [House Study Bill 670](#)), concerning allowable locations for holders of a class "E" liquor control license.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly [House Study Bill 656](#)), relating to the Iowa comprehensive petroleum underground storage tank fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2010.

COMMITTEE ON STATE GOVERNMENT

**Senate File 2088**, a bill for an act concerning state government reorganization efficiency making appropriations establishing fee and penalties, and providing effective applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment [H-8045](#)** February 4, 2010.

**Pursuant to Rule 31, [Senate File 2088](#) was referred to the committee on appropriations.**

AMENDMENTS FILED

<a href="#">H-8044</a>	<a href="#">S.F. 404</a>	Committee on Agriculture
<a href="#">H-8045</a>	<a href="#">S.F. 2088</a>	Committee on State Government

On motion by McCarthy of Polk the House adjourned at 5:34 p.m., until 9:00 a.m., Friday, February 5, 2010.