

PROOF

STATE OF IOWA

House Journal

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JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-seventh Session Day

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

The House met pursuant to adjournment at 9:11 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Alan Scarfe, Bishop of the Episcopal Diocese of Des Moines. He was the guest of Representative Wayne Ford of Polk County.

PLEDGE OF ALLEGIANCE

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

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama and Windschitl of Harrison, until their arrival, on request of Schultz of Crawford.

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 16, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2181](#), 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.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2194](#), a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2195](#), a bill for an act relating to campaign finance requirements and reporting.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2196](#), a bill for an act relating to the administration of the election laws by the secretary of state and including effective date provisions.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2202](#), a bill for an act relating to rights of persons with disabilities.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2215](#), a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2218](#), a bill for an act relating to elections by eliminating double election boards and by requiring the commissioner of elections, upon petition, to use automatic tabulating equipment in certain elections and including effective date provisions.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2220](#), a bill for an act relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void.

Also: That the Senate has on February 16, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2223](#), a bill for an act relating to the deferral of costs and fees in a court proceeding for persons unable to pay such costs and fees.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

[House File 2455](#), by committee on veterans affairs, a bill for an act 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.

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

[House File 2456](#), by committee on transportation, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties.

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

[House File 2457](#), by committee on environmental protection, a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions.

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

[House File 2458](#), by committee on natural resources, a bill for an act relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads.

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

[House File 2459](#), by committee on environmental protection, a bill for an act establishing a watershed planning advisory council.

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

[House File 2460](#), by committee on economic growth, a bill for an act relating to small business and disadvantaged business enterprise contracts with the department of transportation.

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

[House File 2461](#), by committee on education, a bill for an act relating to school business official training and authorization.

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

[House File 2462](#), by committee on education, a bill for an act relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions.

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

SENATE MESSAGES CONSIDERED

[Senate File 2225](#), by committee on judiciary, a bill for an act providing for the doubling of criminal fines and civil penalties in disaster areas, providing penalties, and including effective date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

[Senate File 2247](#), by committee on state government, a bill for an act authorizing the modification of the designation of a gaming enforcement officer.

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

[Senate File 2249](#), by committee on judiciary, a bill for an act relating to an assault that occurs between persons in an intimate relationship and the crime of domestic abuse assault and making penalties applicable.

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

[Senate File 2254](#), by committee on local government, a bill for an act relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts.

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

[Senate File 2263](#), by committee on human resources, a bill for an act relating to the office of the long-term care resident's advocate, and providing penalties.

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

[Senate File 2264](#), by committee on local government, a bill for an act relating to the review and approval of proposed subdivisions by a city.

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

[Senate File 2266](#), by committee on human resources, a bill for an act creating the local public health governance Act, and providing penalties.

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

[Senate File 2267](#), by committee on human resources, a bill for an act relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

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

[Senate File 2286](#), by committee on labor and business relations, a bill for an act relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties.

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

CONSIDERATION OF BILLS Regular Calendar

[House File 2280](#), 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, was taken up for consideration.

Sweeney of Hardin offered the following amendment [H-8145](#) filed by her and moved its adoption:

[H-8145](#)

- 1 Amend [House File 2280](#) as follows:
- 2 1. By striking everything after the enacting clause
- 3 and inserting:
- 4 <Section 1. Section 162.1, Code 2009, is amended to
- 5 read as follows:

6 162.1 ~~Policy~~ Purpose and scope.

7 1. The purpose of this chapter is to do all of the

8 following:

9 ~~1. a. To insure~~ Insure that all dogs and
10 cats handled by ~~boarding kennels, commercial~~
11 ~~kennels, commercial breeders, dealers, and public~~
12 ~~auctions~~ commercial establishments are provided with
13 humane care and treatment ~~by regulating.~~

14 b. Regulate the transportation, sale,
15 purchase, housing, care, handling, and treatment
16 of ~~such animals~~ dogs and cats by persons ~~or~~
17 ~~organizations~~ engaged in transporting, buying, or
18 selling them ~~and to provide.~~

19 c. Provide that all vertebrate animals consigned
20 to pet shops are provided humane care and treatment by
21 regulating the transportation, sale, purchase, housing,
22 care, handling, and treatment of such animals by pet
23 shops.

24 ~~2. d. To authorize~~ Authorize the sale, trade, or
25 adoption of only those animals which appear to be free
26 of infectious or communicable disease.

27 ~~3. e. To protect~~ Protect the public from zoonotic
28 disease.

29 2. This chapter does not apply to livestock as
30 defined in section 717.1 or any other agricultural
31 animal used in agricultural production as provided in
32 chapter 717A.

33 Sec. 2. Section 162.2, Code Supplement 2009, is
34 amended by adding the following new subsections:
35 NEW SUBSECTION. 4A. "Animal Welfare Act" means
36 the federal Animal Welfare Act, 7 U.S.C. ch. 54, and
37 regulations promulgated by the United States department
38 of agriculture and published in 9 C.F.R. ch. 1.

39 NEW SUBSECTION. 4B. "Authorization" means a
40 state license, certificate of registration, or permit
41 issued or renewed by the department to a commercial
42 establishment as provided in section 162.2A.

