

PROOF

STATE OF IOWA

House Journal

THURSDAY, JANUARY 14, 2010

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(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 14, 2010

The House met pursuant to adjournment at 9:06 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Brad Cranston, pastor of Heritage Baptist Church, Burlington. He was the guest of Minority Leader Paulsen of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dax Oberreuter, Minority Leader Paulsen's Page from Ryan.

The Journal of Wednesday, January 13, 2010 was approved.

INTRODUCTION OF BILLS

[House File 2041](#), by H. Miller, a bill for an act relating to the limitation on length of service for city development board members and including effective date provisions.

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

[House File 2042](#), by Schultz, a bill for an act relating to compensation terms for state employees and providing effective dates.

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

[House File 2043](#), by Isenhardt, Swaim, Kuhn, Lensing, Wessel-Kroeschell, Hunter, Beard, Kearns, Bailey, Abdul-Samad, Gayman, Frevert, Hanson, Steckman, Taylor, Gaskill, Zirkelbach, Smith, Berry, H. Miller and Whitehead, a bill for an act requiring the executive director of the ethics and campaign disclosure board to conduct a study relating to the feasibility of public financing of elections in Iowa.

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

[House File 2044](#), by Schultz, a bill for an act relating to persons who operate dairy farms where milk or milk products are produced for sale to individuals.

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

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 January 13, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2033](#), a bill for an act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

Also: that the Senate has on January 13, 2010, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 101](#), a senate resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes.

MICHAEL E. MARSHALL, Secretary

HOUSE FILES WITHDRAWN

The following House Files were withdrawn by unanimous consent:

House Files 2, 22, 30, 37, 40, 57, 59, 65, 74, 82, 106, 133, 138, 139, 140, 182, 186, 191, 193, 250, 251, 265, 274, 276, 293, 295, 351, 354, 357, 366, 383, 396, 417, 419, 441, 443, 449, 458, 501, 556, 565, 569, 572, 575, 587, 599, 602 and 771.

On motion by Jacoby of Johnson, the House was recessed at 9:19 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:12 p.m., Zirkelbach of Jones 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 January 14, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2045](#), a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

Also: that the Senate has on January 14, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2046](#), a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

[House File 2045](#), by Wagner, a bill for an act creating a sales tax exemption for general school supplies purchased during a certain time period.

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

[House File 2046](#), by May, a bill for an act modifying the deadline for establishment of the state percent of growth for purposes of the state school foundation program and including effective date provisions.

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

[House File 2047](#), by May, a bill for an act relating to certain reporting requirements required of school districts, accredited nonpublic schools, and community colleges.

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

[House File 2048](#), by May, a bill for an act relating to the allocation of Iowa resources enhancement and protection funds to certain county conservation accounts.

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

[House File 2049](#), by May, a bill for an act requiring the administering of end-of-course examinations for certain secondary school subject areas.

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

[House File 2050](#), by May, a bill for an act relating to testing requirements for applicants for teacher licensure or endorsement.

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

[House File 2051](#), by Mascher, a bill for an act providing for standardized provisions and format and a consumer guide for long-term care insurance policies and including applicability provisions.

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

[House File 2052](#), by Mascher, a bill for an act relating to the creation and use of moneys in a home and community-based services trust fund and making an appropriation.

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

[House File 2053](#), by Whitead, a bill for an act providing for the use of photo traffic enforcement in road work zones on primary highways.

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

[House File 2054](#), by Whitead, a bill for an act authorizing monitor vending machines.

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

[House File 2055](#), by Sweeney, Chambers, Alons, Tymeson, S. Olson, Zirkelbach, Worthan, May and Mertz, a bill for an act relating to eligible lenders for the home ownership assistance program for military members.

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

[House File 2056](#), by Mascher, a bill for an act relating to the requirements for national criminal history record checks for child care providers.

