

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MARCH 17, 2010

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JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 17, 2010

The House met pursuant to adjournment at 9:13 a.m., Speaker Murphy in the chair.

Prayer was offered by Jack Nolan, member of Holy Family Parish, Emmetsburg. He was the guest of Representative Marcella Frevert of Palo Alto County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Olivia Jordan from Hudson Community Schools in Hudson. She was the guest of Representative Doris Kelley state representative from Black Hawk County.

The Journal of Tuesday, March 16, 2010 was approved.

INTRODUCTION OF BILL

[House File 2529](#), by committee on ways and means, a bill for an act providing for the waiver of tax penalties and interest under certain circumstances and including effective date and retroactive applicability provisions.

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

SENATE MESSAGES CONSIDERED

[Senate File 2376](#), by committee on appropriations, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions.

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

[Senate File 2378](#), by committee on appropriations, a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions.

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

ST. PATRICK'S DAY CELEBRATION

Frevert of Palo Alto introduced to the House, Ned O'Sullivan, a Fianna Fail member of the Irish Parliament representing Kerry North and Limerick West. He is the spokesperson for food and horticulture, health promotion and food safety. He will represent Ireland at the 2010 St. Patrick's Celebration in Emmetsburg. He addressed the House briefly. Frevert of Palo Alto also introduced Miss Shamrock, Justine Wagner, and the Little Irish Dancers from Emmetsburg.

H. Miller of Webster presented the Irish dignitary, Ned O'Sullivan and his wife Madeleine, with a gift.

The House rose and expressed its welcome.

The Honorable Dolores Mertz, state representative from Kossuth County performed the traditional Irish Jig.

On motion by Gayman of Scott, the House was recessed at 9:30 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:19 p.m., Speaker pro tempore Bukta in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-nine members present, eleven absent.

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 March 17, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2321](#), a bill for an act relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility.

Also: That the Senate has on March 17, 2010, passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on March 17, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2414](#), a bill for an act relating to service in an honor guard unit on public property.

Also: That the Senate has on March 17, 2010, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2473](#), a bill for an act relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding.

Also: That the Senate has on March 17, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 285](#), a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

Also: That the Senate has on March 17, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 431](#), a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date.

Also: That the Senate has on March 17, 2010, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

[Senate File 2200](#), a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court.

Also: That the Senate has on March 17, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2343](#), a bill for an act relating to the appointment of judicial officers and senior judges.

Also: That the Senate has on March 17, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama, S. Olson of Clinton, until their return, on request of Paulsen of Linn; Rants of Woodbury on request of Roberts of Carroll; Wendt of Woodbury on request of McCarthy of Polk.

CONSIDERATION OF BILLS Appropriations Calendar

[House File 2521](#), a bill for an act relating to and making appropriations to the judicial branch, was taken up for consideration.

[SENATE FILE 2377](#) SUBSTITUTED FOR [HOUSE FILE 2521](#)

Taylor of Linn asked and received unanimous consent to substitute [Senate File 2377](#) for [House File 2521](#).

[Senate File 2377](#), a bill for an act relating to and making appropriations to the judicial branch, was taken up for consideration.

Taylor of Linn 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. 2377](#))

The ayes were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman

Hanson	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach	Bukta, Presiding	

The nays were, 41:

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

Absent or not voting, 4:

Horbach	Olson, S.	Rants	Wendt
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[HOUSE FILE 2521](#) WITHDRAWN

Taylor of Linn asked and received unanimous consent to withdraw [House File 2521](#) from further consideration by the House.

The House stood at ease at 2:00 p.m., until the fall of the gavel.

The House resumed session at 4:02 p.m., Ford of Polk in the chair.

Unfinished Business Calendar

[Senate File 2273](#), a bill for an act relating to a study regarding implementation of electronic registration and titling of vehicles, and

containing effective date provisions, with report of committee recommending passage, was taken up for consideration.

Marek of Washington 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. 2273](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	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, T.	Palmer
Paulsen	Petersen	Pettengill	Raecker
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	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Ford, Presiding	

The nays were, none.

Absent or not voting, 5:

Horbach	Olson, S.	Quirk	Rants
Wendt			

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

SPECIAL PRESENTATION

Roberts of Carroll introduced to the House the Honorable Gene Manternach former state representative from Jones County.