43 NEW SUBSECTION. 6A. "Commercial establishment"
44 or "establishment" means an animal shelter, boarding
45 kennel, commercial breeder, commercial kennel, dealer,
46 pet shop, pound, public auction, or research facility.

47 NEW SUBSECTION. 8A. "Department" means the
48 department of agriculture and land stewardship.

49 NEW SUBSECTION. 9A. "Federal license" means a
50 license issued by the United States department of

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1 agriculture to a person classified as a dealer or
2 exhibitor pursuant to the federal Animal Welfare Act.
3 NEW SUBSECTION. 9B. "Federal licensee" means
4 a person to whom a federal license as a dealer or

5 exhibitor is issued.

6 NEW SUBSECTION. 10A. "Permittee" means a
7 commercial breeder, dealer, or public auction to whom
8 a permit is issued by the department as a federal
9 licensee pursuant to section 162.2A.

10 NEW SUBSECTION. 15A. "Registrant" means a pound,
11 animal shelter, or research facility to whom a
12 certificate of registration is issued by the department
13 pursuant to section 162.2A.

14 NEW SUBSECTION. 16A. "State fiscal year" means the
15 fiscal year described in section 3.12.

16 NEW SUBSECTION. 16B. "State licensee" means any of
17 the following:

18 a. A boarding kennel, commercial kennel, or
19 pet shop to whom a state license is issued by the
20 department pursuant to section 162.2A.

21 b. A commercial breeder, dealer, or public auction
22 to whom a state license is issued in lieu of a permit
23 by the department pursuant to section 162.2A.

24 Sec. 3. Section 162.2, subsection 13, Code
25 Supplement 2009, is amended to read as follows:

26 13. "Pound" or "~~dog pound~~" means a facility for the
27 prevention of cruelty to animals operated by the state,
28 a municipal corporation, or other political subdivision
29 of the state for the purpose of impounding or harboring
30 seized stray, homeless, abandoned or unwanted dogs,
31 cats or other animals; or a facility operated for
32 such a purpose under a contract with any municipal
33 corporation or incorporated society.

34 Sec. 4. NEW SECTION. 162.2A Application, issuance,
35 and renewal of authorizations.

36 1. The department shall provide for the operation
37 of a commercial establishment by issuing or renewing an
38 authorization, including any of the following:

39 a. A certificate of registration for a pound,
40 animal, shelter, or research facility.

41 b. A state license for a boarding kennel,
42 commercial kennel, or pet shop.

43 c. A state license or permit for a commercial
44 breeder, dealer, or public auction. A federal licensee
45 must apply for and be issued either a permit or a state
46 license in lieu of a permit.

47 2. A person must be issued a separate state
48 license, certificate of registration, or permit for
49 each commercial establishment owned or operated by the
50 person. However, if the person operates more than

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1 one commercial establishment on the same premises the
2 person shall only be required to have one authorization
3 from the department.

4 3. A person must apply for the issuance or
5 renewal of an authorization on forms and according to
6 procedures required by rules adopted by the department.
7 The application shall contain information required by
8 the department, including but not limited to all of the
9 following:

10 a. The person's name.

11 b. The person's principal office or place of
12 business.

13 c. The name, address, and type of establishment
14 covered by the authorization.

15 4. The authorization expires on an annual basis
16 as provided by the department, and must be renewed by
17 the commercial establishment on an annual basis on or
18 before the authorization's expiration date.

19 5. a. A commercial establishment applying for
20 the issuance or renewal of a permit shall provide the
21 department with proof that the person is a federal
22 licensee.

23 b. The department shall not require that it must
24 enter onto the premises of a commercial establishment
25 in order to issue a permit. The department shall
26 not require that it must enter onto the premises
27 of a commercial establishment in order to renew a
28 permit, unless it has reasonable cause to monitor
29 the commercial establishment as provided in section
30 162.10C.

31 Sec. 5. NEW SECTION. 162.2B Fees.

32 The department shall establish, assess, and collect
33 fees as provided in this section.

34 1. A commercial establishment shall pay
35 authorization fees to the department for the issuance
36 or renewal of a certificate of registration, state
37 license, or permit.

38 a. For the issuance or renewal of a certificate of
39 registration for a privately owned pound that sells
40 dogs or cats, fifteen dollars.

41 b. For the issuance or renewal of a state license
42 for a commercial establishment the following:

43 (1) A boarding kennel, thirty dollars.

44 (2) A commercial breeder, forty dollars. However,
45 a commercial breeder who owns, keeps, breeds, or
46 transports a greyhound dog for pari-mutuel wagering
47 at a racetrack as provided in chapter 99D shall pay a
48 different fee for the issuance or renewal of a state
49 license as provided in rules adopted by the department.

50 (3) A commercial kennel, forty dollars.

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1 (4) A dealer, one hundred dollars.

2 (5) A pet shop, fifty dollars.

