

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, FEBRUARY 10, 2010

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JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 10, 2010

The House met pursuant to adjournment at 9:20 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Dawn Pettengill, state representative from Benton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Emily Steinke, House Page from Gibson.

The Journal of Tuesday, February 9, 2010 was approved.

PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto, from eighty-one citizens favoring an Iowa marriage amendment be put to a vote of the people.

INTRODUCTION OF BILLS

[House File 2368](#), by Mascher, a bill for an act relating to dissemination by a young person of material depicting a sex act or nudity and sexual exploitation of a minor.

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

[House File 2369](#), by Swaim, R. Olson, Zirkelbach, Lensing, Winckler, Burt, Wessel-Kroeschell, Steckman, Running-Marquardt, Beard, Willems, Kearns, Bailey, Mertz, Mascher, Berry, H. Miller, Thede, Lykam, Bell, Cohoon, Gayman, Baudler, Windschitl, Arnold, Hanson, Gaskill, Frevert, Whitead, Bukta, D. Olson, S. Olson, Kaufmann, Sands, Grassley, Soderberg, Tjepkes, Pettengill, Forristall, Heaton, De Boef, L. Miller, Sweeney, Huseman, Horbach,

May, Van Engelenhoven, Chambers, Dolecheck, Roberts, Sorenson, Hagenow, Paulsen, Raecker, Tymeson, Koester, Lukan, Alons, Struyk, Drake, Schultz, Helland, Rayhons, Watts, Cownie, Worthan, Schulte, Kressig, Kuhn, Reasoner, T. Olson, Ford, Ficken, Marek, Palmer, Wenthe, Abdul-Samad, Thomas, Kelley, Wendt, Jacoby and Schueller, a bill for an act relating to shorthand reporters.

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

[House File 2370](#), by Thomas, Bailey, Wenthe, Schueller, Wendt, Kearns, Gaskill, Cohoon, Whitead, Frevert, Kuhn, Bukta, Bell, Mertz, Smith, Reichert, H. Miller, Quirk and Palmer, a bill for an act relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations.

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

[House File 2371](#), by Thede, H. Miller, Steckman, Ford, Palmer, Hanson, Lykam, Abdul-Samad, Winckler, Berry, Zirkelbach, Ficken, Running-Marquardt, Smith and Burt, a bill for an act providing financial support from the community attraction and tourism fund for regional ethnic festivals and making appropriations.

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

On motion by McCarthy of Polk, the House was recessed at 9:28 a.m., until 5:30 p.m.

EVENING SESSION

The House reconvened at 6:00 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

[House File 2372](#), by committee on judiciary, a bill for an act relating to an assault causing serious injury.

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

[House File 2373](#), by committee on judiciary, a bill for an act relating to the criminal offense of intimidation with a dangerous weapon.

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

[House File 2374](#), by committee on judiciary, a bill for an act relating to the definition of serious injury for purposes of criminal offenses.

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

[House File 2375](#), by committee on labor, a bill for an act relating to access to and security of employee personnel files.

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

[House File 2376](#), by committee on economic growth, a bill for an act providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board.

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

[House File 2377](#), by committee on judiciary, a bill for an act relating to extending a period of probation and including applicability provisions.

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

[House File 2378](#), by committee on judiciary, a bill for an act relating to escapes or attempted escapes from custody due to the commission of a criminal offense and providing a penalty.

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

[House File 2379](#), by committee on transportation, a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

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

[House File 2380](#), by committee on agriculture, a bill for an act providing for the taking of crops on land classified as a farm tenancy.

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

[House File 2381](#), by committee on economic growth, a bill for an act concerning allowable locations for holders of a class "E" liquor control license and making penalties applicable.

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

[House File 2382](#), by committee on labor, a bill for an act relating to choice of medical care by members of the municipal police and fire retirement system who are injured in the line of duty.

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

[House File 2383](#), by committee on labor, a bill for an act relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

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

[House File 2384](#), by committee on veterans affairs, a bill for an act requiring the Iowa department of veterans affairs to advise deploying service members regarding certain issues related to taxation.

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

[House File 2385](#), by Isenhart, a bill for an act relating to agreements concerning disadvantaged workers under the industrial new jobs training program.