SENATE AMENDMENT CONSIDERED

Lensing of Johnson called up for consideration [House File 788](#), a bill for an act concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8377](#):

[H-8377](#)

- 1 Amend [House File 788](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 27, after <permit.> by inserting
- 4 <However, the absence of security personnel on the
- 5 licensed premises is insufficient, without additional
- 6 evidence, to prove that criminal activity occurring
- 7 on the licensed premises was knowingly permitted in
- 8 violation of this paragraph "j".>
- 9 2. Page 4, line 29, after <to the> by inserting
- 10 <premises of a liquor licensee or permittee authorized
- 11 to sell alcoholic beverages for consumption on the>
- 12 3. Page 5, line 22, after <Code> by inserting
- 13 <Supplement>

The motion prevailed and the House concurred in the Senate amendment [H-8377](#).

Lensing of Johnson moved that the bill, as amended by the Senate and concurred in by the House, 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. 788](#))

The ayes were, 85:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers

Cohoon	Cownie	De Boef	Dolecheck
Drake	Ficken	Forristall	Frevert
Gayman	Grassley	Hagenow	Hanson
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	May
McCarthy	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Raecker
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Schueller	Schulte	Shomshor
Smith	Soderberg	Steckman	Struyk
Swaim	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Winckler	Worthan	Zirkelbach
Ford, Presiding			

The nays were, 10:

Deyoe	Gaskill	Lukan	Miller, H.
Sands	Schultz	Sorenson	Sweeney
Willems	Windschitl		

Absent or not voting, 5:

Mertz	Olson, S.	Quirk	Rants
Wendt			

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

The House stood at ease at 4:23 p.m., until the fall of the gavel.

The House resumed session at 5:06 p.m., Ford of Polk in the chair.

Appropriations Calendar

The House resumed consideration of [House File 2518](#), a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions, previously deferred and found on page 954 of the House Journal.

Frevert of Palo Alto offered amendment [H-8400](#) filed by her as follows:

[H-8400](#)

1 Amend [House File 2518](#) as follows:
2 1. Page 8, line 24, after <applies.> by inserting
3 <However, the applicable amount for each adjustment
4 occurring on or after July 1, 2010, as provided by this
5 section, shall not be less than the applicable amount
6 for the adjustment for the previous July 1.>
7 2. Page 15, lines 33 and 34, by striking <, for a
8 member in a protection occupation,>
9 3. Page 24, line 5, by striking <five> and
10 inserting <seven>
11 4. Page 24, by striking line 7 and inserting:
12 <a. Two fire fighters, one who is an active member
13 and one who is a retired member>
14 5. Page 24, line 8, by striking <fighter> and
15 inserting <fighters>
16 6. Page 24, by striking line 11 and inserting:
17 <b. Two police officers, one who is an active
18 member and one who is a retired>
19 7. Page 24, line 12, by striking <officer> and
20 inserting <officers>
21 8. Page 25, line 25, by striking <Administrative
22 support.>

Huser of Polk offered the following amendment [H-8449](#), to amendment [H-8400](#), filed by Huser, Mascher of Johnson, Kelley of Black Hawk, Pettengill of Benton, Drake of Cass and Frevert of Palo Alto from the floor and moved its adoption:

[H-8449](#)

1 Amend the amendment, [H-8400](#), to [House File 2518](#) as
2 follows:
3 1. Page 1, by striking lines 9 through 22 and
4 inserting:
5 <__. Page 20, after line 17 by inserting:
6 <Sec. __. Section 411.5, Code 2009, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 16. Benefits and financing
9 review. At least every two years, the board shall
10 review the benefits and finances provided under this
11 chapter. The board shall make recommendations to the
12 general assembly concerning this review, which shall
13 include recommendations concerning the long-term
14 financing and benefits policy of the system.>
15 __. By striking page 23, line 35, through page 25,

16 line 26.
 17 ____ Page 26, line 22, by striking <ADVISORY
 18 COMMITTEE> and inserting <BOARD>
 19 ____ Page 26, line 23, by striking <benefits
 20 advisory committee> and inserting <board of trustees>
 21 ____ Page 26, by striking lines 26 through 28 and
 22 inserting <examination of the benefits and finances
 23 provided under chapter 411, including an examination
 24 of the long-term financing and benefits policy of the
 25 system, with the goal of making recommendations for>
 26 ____ Page 26, by striking lines 32 through 35 and
 27 inserting:
 28 <2. On or before January 10, 2011, the board shall
 29 file a report with the general assembly which contains
 30 the results of the comprehensive >>
 31 2. By renumbering as necessary.