3 (6) A public auction, forty dollars.
4 c. For the issuance or renewal of a permit for a
5 commercial establishment, twenty dollars.
6 2. The fees collected by the department shall be
7 deposited into the commercial establishment compliance
8 fund created pursuant to section 162.2C.
9 Sec. 6. NEW SECTION. 162.2C Commercial
10 establishment compliance fund.
11 A commercial establishment compliance fund is
12 created in the state treasury under the control of the
13 department.
14 1. The fund shall consist of moneys appropriated
15 to the department, fees collected by the department
16 pursuant to section 162.2B, civil penalties collected
17 by the department pursuant to section 162.12A, and
18 other moneys placed in the fund by the department.
19 2. The moneys in the fund are appropriated to the
20 department for the exclusive purpose of administering
21 and enforcing the provisions of this chapter.
22 3. Notwithstanding section 12C.7, interest or
23 earnings on moneys in the fund shall be credited to the
24 fund. Notwithstanding section 8.33, moneys credited
25 to the fund that remain unexpended or unobligated at
26 the end of a fiscal year shall not revert to any other
27 fund.
28 Sec. 7. Section 162.3, Code 2009, is amended by
29 striking the section and inserting in lieu thereof the
30 following:
31 162.3 Operation of a pound – certificate of
32 registration.
33 A pound shall only operate pursuant to a certificate
34 of registration issued or renewed by the department
35 as provided in section 162.2A. A pound may sell dogs
36 or cats under its control, if sales are allowed by
37 the department. The pound shall maintain records as
38 required by the department in order for the department
39 to ensure the pound's compliance with the provisions
40 of this chapter.
41 Sec. 8. Section 162.4, Code 2009, is amended by
42 striking the section and inserting in lieu thereof the
43 following:
44 162.4 Operation of an animal shelter – certificate
45 of registration.
46 An animal shelter shall only operate pursuant to a
47 certificate of registration issued or renewed by the
48 department as provided in section 162.2A. An animal
49 shelter may sell dogs or cats if sales are allowed
50 by the department. The animal shelter facility shall

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1 maintain records as required by the department in order

2 for the department to ensure the animal shelter's
3 compliance with the provisions of this chapter.

4 Sec. 9. NEW SECTION. 162.4A Operation of a
5 research facility – certificate of registration.

6 A research facility shall only operate pursuant to a
7 certificate of registration issued by the department
8 as provided in section 162.2A. The research facility
9 shall maintain records as required by the department
10 in order for the department to ensure the research
11 facility's compliance with the provisions of this
12 chapter. A research facility shall not purchase a dog
13 or cat from a commercial establishment that does not
14 have a valid authorization issued or renewed under this
15 chapter or a similar authorization issued or renewed
16 by another state.

17 Sec. 10. Section 162.5, Code 2009, is amended by
18 striking the section and inserting in lieu thereof the
19 following:

20 162.5 Operation of a pet shop – state license.

21 A pet shop shall only operate pursuant to a state
22 license issued or renewed by the department pursuant to
23 section 162.2A. The pet shop shall maintain records as
24 required by the department in order for the department
25 to ensure the pet shop's compliance with the provisions
26 of this chapter. A pet shop shall not purchase a dog
27 or cat from a commercial establishment that does not
28 have a valid authorization issued or renewed under this
29 chapter or a similar authorization issued or renewed
30 by another state.

31 Sec. 11. NEW SECTION. 162.5A Operation of a
32 boarding kennel – state license.

33 A boarding kennel shall only operate pursuant to
34 a state license issued by the department as provided
35 in section 162.2A. The boarding kennel shall maintain
36 records as required by the department in order for the
37 department to ensure the boarding kennel's compliance
38 with the provisions of this chapter. A boarding kennel
39 shall not purchase a dog or cat from a commercial
40 establishment that does not have a valid authorization
41 issued or renewed under this chapter or a similar
42 authorization issued or renewed by another state.

43 Sec. 12. Section 162.6, Code 2009, is amended by
44 striking the section and inserting in lieu thereof the
45 following:

46 162.6 Operation of a commercial kennel – state
47 license.

48 A commercial kennel shall only operate pursuant to a
49 state license issued or renewed by the department as
50 provided in section 162.2A. A commercial kennel shall

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1 maintain records as required by the department in order
2 for the department to ensure the commercial kennel's
3 compliance with the provisions of this chapter. A
4 commercial kennel shall not purchase a dog or cat from
5 a commercial establishment that does not have a valid
6 authorization issued or renewed under this chapter or
7 a similar authorization issued or renewed by another
8 state.

9 Sec. 13. Section 162.7, Code 2009, is amended by
10 striking the section and inserting in lieu thereof the
11 following:

12 162.7 Operation of a dealer – state license or
13 permit.

14 A dealer shall only operate pursuant to a state
15 license, or a permit, issued or renewed by the
16 department as provided in section 162.2A. A dealer who
17 is a state licensee shall maintain records as required
18 by the department in order for the department to ensure
19 compliance with the provisions of this chapter. A
20 dealer who is a permittee may, but is not required to
21 maintain records. A dealer shall not purchase a dog
22 or cat from a commercial establishment that does not
23 have a valid authorization issued or renewed under this
24 chapter or a similar authorization issued or renewed
25 by another state.

26 Sec. 14. Section 162.8, Code 2009, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 162.8 Operation of a commercial breeder – state
30 license or permit.

31 A commercial breeder shall only operate pursuant
32 to a state license, or a permit, issued or renewed
33 by the department as provided in section 162.2A. A
34 commercial breeder who is a state licensee shall
35 maintain records as required by the department in order
36 for the department to ensure the commercial breeder's
37 compliance with the provisions of this chapter. A
38 commercial breeder who is a permittee may but is not
39 required to maintain records. A commercial breeder
40 shall not purchase a dog or cat from a commercial
41 establishment that does not have a valid authorization
42 issued or renewed under this chapter or a similar
43 authorization issued or renewed by another state.