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

[House File 2057](#), by Windschitl, Sorenson, Schultz, Helland, Struyk, Pettengill, Koester, Baudler, Chambers, Forristall, Tymeson and Hagenow, a bill for an act relating to the collection of certain information for the issuance of nonprofessional permits to carry weapons.

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

[House File 2058](#), by Mascher, a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

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

[House File 2059](#), by Reichert, a bill for an act relating to the Iowa statues on display in the United States capitol.

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

[House File 2060](#), by May, a bill for an act providing an exemption from vehicle registration for trailers used in veterans parades.

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

[House File 2061](#), by Lykam, a bill for an act relating to a statement of professional recognition for persons qualified as instructors of the junior reserve officer training corps program curriculum.

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

SENATE MESSAGES CONSIDERED

[Senate File 2033](#), by committee on education, a bill for an act relating to school improvement and the approval and revocation of

charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

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

[Senate File 2045](#), by committee on education, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

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

[Senate File 2046](#), by committee on education, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

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

ADOPTION OF [HOUSE CONCURRENT RESOLUTION 103](#)

Wessel-Kroeschell of Story called up for consideration [House Concurrent Resolution 103](#), as follows:

[House Concurrent Resolution 103](#)

By Committee on Administration and Rules

- 1 A concurrent resolution amending the joint rules of
- 2 the Senate and House of Representatives relating to
- 3 session timetable changes.
- 4 *Be It Resolved By The House Of Representatives,*
- 5 *The Senate Concurring,* That Rule 20, subsections 2
- 6 and 3, of the Joint Rules of the Senate and House
- 7 of Representatives, as adopted by the Senate and
- 8 House of Representatives during the 2009 Session in
- 9 [House Concurrent Resolution 3](#), are amended to read as
- 10 follows:
- 11 2. To be placed on the calendar in the house of
- 12 origin, a bill must be first reported out of a standing
- 13 committee by Friday of the 9th week of the first
- 14 session and the ~~8th~~ 5th week of the second session. To
- 15 be placed on the calendar in the other house, a bill
- 16 must be first reported out of a standing committee by
- 17 Friday of the 13th week of the first session and the

18 ~~11th~~ 8th week of the second session.

19 3. During the 11th week of the first session ~~and~~
20 ~~the 9th week of the second session~~, each house shall
21 consider only bills originating in that house and
22 unfinished business. During the 14th week of the
23 first session ~~and the 12th week of the second session~~,
24 each house shall consider only bills originating in
25 the other house and unfinished business. Beginning
26 with the 15th week of the first session and the

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1 ~~13th~~ 10th week of the second session, each house shall
2 consider only bills passed by both houses, bills exempt
3 from subsection 2, and unfinished business.

Under the provision of House Rule 31, amendment [H-8013](#), filed by Cownie of Polk and Rants of Woodbury from the floor, was placed out of order.

[SENATE CONCURRENT RESOLUTION 101](#) SUBSTITUTED FOR
[HOUSE CONCURRENT RESOLUTION 103](#)

Wessel-Kroeschell of Story asked and received unanimous consent to substitute [Senate Concurrent Resolution 101](#) for [House Concurrent Resolution 103](#).

Wessel-Kroeschell of Story called up for consideration [Senate Concurrent Resolution 101](#), as follows and moved its adoption:

[Senate Concurrent Resolution 101](#)

By Committee on Administration and Rules

1 A concurrent resolution amending the joint rules of
2 the Senate and House of Representatives relating to
3 session timetable changes.
4 *Be It Resolved By The Senate, The House of Representatives,*
5 *Concurring,* That Rule 20, subsections 2
6 and 3, of the Joint Rules of the Senate and House
7 of Representatives, as adopted by the Senate and
8 House of Representatives during the 2009 Session in
9 [House Concurrent Resolution 3](#), are amended to read as
10 follows:
11 2. To be placed on the calendar in the house of
12 origin, a bill must be first reported out of a standing
13 committee by Friday of the 9th week of the first
14 session and the ~~8th~~ 5th week of the second session. To
15 be placed on the calendar in the other house, a bill
16 must be first reported out of a standing committee by