Amendment [H-8449](#) was adopted.

On motion by Frevert of Palo Alto, amendment [H-8400](#), as amended, was adopted, placing out of order amendments [H-8392](#) and [H-8393](#) both amendments filed by Pettengill of Benton and Drake of Cass on March 9, 2010.

Pettengill of Benton offered the following amendment [H-8391](#) filed by her and Drake of Cass and moved its adoption:

[H-8391](#)

1 Amend [House File 2518](#) as follows:
 2 1. Page 13, lines 25 and 26, by striking <for
 3 members in regular service>
 4 2. Page 13, line 27, by striking <~~one-half one~~> and
 5 inserting <one-half>

Amendment [H-8391](#) lost.

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?" ([H.F. 2518](#))

The ayes were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon

Ficken	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Ford, Presiding			

The nays were, 43:

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

Absent or not voting, 4:

Olson, R.	Quirk	Rants	Wendt
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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 788, 2518** and **Senate File 2273**.

INTRODUCTION OF BILL

House File 2530, by committee on ways and means, a bill for an act exempting from the state sales and use taxes the sale of paint and other consumable items to an auto body shop.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2380](#), a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

[HOUSE FILE 2445](#) REFERRED

The Speaker announced that [House File 2445](#), previously placed on the **calendar** was referred to committee on **appropriations**.

MOTION TO RECONSIDER

[Senate File 2377](#)

I move to reconsider the vote by which [Senate File 2377](#) passed the House on March 17, 2010.

MCCARTHY of Polk

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2369](#)

Ways and Means: Isenhart, Chair; Forristall and Steckman.

[Senate File 2371](#)

Ways and Means: T. Olson, Chair; Struyk and Willems.

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 APPROPRIATIONS

[Senate File 2367](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 2010.

COMMITTEE ON WAYS AND MEANS

[Senate File 2373](#), a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 2010.

Committee Bill (Formerly [House Study Bill 729](#)), exempting from the state sales and use taxes the sale of paint and other consumed materials to an auto body shop.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 2010.

AMENDMENTS FILED

H-8438	H.F. 2512	Schueller of Jackson
H-8439	S.F. 2367	Watts of Dallas
H-8440	S.F. 2367	Gaskill of Wapello
H-8441	S.F. 2356	Hunter of Polk
H-8442	H.F. 2523	Taylor of Linn
H-8443	S.F. 2270	Willems of Linn
H-8444	S.F. 2200	Senate Amendment
H-8445	H.F. 2473	Senate Amendment
H-8446	S.F. 2324	Quirk of Chickasaw
H-8447	S.F. 2310	Bell of Jasper
H-8448	S.F. 2270	Struyk of Pottawattamie
H-8450	H.F. 2512	S. Olson of Clinton
H-8451	H.F. 2527	Shomshor of Pottawattamie
H-8452	S.F. 2367	Gaskill of Wapello
H-8453	H.F. 2512	Huser of Polk
H-8454	S.F. 2367	Watts of Dallas
H-8455	H.F. 2526	Smith of Marshall
		Mascher of Johnson

<u>H-8456</u>	<u>H.F.</u>	<u>2526</u>	Alons of Sioux
De Boef of Keokuk			Schultz of Crawford
Koester of Polk			Dolecheck of Ringgold
Chambers of O'Brien			Sorenson of Warren
Roberts of Carroll			Tymeson of Madison
Windschitl of Harrison			Mertz of Kossuth
Soderberg of Plymouth			Baudler of Adair
Hagenow of Polk			Watts of Dallas
Anderson of Page			Huseman of Cherokee
Sands of Louisa			

On motion by McCarthy of Polk the House adjourned at 5:47 p.m., until 9:00 a.m., Thursday, March 18, 2010.