44 Sec. 15. NEW SECTION. 162.9A Operation of a public
45 auction – state license or permit.

46 A public auction shall only operate pursuant to a
47 state license, or a permit, issued or renewed by the
48 department as provided in section 162.2A. A public
49 auction which is a state licensee shall maintain
50 records as required by the department in order for the

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1 department to ensure the public auction's compliance
2 with the provisions of this chapter. A public auction
3 which is a permittee may but is not required to
4 maintain records. A public auction shall not purchase
5 a dog or cat from a commercial establishment that does
6 not have a valid authorization issued or renewed under
7 this chapter or a similar authorization issued or
8 renewed by another state.

9 Sec. 16. NEW SECTION. 162.10A Commercial
10 establishments – standard of care.

11 1. a. A commercial establishment shall provide for
12 a standard of care that ensures that an animal in its
13 possession or under its control is not lacking any of
14 the following:

15 (1) Adequate feed, adequate water, housing
16 facilities, sanitary control, or grooming practices, if
17 such lack causes adverse health or suffering.

18 (2) Veterinary care.

19 b. A commercial establishment, other than a
20 research facility or pet shop, shall provide for the
21 standard of care for dogs and cats in its possession or
22 under its control, and a research facility or pet shop
23 shall provide for the standard of care for vertebrate
24 animals in its possession or under its control.

25 2. a. Except as provided in paragraph "b" or "c",
26 a commercial establishment shall comply with rules that
27 the department adopts to implement subsection 1. A
28 commercial establishment shall be regulated under this
29 paragraph "a" unless the person is a state licensee as
30 provided in paragraph "b" or a permittee as provided in
31 paragraph "c".

32 b. A state licensee who is a commercial breeder
33 owning, breeding, transporting, or keeping a greyhound
34 dog for pari-mutuel wagering at a racetrack as provided
35 in chapter 99D may be required to comply with different
36 rules adopted by the department.

37 c. A permittee is not required to comply with rules
38 that the department adopts to implement a standard of
39 care as provided in subsection 1 for state licensees
40 and registrants. The department may adopt rules
41 regulating a standard of care for a permittee, so long
42 as the rules are not more restrictive than required for
43 a permittee under the Animal Welfare Act. However, the
44 department may adopt prescriptive rules relating to the
45 standard of care. Regardless of whether the department
46 adopts such rules, a permittee meets the standard
47 of care required in subsection 1, if it voluntarily
48 complies with rules applicable to state licensees or
49 registrants. A finding by the United States department
50 of agriculture that a permittee complies with the

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1 Animal Welfare Act is not conclusive when determining
2 that the permittee provides a standard of care required
3 in subsection 1.

4 3. A commercial establishment fails to provide for
5 a standard of care as provided in subsection 1, if the
6 commercial establishment commits abuse as described in
7 section 717B.2, neglect as described in section 717B.3,
8 or torture as provided in section 717B.3A.

9 Sec. 17. NEW SECTION. 162.10B Commercial
10 establishments – inspecting state licensees and
11 registrants.

12 The department may inspect the commercial
13 establishment of a registrant or state licensee
14 by entering onto its business premises at any time
15 during normal working hours. The department may
16 inspect records required to be maintained by the state
17 licensee or registrant as provided in this chapter.
18 If the owner or person in charge of the commercial
19 establishment refuses admittance, the department may
20 obtain an administrative search warrant issued under
21 section 808.14.

22 Sec. 18. NEW SECTION. 162.10C Commercial
23 establishments –
24 monitoring permittees.

25 1. The department may monitor the commercial
26 establishment of a permittee by entering onto its
27 business premises at any time during normal working
28 hours. The department shall monitor the commercial
29 establishment for the limited purpose of determining
30 whether the permittee is providing for a standard of
31 care required for permittees under section 162.10A.
32 If the owner or person in charge of the commercial
33 establishment refuses admittance, the department may
34 obtain an administrative search warrant issued under
35 section 808.14.

36 2. In order to enter onto the business premises
37 of a permittee's commercial establishment, the
38 department must have reasonable cause to suspect that
39 the permittee is not providing for the standard of
40 care required for permittees under section 162.10A.
41 Reasonable cause must be supported by any of the
42 following:

43 a. An oral or written complaint received by the
44 department by a person. The complainant must provide
45 the complainant's name and address and telephone
46 number. Notwithstanding chapter 22, the department's
47 record of a complaint is confidential, unless any of
48 the following apply:

49 (1) The results of the monitoring are used in a
50 contested case proceeding as provided in chapter 17A or

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1 in a judicial proceeding.

2 (2) The record is sought in discovery in any
3 administrative, civil, or criminal case.

4 (3) The department's record of a complaint is filed
5 by a person other than an individual.

6 b. A report prepared by a person employed by the
7 United States department of agriculture that requires a
8 permittee to take action necessary to correct a breach
9 of standard of care required of federal licensees by
10 the Animal Welfare Act or of permittees by section
11 162.10A. The department is not required to dedicate
12 any number of hours to viewing or analyzing such
13 reports.

14 3. When carrying out this section, the department
15 may cooperate with the United States department of
16 agriculture. The department shall report any findings
17 resulting in an enforcement action under section
18 162.10D to the United States department of agriculture.