17 Friday of the 13th week of the first session and the
18 ~~11th 8th~~ week of the second session.
19 3. During the 11th week of the first session ~~and~~
20 ~~the 9th week of the second session~~, each house shall
21 consider only bills originating in that house and
22 unfinished business. During the 14th week of the
23 first session ~~and the 12th week of the second session~~,
24 each house shall consider only bills originating in
25 the other house and unfinished business. Beginning
26 with the 15th week of the first session and the

Page 2

1 ~~13th 10th~~ week of the second session, each house shall
2 consider only bills passed by both houses, bills exempt
3 from subsection 2, and unfinished business.

The motion prevailed and the resolution was adopted.

ADOPTION OF [HOUSE RESOLUTION 102](#)

Wessel-Kroeschell of Story called up for consideration [House Resolution 102](#), as follows and moved its adoption:

[HOUSE RESOLUTION 102](#)

By Committee On Administration And Rules

1 A resolution amending the permanent rules of the House
2 of Representatives relating to the deadline for
3 requesting the drafting of bills by members and to
4 requirements for consideration of amendments.
5 *Be It Resolved By The House Of Representatives,*
6 That Rule 29, unnumbered paragraph 2, of the Rules of
7 the House, as adopted by the House of Representatives
8 during the 2009 Session in [House Resolution 8](#), is
9 amended to read as follows:
10 After adjournment of the first regular session,
11 bills may be prefiled at any time before the convening
12 of the second regular session. No bill or joint
13 resolution under individual sponsorship, other than a
14 nullification resolution, shall be read for the first
15 time after 4:30 p.m. on Friday of the second first week
16 of the second regular session of the general assembly
17 unless a formal request for drafting the bill has been
18 filed with the legislative services agency before that
19 time.
20 *Be It Further Resolved By The House Of*
21 *Representatives,* That Rule 31, subsection 8, of
22 the Rules of the House, as adopted by the House of
23 Representatives during the 2009 Session in House
24 Resolution 8, is amended to read as follows:
25 8. No amendment to the rules of the house, to any

26 resolution or bill, except technical amendments and

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1 amendments to bills substituted for by senate files
2 containing substantially identical title, language,
3 subject matter, purpose and intrasectional arrangement,
4 shall be considered by the membership of the house
5 without a copy of the amendment having been filed with
6 the chief clerk by 4:00 p.m. or within one-half hour of
7 adjournment, whichever is later, on the day preceding
8 floor debate on the amendment. If the house adjourns
9 prior to 2:00 p.m. on Friday, the final deadline is two
10 hours after adjournment. However, committee amendments
11 filed pursuant to the submission of the committee
12 report may be accepted after this deadline. This
13 provision shall not apply to any proposal debated on
14 the floor of the house after the fourteenth week of the
15 first session and the twelfth ninth week of the second
16 session. No amendment or amendment to an amendment
17 to a bill, rule of the house, or resolution shall be
18 considered by the membership of the house without
19 a copy of the amendment being on the desks of the
20 entire membership of the house prior to consideration.
21 However, after the fourteenth week of the first session
22 and the twelfth ninth week of the second session, the
23 membership of the house may consider an amendment or an
24 amendment to an amendment to a bill, rule of the house,
25 or resolution without a copy of the amendment being
26 on the desks of the entire membership of the house
27 prior to consideration if a copy of the amendment is
28 made available to the entire membership of the house
29 electronically.

The motion prevailed and the resolution was adopted.

HOUSE FILES WITHDRAWN

The following House Files were withdrawn by unanimous consent:

House Files 327, 445, 472, 574 and 606.

On motion by McCarthy of Polk, the House was recessed at 4:37 p.m., until the conclusion of the caucus.

EVENING SESSION

The House reconvened at 6:02 p.m., Bukta of Clinton in the chair.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate Concurrent Resolution 101](#) be immediately messaged to the Senate.

