

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, FEBRUARY 3, 2010

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

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 3, 2010

The House met pursuant to adjournment at 9:06 a.m., Zirkelbach of Jones in the chair.

Prayer was offered by the Honorable Sharon Steckman, state representative from Cerro Gordo County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gracie Brandsgard, House Page and daughter of Mark Brandsgard, Chief Clerk from West Des Moines.

The Journal of Tuesday, February 2, 2010 was approved.

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 2, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2109](#), a bill for 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.

Also: That the Senate has on February 2, 2010, passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on February 2, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2075](#), a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

Also: That the Senate has on February 2, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2108](#), a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable.

Also: That the Senate has on February 2, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2117](#), a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

Also: That the Senate has on February 2, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2138](#), a bill for an act relating to the rights of a donee created by an anatomical gift.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

[House File 2252](#), by committee on commerce, a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable.

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

[House File 2253](#), by committee on judiciary, a bill for an act relating to Iowa's uniform disclaimer of property interest Act.

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

[House File 2254](#), by Arnold, a bill for an act relating to the disposition of certain former school district funds by the director of the department of education and including effective date, validation, and retroactive applicability provisions.

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

[House File 2255](#), by Baudler, Zirkelbach, Horbach, Drake, Reichert, Helland, Schulte, S. Olson, Tjepkes, Arnold, Watts, Roberts, Forristall, Van Engelenhoven, Chambers, Huseman, Worthan, Dolecheck, Grassley, L. Miller, Deyoe, Reasoner, Soderberg, Bell, Gayman, Mertz, Bailey, Marek, Quirk, Hanson, Huser, Swaim,

Thomas, Ford, Shomshor, Palmer, Tymeson, Rayhons, De Boef, Paulsen, Kaufmann, Lykam, Upmeyer and R. Olson, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties.

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

[House File 2256](#), by Mertz, a bill for an act providing an appropriation to reimburse the governing body of a drainage district for repairs associated with a lake owned by the department of natural resources.

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

[House File 2257](#), by Anderson, a bill for an act relating to animal cruelty, and making penalties applicable.

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

[House File 2258](#), by Van Engelenhoven, a bill for an act allowing the use of an interactive video teleconferencing system in involuntary commitment hearings for chronic substance abusers and mentally ill persons.

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

[House File 2259](#), by Schultz, a bill for an act prohibiting the use of state funding and personnel for advertising associated with the hawk-i program.

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

[House File 2260](#), by Schultz, a bill for an act relating to a pharmacist's refusal to dispense a specific medication.

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

[House File 2261](#), by Burt, a bill for an act relating to requirements for certain interscholastic athletic contests and competitions.

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

[House File 2262](#), by Sorenson, Deyoe, De Boef, Hagenow, Windschitl, Alons, Kaufmann, Chambers, Upmeyer, Rants, Sands, Horbach, Arnold, Struyk, Paulsen, Tymeson, Roberts and Soderberg, a bill for an act asserting the sovereignty of the state of Iowa.

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

[House File 2263](#), by Sorenson, Baudler, Hagenow, De Boef, Tymeson, Windschitl, Helland, Lukan, Chambers, Schultz, Paulsen, Huseman, Rants, Sands, Horbach, Arnold, Struyk, Roberts and Soderberg, a bill for an act relating to verification of social security numbers for public programs under the purview of the department of human services.

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

[House File 2264](#), by Grassley, a bill for an act relating to the emergency detention or hospitalization of a person incapacitated by a chemical substance or with a serious mental impairment.

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

[House File 2265](#), by Roberts, a bill for an act relating to employees of the department of human services potentially subject to discharge, suspension, or reduction in job classification or pay grade for cause.

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

SPECIAL PRESENTATION

Smith of Marshall introduced to the House the Honorable Paul Scherrman, former state representative from Dubuque County.

The House rose and expressed its welcome.

ADOPTION OF [HOUSE RESOLUTION 106](#)

Reichert of Muscatine, Kressig of Black Hawk and Murphy of Dubuque called up for consideration [House Resolution 106](#), a resolution to recognize the Iowa Small Business Development Centers and honor 2009 award winners Sarah Gall, Gina Blean, and Kelly Heysinger, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by McCarthy of Polk, the House was recessed at 9:16 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:15 p.m., Zirkelbach of Jones in the chair.

CONSIDERATION OF BILLS
Regular Calendar

[House File 2183](#), a bill for an act relating to the organization and duties of the state board of health, was taken up for consideration.

Thede of Scott 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. 2183](#))

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.
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	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, none.

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 2183](#) be immediately messaged to the Senate.

[House File 2148](#), a bill for an act relating to eligible lenders for the home ownership assistance program for military members, was taken up for consideration.