19 Sec. 19. NEW SECTION. 162.10D Commercial
20 establishments –
21 disciplinary actions.

22 1. The department may take disciplinary action
23 against a person by suspending or revoking the person's
24 authorization for violating a provision of this chapter
25 or chapter 717B.

26 2. The department may require that an owner,
27 operator, or employee of a commercial establishment
28 subject to disciplinary action under subsection 1 to
29 complete a continuing education program as a condition
30 for retaining an authorization. This section does not
31 prevent a person from voluntarily participating in a
32 continuing education program.

33 3. The department shall administer the continuing
34 education program by either providing direct
35 instruction or selecting persons to provide such
36 instruction. The department is not required to
37 compensate persons for providing the instruction, and
38 may require attendees to pay reasonable fees necessary
39 to compensate the department providing the instruction
40 or a person selected by the department to provide the
41 instruction. The department shall, to every extent
42 possible, select persons to provide the instruction by
43 consulting with organizations that represent commercial
44 establishments, including but not limited to the Iowa
45 pet breeders association.

46 4. The department shall establish the criteria for
47 a continuing education program which shall include
48 at least three and not more than eight hours of
49 instruction. The department shall provide for the
50 program's beginning and ending dates. However, a

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1 person must complete the program in twelve months or
2 less.

3 Sec. 20. Section 162.11, subsections 1 and 3, Code
4 2009, are amended by striking the subsections.

5 Sec. 21. Section 162.11, subsection 2, Code 2009,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:

8 2. This chapter does not apply to a federal
9 licensee except as provided in the following:

10 a. Sections 162.1, 162.2, 162.2A, 162.2B, 162.7,
11 162.8, 162.9A, 162.10A, 162.10C, 162.10D, 162.12A, and
12 162.13.

13 b. Section 162.16 but only to the extent required
14 to implement sections described in paragraph "a".

15 Sec. 22. NEW SECTION. 162.12A Civil penalties.

16 The department shall establish, impose, and assess
17 civil penalties for violations of this chapter. The
18 department may by rule establish a schedule of civil
19 penalties for violations of this chapter. All civil
20 penalties collected under this section shall be
21 deposited into the commercial establishment compliance
22 fund created pursuant to section 162.2C.

23 1. a. A commercial establishment that operates
24 pursuant to an authorization issued or renewed under
25 this chapter is subject to a civil penalty of not more
26 than five hundred dollars, regardless of the number
27 of animals possessed or controlled by the commercial
28 establishment, for violating this chapter. Except as
29 provided in paragraph "b", each day that a violation
30 continues shall be deemed a separate offense.

31 b. This paragraph applies to a commercial
32 establishment that violates a standard of care
33 involving housing as provided in section 162.10A. The
34 departmental official who makes a determination that a
35 violation exists shall provide a corrective plan to the
36 commercial establishment describing how the violation
37 will be corrected within a compliance period of not
38 more than fifteen days from the date of approval by the
39 official of the corrective plan. The civil penalty
40 shall not exceed five hundred dollars for the first
41 day of the violation. After that day, the department
42 shall not impose a civil penalty for the violation
43 during the compliance period. The department shall
44 not impose an additional civil penalty, unless the
45 commercial establishment fails to correct the violation
46 by the end of the compliance period. If the commercial
47 establishment fails to correct the violation by the end
48 of the compliance period, each day that the violation
49 continues shall be deemed a separate offense.

50 2. A commercial establishment that does not operate

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1 pursuant to an authorization issued or renewed under
2 this chapter is subject to a civil penalty of not more
3 than one thousand dollars, regardless of the number
4 of animals possessed or controlled by the commercial
5 establishment, for violating this chapter. Each day
6 that a violation continues shall be deemed a separate
7 offense.

8 Sec. 23. Section 162.13, Code 2009, is amended to
9 read as follows:

10 ~~162.13 Penalties~~ Criminal penalties – confiscation.

11 ~~1. Operation of a pound, animal shelter, pet shop,~~
12 ~~boarding kennel, commercial kennel, research facility,~~
13 ~~or public auction, or dealing in dogs or cats, or~~
14 ~~both, either as a dealer or a commercial breeder,~~
15 ~~without a currently valid license or a certificate of~~
16 ~~registration is~~ A person who operates a commercial
17 establishment without an authorization issued or
18 renewed by the department as required in section 162.2A
19 is guilty of a simple misdemeanor and each day of
20 operation is a separate offense.

21 ~~2. The failure of any pound, research facility,~~
22 ~~animal shelter, pet shop, boarding kennel, commercial~~
23 ~~kennel, commercial breeder, public auction, or dealer,~~
24 ~~to adequately house, feed, or water dogs, cats, or~~
25 ~~vertebrate animals in the person's or facility's~~
26 ~~possession or custody~~ a person who owns or operates a
27 commercial establishment to meet the standard of care
28 required in section 162.10A, subsection 1, is a simple
29 misdemeanor. The animals are subject to seizure and
30 impoundment and may be sold or destroyed as provided by
31 rules which shall be adopted by the department pursuant to
32 chapter 17A. The rules shall provide for the
33 destruction of an animal by a humane method, including
34 by euthanasia.