[SENATE FILE 173](#) REREFERRED

The Speaker announced that [Senate File 173](#), previously referred to committee on **education** was rereferred to committee on **appropriations**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ADMINISTRATION

Annual report for fiscal year 2008, pursuant to Chapter 8.21, Code of Iowa.

DEPARTMENT OF EDUCATION

Annual report of the Iowa Communications Network (ICN) usage, pursuant to Chapter 8D.10, Code of Iowa.

Annual report on community colleges, pursuant to Chapter 260C.14, Code of Iowa.

Annual report of disaster waivers for 2009, pursuant to Chapter 256.9, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

2009 annual performance plan report, pursuant to Chapter 216A, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

2009 report on mercury thermostat recycling, pursuant to Chapter 455D.16, Code of Iowa.

DEPARTMENT OF PUBLIC DEFENSE, IOWA HOMELAND SECURITY
AND EMERGENCY MANAGEMENT DIVISION

Annual report, pursuant to Chapter 29C.20A(4), Code of Iowa.

Annual report detailing the administration of the Community Disaster Grant Fund, pursuant to the 2009 Iowa Acts.

DEPARTMENT OF PUBLIC HEALTH

Annual report, pursuant to Chapter 135.163, Code of Iowa.

DEPARTMENT OF VETERANS AFFAIRS

Annual report of expenditures from the Iowa Veterans Trust Fund, pursuant to Chapter 35A.13, Code of Iowa.

IOWA LOTTERY

Annual report of service with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA NATIONAL GUARD

Annual report of usage with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Annual report, pursuant to Chapter 97B.4(4)(a), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

[House File 592](#) Reassigned

Public Safety: Whitead, Chair; Bukta and Worthan.

[House File 669](#) Reassigned

Appropriations: Reichert, Chair; De Boef and Kressig.

[House File 696](#) Reassigned

Public Safety: Whitead, Chair; Lukan and Lykam.

[House File 2002](#)

Judiciary: Huser, Chair; Anderson and Palmer.

[House File 2003](#)

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

[House File 2005](#)

Transportation: Quirk, Chair; Marek and Tjepkes.

[House File 2012](#)

Judiciary: Huser, Chair; Mertz and Struyk.

[House File 2015](#)

Public Safety: Heddens, Chair; Bukta and Hagenow.

[House File 2016](#)

Transportation: Quirk, Chair; Tjepkes and Wenthe.

[House File 2020](#)

Transportation: Abdul-Samad, Chair; Quirk and Tjepkes.

[House File 2021](#)

Transportation: Tjepkes, Chair; Abdul-Samad and Quirk.

[House File 2022](#)

Judiciary: R. Olson, Chair; Baudler and Wessel-Kroeschell.

[House File 2023](#)

Judiciary: R. Olson, Chair; Baudler and Wessel-Kroeschell.

[House File 2024](#)

Judiciary: Smith, Chair; Lensing and Schulte.

[House File 2025](#)

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

[House File 2026](#)

Public Safety: Heddens, Chair; Baudler and Berry.

[House File 2027](#)

Veterans Affairs: Isenhart, Chair; Alons and Ficken.

[House File 2035](#)

Transportation: Bell, Chair; Hanson and May.

[House File 2036](#)

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

[House File 2037](#)

State Government: Quirk, Chair; Struyk and Willems.

[House File 2038](#)

Judiciary: Palmer, Chair; Helland and Smith.

[House File 2039](#)

Appropriations: Cohoon, Chair; Huseman and Jacoby.

[House Concurrent Resolution 4](#)

Administration and Rules: Jacoby, Chair; Deyoe and Wessel-Kroeschell.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 46](#) Reassigned

Public Safety: Whitead, Chair; Baudler and Reichert.

[House Study Bill 77](#) Reassigned

Public Safety: Whitead, Chair; Baudler and Bukta.

[House Study Bill 113](#) Reassigned

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

[House Study Bill 176](#) Reassigned

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

[House Study Bill 538](#)

Veterans Affairs: Zirkelbach, Chair; Bukta and Sweeney.