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

[House File 2386](#), by Gayman, a bill for an act providing an exemption from commercial driver licensing requirements for volunteers who transport patients or clients of a nonprofit entity.

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

SENATE MESSAGE CONSIDERED

[Senate File 2109](#), by committee on judiciary, a bill for an act concerning penalties for failure to obey an official traffic control device or signal when the violation results in death or serious injury.

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

CONSIDERATION OF BILLS
Regular Calendar

[House File 2282](#), a bill for an act relating to judgment liens on homesteads, was taken up for consideration.

Swaim of Davis 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. 2282](#))

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.
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	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, 1:

Shomshor

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

Schueller of Jackson in the chair at 6:09 p.m.

House File 2198, a bill for an act providing an exemption from vehicle registration for trailers used exclusively in veterans flag ceremonies and parades, was taken up for consideration.

Windschitl of Harrison 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. 2198](#))

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	Sands	Schulte
Schultz	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	Schueller, Presiding	

The nays were, none.

Absent or not voting, 1:

Shomshor

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

[House File 2197](#), a bill for an act providing veterans a holiday for veterans day and making penalties applicable, was taken up for consideration.

Zirkelbach of Jones offered amendment [H-8068](#) filed by him as follows:

[H-8068](#)

- 1 Amend [House File 2197](#) as follows:
- 2 1. Page 1, by striking lines 3 through 15 and
- 3 inserting:
- 4 <1. An employer shall provide each employee who is
- 5 a veteran, as defined in section 35.1, with holiday
- 6 time off for Veterans Day, November 11, if the employee
- 7 would otherwise be required to work on that day, as
- 8 provided in this section.
- 9 2. An employer, in complying with this section,
- 10 shall have the discretion of providing paid or unpaid
- 11 time off on Veterans Day, an equivalent of eight hours
- 12 of additional compensation in lieu of paid time off on
- 13 Veterans Day, or paid or unpaid time off on a day other
- 14 than Veterans Day.
- 15 3. An employee shall provide the employer with
- 16 at least one month's prior written notice of the
- 17 employee's intent to take time off for Veterans Day
- 18 and shall also provide the employer with a federal
- 19 certificate of release or discharge from active duty,
- 20 or such similar federal document, for purposes of
- 21 determining the employee's eligibility for the benefit
- 22 provided in this section.>

Windschitl of Harrison offered the following amendment [H-8085](#), to amendment [H-8068](#), filed by him from the floor and moved its adoption:

[H-8085](#)

- 1 Amend the amendment, [H-8068](#), to [House File 2197](#) as

2 follows:

- 3 1. Page 1, by striking lines 11 through 14 and
4 inserting <time off on Veterans Day.>

Amendment [H-8085](#) was adopted.

On motion by Zirkelbach of Jones, amendment [H-8068](#), as amended, was adopted.

Zirkelbach of Jones 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. 2197](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevort	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Huseman
Huser	Isenhardt	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	Sands	Schulte	Schultz
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Schueller, Presiding			

The nays were, 2:

Hunter Watts

Absent or not voting, 1:

Shomshor

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2197, 2198 and 2282.**

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 10, 2010, he approved and transmitted to the Secretary of State the following bills:

[House File 2109](#), an Act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

[House File 2131](#), an Act updating references to the federal Truth in Lending Act.

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

SUBCOMMITTEE ASSIGNMENTS

[House File 2275](#) Reassigned

Judiciary: Palmer, Chair; Baudler and Willems.

[House File 2302](#)

Public Safety: Bukta, Chair; Baudler and Lykam.

[House File 2355](#)

State Government: Gaskill, Chair; Beard and Kaufmann.

[House File 2359](#)

State Government: Lensing, Chair; Kaufmann and Taylor.

[House File 2362](#)

Veterans Affairs: Zirkelbach, Chair; Chambers and Whitead.

[House File 2364](#)

Public Safety: Burt, Chair; Baudler and Lykam.

[House File 2370](#)

Economic Growth: Thomas, Chair; May and Wenthe.

[House File 2371](#)

Economic Growth: Thede, Chair; H. Miller and Soderberg.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 713](#)

State Government: Mascher, Chair; Quirk and Struyk.