35 ~~3. The failure of a person who owns or operates~~
36 ~~a commercial establishment to meet the requirements~~
37 ~~of this section is also cause for the suspension~~
38 ~~or revocation or suspension of license or registration~~
39 ~~after public hearing of the person's authorization as~~
40 ~~provided in section 162.10D. The commission of an~~
41 ~~act declared to be an unlawful practice under section~~
42 ~~714.16 or prohibited under chapter 717 or 717B, by a~~
43 ~~person licensed or registered under this chapter is~~
44 ~~cause for revocation or suspension of the license or~~
45 ~~registration certificate.~~

46 ~~4. Dogs, cats, and other vertebrates~~ vertebrate
47 animals upon which euthanasia is permitted by law may
48 be destroyed by a person subject to this chapter or
49 chapter 169, by a humane method, including euthanasia,
50 as provided by rules which shall be adopted by the

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1 department pursuant to chapter 17A.

2 5. It is unlawful for a dealer to knowingly ship a
3 diseased animal. A dealer violating this paragraph is
4 subject to a fine not exceeding one hundred dollars.

5 Each diseased animal shipped in violation of this
6 paragraph is a separate offense.

7 Sec. 24. Section 162.16, Code 2009, is amended by
8 striking the section and inserting in lieu thereof the
9 following:

10 162.16 Rules.

11 The department shall adopt rules and promulgate
12 forms necessary to administer and enforce the
13 provisions of this chapter.

14 Sec. 25. NEW SECTION. 717B.10 Threatened animal
15 reporting by veterinarians.

16 This section applies to a veterinarian who is
17 licensed or who holds a valid temporary permit to
18 practice veterinary medicine in this state pursuant to
19 chapter 169.

20 1. A veterinarian who is presented with an animal
21 for examination or treatment may file a threatened
22 animal report if the veterinarian determines that the
23 animal is a threatened animal.

24 2. The department shall establish a system of
25 receiving and filing threatened animal reports,
26 including the promulgation of forms. A threatened
27 animal report shall be in writing in a printed or
28 electronic format as required by the department. The
29 threatened animal report shall include information as
30 required by the department which shall at least include
31 all of the following:

32 a. Information identifying the veterinarian.

33 b. Information identifying the responsible party,
34 including the name and address of the responsible
35 party.

36 c. Information identifying the threatened animal,
37 including by family and species classification, the
38 name and a description of the threatened animal, and
39 any other identifying information accessed from an
40 installed identification device as defined in section
41 169A.1.

42 d. The date that the veterinarian examined or
43 treated the threatened animal.

44 e. A summary description of the threatened animal's
45 condition and any required treatment whether or not
46 administered.

47 3. A veterinarian shall use best efforts to
48 complete the threatened animal report, but is not
49 required to conduct an inquiry in order to obtain
50 information solely to complete the report.

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1 4. A veterinarian who in good faith files a
2 threatened animal report with the department shall
3 not be criminally or civilly liable, including for
4 damages for acts or omissions in preparing or filing
5 the threatened animal report, or cooperating with the
6 department or a local authority. The good faith of the
7 veterinarian is presumed as a matter of law.
8 5. The department may forward a threatened animal
9 report to the local authority where the responsible
10 party resides or where the threatened animal is
11 kept. The department may investigate a commercial
12 establishment identified as the responsible party in a
13 threatened animal report.
14 Sec. 26. REPEAL. Sections 162.9, 162.10, and
15 162.18, Code 2009, are repealed.
16 Sec. 27. CURRENT DEPARTMENTAL RULES. This Act
17 does not diminish the authority of the department of
18 agriculture and land stewardship to regulate different
19 types of commercial establishments as provided in 21
20 IAC ch. 67.
21 Sec. 28. ISSUANCE OF PERMITS. This Act does not
22 require a commercial establishment that has been issued
23 or renewed a certificate of registration to be issued
24 a permit earlier than required in section 162.2A for
25 the renewal of a permit. The person shall hold the
26 certificate of registration in the same manner as a
27 permit pursuant to this Act.
28 Sec. 29. EFFECTIVE UPON ENACTMENT. This Act, being
29 deemed of immediate importance, takes effect upon
30 enactment.>

McCarthy of Polk asked and received unanimous consent that [House File 2280](#) be deferred and that the bill retain its place on the calendar.

H. Miller of Webster asked and received unanimous consent for the immediate consideration of [House Resolution 111](#).

ADOPTION OF [HOUSE RESOLUTION 111](#)

H. Miller of Webster, Roberts of Carroll, Anderson of Page, Bailey of Hamilton, Bell of Jasper, Heddens of Story and Upmeyer of Hancock called up for consideration [House Resolution 111](#), a resolution to honor the historical, political, cultural, social, and economic relationship among Canada, the United States, and Iowa and recognizing February 17, 2010, as Canada Day at the Statehouse, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

H. Miller introduced to the House, Martin Loken, the Consul General of the Canadian Consulate in Minneapolis, who addressed the House regarding the relationship of Canada and the United States. Roberts of Carroll presented the Consul General with a gift from Iowa.

The House rose and expressed its welcome.

The House resumed consideration of [House File 2280](#), previously deferred.