[House Study Bill 539](#)

Veterans Affairs: Bailey, Chair; Thomas and Windschitl.

[House Study Bill 540](#)

Veterans Affairs: Kerns, Chair; Chambers and Whitead.

[House Study Bill 545](#)

Local Government: Isenhart, Chair; Gaskill and Tjepkes.

[House Study Bill 546](#)

Local Government: Gaskill, Chair; Isenhart and Sorenson.

[House Study Bill 547](#)

Local Government: Winckler, Chair; Burt and Grassley.

[House Study Bill 548](#)

Public Safety: Kuhn, Chair; Hanson and S. Olson.

[House Study Bill 550](#)

Economic Growth: H. Miller, Chair; Cownie and Steckman.

[House Study Bill 551](#)

Education: Palmer, Chair; Cownie and Willems.

[House Study Bill 552](#)

Economic Growth: Thomas, Chair; Jacoby and Schultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 553](#) **Judiciary**

Relating to expunging the conviction for certain alcohol-related offenses committed by persons under legal age.

[H.S.B. 554](#) **Judiciary**

Creating the criminal offense of robbery in the third degree, and providing a penalty.

[H.S.B. 555](#) **Judiciary**

Relating to the calculation of earned time for an inmate in a correctional institution.

[H.S.B. 556](#) **Judiciary**

Concerning authorized public employment by retired judges.

[H.S.B. 557](#) **Judiciary**

Relating to marital agreements, and including effective date and applicability provisions.

H.S.B. 558 Judiciary

Relating to Iowa's uniform disclaimer of property interest Act.

H.S.B. 559 Judiciary

Relating to mechanics' liens including the establishment of a state construction registry for residential construction property and providing an effective date.

H.S.B. 560 Veterans Affairs

Relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

H.S.B. 561 Education

Relating to the resumption of tuition grant eligibility.

H.S.B. 562 State Government

Governing residential electrical installations, and establishing a fee.

H.S.B. 563 State Government

Relating to campaign finance requirements and reporting.

H.S.B. 564 State Government

Relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

H.S.B. 565 State Government

Concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing criminal penalties, and providing effective and applicability provisions.

H.S.B. 566 State Government

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.

H.S.B. 567 Human Resources

Relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

H.S.B. 568 Human Resources

Relating to the provision of deliverable fuels to customers eligible for the federal low-income home energy assistance program, and including effective date provisions.

H.S.B. 569 Human Resources

Revising the duties of the mental health, mental retardation, developmental disabilities, and brain injury commission and related provisions.

H.S.B. 570 Human Resources

Relating to the IowaCare program, and providing for repeals.

H.S.B. 571 Human Resources

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.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly [House Study Bill 505](#)), establishing an Iowa innovation council in the department of economic development.

Fiscal Note is not required.

Recommended **Do Pass** January 14, 2010.

AMENDMENTS FILED

H-8009	H.F.	2030	Wendt of Woodbury Dolecheck of Ringgold Raecker of Polk
H-8010	S.F.	2033	May of Dickinson
H-8011	S.F.	2033	Chambers of O'Brien
H-8012	S.F.	2033	Koester of Polk
H-8014	S.F.	2045	May of Dickinson Dolecheck of Ringgold
H-8015	S.F.	2046	May of Dickinson Dolecheck of Ringgold
H-8016	S.F.	2033	Dolecheck of Ringgold
H-8017	S.F.	2033	Heaton of Henry
H-8018	S.F.	2033	Heaton of Henry
H-8019	S.F.	2033	Schultz of Crawford
H-8020	S.F.	2033	Ford of Polk
H-8021	S.F.	2033	Ford of Polk
H-8022	S.F.	2033	Ford of Polk

On motion by McCarthy of Polk the House adjourned at 6:03 p.m., until 8:00 a.m., Friday, January 15, 2010.