[House Study Bill 714](#)

Judiciary: Willems, Chair; Helland and T. Olson.

[House Study Bill 715](#)

Judiciary: T. Olson, Chair; Heaton and Mertz.

[House Study Bill 716](#)

Judiciary: Lensing, Chair; Horbach and Wessel-Kroeschell.

[House Study Bill 717](#)

Environmental Protection: Reichert, Chair; Frevert and S. Olson.

[House Study Bill 718](#)

Judiciary: R. Olson, Chair; Horbach and Willems.

[House Study Bill 719](#)

Economic Growth: Ford, Chair; Cownie, Forristall, Jacoby and Schueller.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

[H.S.B. 720](#) **Ways and Means**

Exempting from taxation the interest earned on and the capital gain from the sale of bonds or notes issued by the Iowa finance authority and including retroactive applicability provisions.

H.S.B. 721 Public Safety

Relating to issuance of permits to carry weapons and related matters.

H.S.B. 722 Veterans Affairs

Requiring the designation of a county veterans outreach coordinator, establishing a veterans outreach fund, and creating a veterans outreach fund income tax checkoff and including effective date and retroactive applicability 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

House File 2182, a bill for an act relating to on-farm electrical installations from licensing and inspections, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2010.

Pursuant to Rule 31, House File 2182 was referred to the committee on state government.

Committee Bill (Formerly **House Study Bill 696**), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

COMMITTEE ON ENVIRONMENTAL PROTECTION

House File 823, a bill for an act requiring public schools and state agencies to utilize environmentally preferable cleaning and maintenance products in school facilities and state buildings.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment [H-8088](#)** February 10, 2010.

Committee Bill (Formerly [House Study Bill 587](#)), regarding matters under the purview of the department of natural resources.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly [House Study Bill 660](#)), establishing a watershed quality planning advisory council.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly [House Study Bill 662](#)), relating to financial assurance for sanitary disposal projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON JUDICIARY

Senate File 358, a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

Committee Bill (Formerly [House Study Bill 694](#)), relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly [House Study Bill 704](#)), relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly [House Study Bill 711](#)), modifying sex offender registry provisions, providing penalties, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

Committee Bill (Formerly [House Study Bill 721](#)), relating to issuance of permits to carry weapons and related matters.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

COMMITTEE ON TRANSPORTATION

[House File 2156](#), a bill for an act relating to an exemption from the fee for new registration of a vehicle for vehicles used substantially in interstate commerce.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

Committee Bill (Formerly [House Study Bill 617](#)), relating to the operation of off-road utility vehicles on highways and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly [House Study Bill 695](#)), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

Committee Bill (Formerly [House File 2035](#)), relating to the license or authorization issued to a person who qualifies as a driver education instructor.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly [House Study Bill 722](#)), requiring the designation of a county veterans outreach coordinator, establishing a veterans outreach fund, and

creating a veterans outreach fund income tax checkoff and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2010.

Committee Bill (Formerly [House File 2202](#)), providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2010.

AMENDMENTS FILED

H-8080	H.F.	2318	Windschitl of Harrison
H-8081	S.F.	2088	Heddens of Story
H-8082	H.F.	2280	Isenhart of Dubuque
H-8083	S.F.	2088	Tymeson of Madison
			Wendt of Woodbury
H-8084	S.F.	2088	Smith of Marshall
H-8086	S.F.	2088	Chambers of O'Brien
H-8087	S.F.	2088	Struyk of Pottawattamie
			Forristall of Pottawattamie
H-8088	H.F.	823	Committee on Environmental Protection
H-8089	S.F.	2088	Bailey of Hamilton
			Wenthe of Fayette
			Palmer of Mahaska
			Thomas of Clayton
			Swaim of Davis
			Hanson of Jefferson
			Tjepkes of Webster
H-8090	S.F.	2088	Marek of Washington
			Heddens of Story
			Raecker of Polk
H-8091	H.F.	2322	Horbach of Tama
H-8092	S.F.	2088	Sands of Louisa

On motion by McCarthy of Polk the House adjourned at 6:33 p.m., until 9:00 a.m., Thursday, February 11, 2010.