Sweeney of Hardin 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. 2148](#))

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.
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	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 and none.

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

[HOUSE FILE 2055](#) WITHDRAWN

Sweeney of Hardin asked and received unanimous consent to withdraw [House File 2055](#) from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2148](#) be immediately messaged to the Senate.

INTRODUCTION OF BILLS

[House File 2266](#), by Gaskill, a bill for an act relating to public utility operation and regulation.

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

[House File 2267](#), by Sorenson, Windschitl, Tymeson, De Boef, Schultz, Hagenow, Struyk, S. Olson, Paulsen, Pettengill, Chambers, Watts, Helland, Deyoe, Alons, Rants, Huseman and Horbach, a bill

for an act eliminating the requirement that a person who acquires ownership of a pistol or revolver must apply for and be issued an annual permit to acquire a pistol or revolver.

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

[House File 2268](#), by Raecker, a bill for an act relating to the establishment of frontier schools.

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

[House File 2269](#), by Mascher, a bill for an act expanding the educational standards to include age-appropriate comprehensive sexuality education instruction at the elementary and secondary grade levels.

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

[House File 2270](#), by Abdul-Samad, a bill for an act relating to a foreign language requirement at the elementary school level for school districts and including an effective date provision.

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

[House File 2271](#), by Abdul-Samad, a bill for an act establishing a loan forgiveness program and fund for dentists who practice in certain rural areas of the state.

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

[House File 2272](#), by Bailey and Helland, a bill for an act removing specified fees imposed for the formation of designated forms of businesses.

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

[House File 2273](#), by Mertz, a bill for an act relating to drainage districts, by modifying the amount of a bid security required to be submitted by bidders proposing to make improvements and modifying the threshold amount requiring the letting of bids to construct an improvement, and including effective date provisions.

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

[House File 2274](#), by Abdul-Samad and Willems, a bill for an act concerning workplace accommodations for employees who express breast milk.

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

[House File 2275](#), by Palmer, a bill for an act expanding the definition of criminal mischief in the third degree, and providing penalties.

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

[House File 2276](#), by Upmeyer and Huser, a bill for an act relating to program criteria for the hawk-i and IowaCare programs under the purview of the department of human services.

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

[House File 2277](#), by Huser, a bill for an act prohibiting cities and counties from adopting or enforcing ordinances that require a landlord to evict or impose certain restrictions or penalties on residential tenants and including effective date provisions.

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

[House File 2278](#), by Schultz and Windschitl, a bill for an act relating to adoption eligibility criteria established by private child-placing agencies.

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

[House File 2279](#), by Huser, a bill for an act relating to the use of multiple credit report inquiries as a negative factor in insurance scoring or for purposes of underwriting or rating a personal insurance policy.

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

[House File 2280](#), by committee on public safety, a bill for an act providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for reporting of threatened animals, providing for fees, providing penalties, and including effective date provisions.

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

SENATE MESSAGES CONSIDERED

[Senate File 2075](#), by committee on commerce, a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

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

[Senate File 2108](#), by committee on judiciary, a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable and including effective date provisions.

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

[Senate File 2117](#), by committee on human resources, a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

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

[Senate File 2138](#), 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 referred to committee on **judiciary**.

COMMUNICATIONS RECEIVED

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

AUDITOR OF STATE

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

Endow Iowa report, pursuant to Chapter 15E.301, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Commission of Native American Affairs 2009 annual report, pursuant to Chapter 216, Code of Iowa.

DEPARTMENT OF REVENUE

2009 Streamlined Sales Tax Advisory Council report, pursuant to Chapter 423, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Midwest Regional Rail Passenger Report, pursuant to Chapter 327J.3(1), Code of Iowa.

Report on Registered Flex Fuel Vehicles, pursuant to Chapter 452.33(3), Code of Iowa.

Report of usage and savings with the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

ENVIRONMENTAL PROTECTION COMMISSION

Annual report, pursuant to Chapter 455B.105(5), Code of Iowa.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Annual report of activities, pursuant to Chapter 312.3B, Code of Iowa.

IOWA UTILITIES BOARD

Annual report of contribution funds, pursuant to Chapter 476.66(6), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

[House Joint Resolution 2008](#)

Local Government: Gaskill, Chair; Grassley and Kuhn.

[House File 425](#) Reassigned

Judiciary: Mertz, Chair; Palmer and Schulte.

[House File 783](#)

Economic Growth: Ford, Chair; Kelley and Sorenson.

[House File 2151](#)

Commerce: Kelley, Chair; Quirk, Reichert, Soderberg and Wagner.

[House File 2163](#)

Commerce: Zirkelbach, Chair; Jacoby and Pettengill.