Heaton of Henry offered the following amendment [H-8146](#), to amendment [H-8145](#), filed by him from the floor and moved its adoption:

[H-8146](#)

1 Amend the amendment, [H-8145](#), to [House File 2280](#) as
2 follows:
3 1. Page 3, line 40, after <dollars.> by inserting
4 <However, an animal shelter or pound operated by
5 the state or a political subdivision of the state or
6 operated under contract with the state or a political
7 subdivision is not required to pay the fee in order to
8 receive a certificate of registration for the animal
9 shelter or pound.>

Amendment [H-8146](#) was adopted.

McCarthy of Polk asked and received unanimous consent that [House File 2280](#) be deferred and that the bill retain its place on the unfinished business calendar. (Amendment [H-8145](#), as amended, is deferred)

On motion by McCarthy of Polk, the House was recessed at 10:05 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:05 p.m., Schueller of Jackson in the chair.

INTRODUCTION OF BILLS

[House File 2463](#), by committee on human resources, a bill for an act relating to certification requirements related to services provided by an assisted living program, and including effective date provisions.

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

[House File 2464](#), by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

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

[House File 2465](#), by committee on judiciary, a bill for an act 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.

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

[House File 2466](#), by committee on transportation, a bill for an act relating to the license or authorization issued to a person who qualifies as a driver education instructor and including effective date and retroactive applicability provisions.

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

[House File 2467](#), by committee on transportation, a bill for an act relating to the regulation of motor vehicle franchises.

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

[House File 2468](#), by committee on transportation, a bill for an act relating to the operation of off-road utility vehicles on highways and making a penalty applicable.

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

[House File 2469](#), by committee on state government, a bill for an act relating to the administration of the election laws by the secretary of state and including effective date provisions.

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

[House File 2470](#), by committee on state government, a bill for an act relating to election laws by making changes to voter registration, absentee voting, and election day procedures, and including effective date and applicability provisions.

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

[House File 2471](#), by committee on state government, a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

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

[House File 2472](#), by committee on commerce, a bill for an act relating to boards of administration for horizontal property.

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

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

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

[House File 2474](#), by committee on commerce, a bill for an act establishing an Iowa financial literacy program within the office of the treasurer of state.

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

[House File 2475](#), by committee on commerce, a bill for an act requiring provision of deliverable fuels to customers under specified circumstances, and including effective date provisions.

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

[House File 2476](#), by committee on rebuild Iowa and disaster recovery, a bill for an act establishing smart planning principles for state agencies, local governments, and other public entities.

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

[House File 2477](#), by committee on judiciary, a bill for an act relating to mechanics' liens including the establishment of a state construction registry for residential construction property and providing an effective date.

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

[House File 2478](#), by committee on judiciary, a bill for an act relating to business organizations, including limited liability companies and business corporations, and providing for fees.

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

[House File 2479](#), by Schueller, a bill for an act requiring the publication of notice by the recipients of certain tax credits and including retroactive applicability date provisions.

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

SENATE MESSAGES CONSIDERED

[Senate File 2181](#), by committee on labor and business relations, 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 **passed on file**.

[Senate File 2194](#), by committee on state government, a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

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

[Senate File 2195](#), by committee on state government, a bill for an act relating to campaign finance requirements and reporting.

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

[Senate File 2196](#), by committee on state government, a bill for an act relating to the administration of the election laws by the secretary of state and including effective date provisions.

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

[Senate File 2202](#), by committee on human resources, a bill for an act relating to rights of persons with disabilities.

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

[Senate File 2215](#), by committee on state government, a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement.

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

[Senate File 2218](#), by committee on state government, a bill for an act relating to elections by eliminating double election boards and by requiring the commissioner of elections, upon petition, to use automatic tabulating equipment in certain elections and including effective date provisions.

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

[Senate File 2220](#), by committee on transportation, a bill for an act relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void.

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

[Senate File 2223](#), by committee on judiciary, a bill for an act relating to the deferral of costs and fees in a court proceeding for persons unable to pay such costs and fees.

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

[Senate File 2224](#), by committee on local government, a bill for an act relating to boards of administration for horizontal property.

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

[Senate File 2226](#), by committee on judiciary, a bill for an act relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions.

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

[Senate File 2237](#), by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

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

The House resumed consideration of [House File 2280](#) and amendment [H-8145](#), found on pages 571–584 of the House Journal.

Lykam of Scott moved the adoption of amendment [H-8145](#), as amended.

Roll call was requested by Sweeney of Hardin and Paulsen of Linn.

On the question "Shall amendment [H-8145](#), as amended be adopted?" ([H.F. 2280](#))

The ayes were, 42:

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	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Worthan		

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Running-Marquardt	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Schueller, Presiding			

Absent or not voting, 5:

Mascher	Murphy, Spkr.	Raecker	Thomas
Windschitl			

Amendment [H-8145](#), as amended lost.

De Boef of Keokuk asked and received unanimous consent to withdraw amendment [H-8141](#) filed by her on February 16, 2010.