[House File 2164](#)

Judiciary: R. Olson, Chair; Ford and Schultz.

[House File 2165](#)

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

[House File 2166](#)

Commerce: Reichert, Chair; D. Olson and Wagner.

[House File 2170](#)

Veterans Affairs: Chambers, Chair; Ficken and Isenhardt.

[House File 2175](#)

Local Government: D. Olson, Chair; Kuhn and Van Engelenhoven.

[House File 2176](#)

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

[House File 2180](#)

Commerce: T. Olson, Chair; Reasoner and Sorenson.

[House File 2181](#)

Commerce: Kressig, Chair; Helland and Jacoby.

[House File 2192](#)

Judiciary: Huser, Chair; Helland and Willems.

[House File 2202](#)

Veterans Affairs: Chambers, Chair; Bukta and Whitead.

[House File 2204](#)

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

[House File 2205](#)

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

[House File 2207](#)

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

[House File 2213](#)

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

[House File 2214](#)

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

[House File 2222](#)

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

[House File 2223](#)

Human Resources: Hunter, Chair; Alons and Thede.

[House File 2224](#)

Human Resources: Abdul-Samad, Chair; Berry and Heaton.

[House File 2225](#)

Judiciary: R. Olson, Chair; Helland and Lensing.

[House File 2226](#)

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

[House File 2230](#)

State Government: Taylor, Chair; Struyk and Willems.

[House File 2231](#)

State Government: Taylor, Chair; Quirk and Struyk.

[House File 2237](#)

Veterans Affairs: Ficken, Chair; Isenhart and Windschitl.

[House File 2240](#)

State Government: Lensing, Chair; Struyk and Taylor.

[House File 2241](#)

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

[House File 2249](#)

Local Government: Cohoon, Chair; Kuhn and Tjepkes.

[House File 2262](#)

State Government: Lensing, Chair; Frevert and Kaufmann.

[Senate File 117 Reassigned](#)

Human Resources: Steckman, Chair; Baudler and T. Olson.

[Senate File 2088](#)

State Government: Mascher, Chair; Gaskill, Kaufmann, Struyk and Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 680](#)

Economic Growth: Thomas, Chair; Forristall and Jacoby.

[House Study Bill 681](#)

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

[House Study Bill 682](#)

Human Resources: Petersen, Chair; Alons and T. Olson.

[House Study Bill 683](#)

State Government: Gaskill, Chair; Roberts and Willems.

[House Study Bill 684](#)

Appropriations: Heddens, Chair; Heaton and Oldson.

[House Study Bill 685](#)

Agriculture: Reasoner, Chair; S. Olson and Wenthe.

[House Study Bill 686](#)

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 687 Commerce](#)

Relating to charitable solicitations, by providing for registration requirements, providing for fees and appropriations, imposing penalties, and including effective date provisions.

H.S.B. 688 Agriculture

Concerning weight limits for vehicles carrying grain, fertilizer, or agricultural chemicals on noninterstate highways.

H.S.B. 689 Human Resources

Relating to prescription drug costs and practices and making penalties applicable.

H.S.B. 690 Agriculture

Relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

H.S.B. 691 State Government

Establishing a high performance certification program applicable to certain public buildings.

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

Committee Bill (Formerly [House File 558](#)), providing for the taking of crops on land classified as a farm tenancy.

Fiscal Note is not required.

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

COMMITTEE ON EDUCATION

Committee Bill (Formerly [House Study Bill 658](#)), establishing a task force to review the present mission, structure, governance, and funding of the area education agencies.

Fiscal Note is not required.

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

COMMITTEE ON ENVIRONMENTAL PROTECTION

[House File 785](#), a bill for an act relating to lead wheel weights on state-owned motor vehicles.

Fiscal Note is not required.

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

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly [House File 2041](#)), relating to the limitation on length of service for city development board members and including effective date provisions.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 546](#)), relating to the approval and use of increased local sales and services tax revenues to fund urban renewal projects.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 632](#)), relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, and making penalties applicable.

Fiscal Note is not required.

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

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly [House Study Bill 542](#)), relating to activities of the department of public safety including regulating the storage of flammable and combustible liquids in aboveground storage tanks and retaining fees.

Fiscal Note is not required.

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

AMENDMENTS FILED

[H-8041](#)

[H.F. 2234](#)

T. Olson of Linn

[H-8042](#)

[H.F. 2076](#)

Thomas of Clayton

[H-8043](#) [H.F. 2252](#) Kressig of Black Hawk

On motion by McCarthy of Polk the House adjourned at 4:36 p.m., until 9:00 a.m., Thursday, February 4, 2010.