Hagenow of Polk offered the following amendment [H-8140](#) filed by him and moved its adoption:

[H-8140](#)

1 Amend [House File 2280](#) as follows:
 2 1. Page 1, line 3, after <scope> by inserting <of
 3 [this chapter](#)>
 4 2. Page 4, by striking lines 14 through 21 and
 5 inserting:
 6 <a. For the issuance or renewal of a certificate
 7 of registration for a privately owned pound that sells
 8 dogs or cats, fifteen dollars.
 9 b. For the issuance or renewal of a state license
 10 for a commercial establishment the following:
 11 (1) A boarding kennel, thirty dollars.
 12 (2) A commercial breeder, forty dollars. However,
 13 a commercial breeder who owns, keeps, breeds, or
 14 transports a greyhound dog for pari-mutuel wagering
 15 at a racetrack as provided in chapter 99D shall pay a
 16 different fee for the issuance or renewal of a state

17 license as provided in rules adopted by the department.
 18 (3) A commercial kennel, forty dollars.
 19 (4) A dealer, one hundred dollars.
 20 (5) A pet shop, fifty dollars.
 21 (6) A public auction, forty dollars.
 22 c. For the issuance or renewal of a permit for a
 23 commercial establishment, twenty dollars.>
 24 3. Page 4, by striking lines 22 through 28 and
 25 inserting:
 26 <__. The fees collected by the department shall be
 27 deposited into the commercial establishment compliance
 28 fund created pursuant to section 162.2C.>
 29 4. Page 4, before line 29 by inserting:
 30 <Sec. __. NEW SECTION. 162.2C Commercial
 31 establishment compliance fund.
 32 A commercial establishment compliance fund is
 33 created in the state treasury under the control of the
 34 department.
 35 1. The fund shall consist of moneys appropriated
 36 to the department, fees collected by the department
 37 pursuant to section 162.2B, civil penalties collected
 38 by the department pursuant to section 162.12A, and
 39 other moneys placed in the fund by the department.
 40 2. The moneys in the fund are appropriated to the
 41 department for the exclusive purpose of administering
 42 and enforcing the provisions of this chapter.
 43 3. Notwithstanding section 12C.7, interest or
 44 earnings on moneys in the fund shall be credited to the
 45 fund. Notwithstanding section 8.33, moneys credited
 46 to the fund that remain unexpended or unobligated at
 47 the end of a fiscal year shall not revert to any other
 48 fund.>
 49 5. Page 7, line 4, after <state.> by inserting
 50 <A dealer shall not knowingly ship a diseased animal.

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1 Each instance of shipping a diseased animal in
 2 violation of this section is a separate offense.>
 3 6. Page 11, line 35, by striking <general fund
 4 of the state> and inserting <commercial establishment
 5 compliance fund created pursuant to section 162.2C>
 6 7. Page 12, line 6, after <chapter.> by inserting
 7 <However, a commercial establishment that violates
 8 the same element of a standard of care as provided in
 9 section 162.10A twice in a twenty-four-month period
 10 is subject to a civil penalty of not more than one
 11 thousand dollars.>
 12 8. Page 12, line 30, after <chapter.> by inserting
 13 <However, a commercial establishment that violates
 14 the same element of a standard of care as provided in
 15 section 162.10A twice in a twenty-four-month period

16 is subject to a civil penalty of not more than two
17 thousand dollars.>

18 9. Page 14, after line 11 by inserting:

19 <Sec. ____ Section 717B.1, Code 2009, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 7A. "Pound" means the same as
22 defined in section 162.2.

23 Sec. ____ Section 717B.2, unnumbered paragraph 1,
24 Code 2009, is amended to read as follows:

25 A person is guilty of animal abuse if the person
26 intentionally injures, maims, disfigures, or destroys
27 an animal owned by another person, in any manner,
28 including intentionally poisoning the animal. A person
29 guilty of animal abuse is guilty of an aggravated
30 misdemeanor. The person is also subject to a civil
31 penalty not to exceed two hundred dollars. This
32 section shall not apply to any of the following:

33 Sec. ____ Section 717B.3, subsection 3, Code 2009,
34 is amended to read as follows:

35 3. A person who negligently or intentionally
36 commits the offense of animal neglect is guilty of a
37 simple misdemeanor. A person who intentionally commits
38 the offense of animal neglect which results in serious
39 injury to or the death of an animal is guilty of a
40 serious misdemeanor. The person is also subject to a
41 civil penalty not to exceed one hundred dollars.

42 Sec. ____ Section 717B.3A, subsection 3, paragraph
43 a, subparagraphs (1) and (2), Code 2009, are amended
44 to read as follows:

45 (1) For the first conviction, the person is guilty
46 of an aggravated misdemeanor. The sentencing order
47 shall provide that the person submit to psychological
48 evaluation and treatment according to terms required by
49 the court. The costs of the evaluation and treatment
50 shall be paid by the person. In addition, the

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1 sentencing order shall provide that the person complete
2 a community work requirement, which may include a work
3 requirement performed at an animal shelter or pound, as
4 defined in section 162.2, according to terms required
5 by the court. The person is also subject to a civil
6 penalty not to exceed two hundred dollars.

7 (2) For a second or subsequent conviction,
8 the person is guilty of a class "D" felony. The
9 sentencing order shall provide that the person submit
10 to psychological evaluation and treatment according
11 to terms required by the court. The costs of the
12 psychological evaluation and treatment shall be paid
13 by the person. The person is also subject to a civil
14 penalty not to exceed five hundred dollars.

15 Sec. ____ NEW SECTION. 717B.7 Court ordered
 16 donation.
 17 In a case in which a person is found liable to pay
 18 a civil penalty for committing animal abuse pursuant
 19 to section 717B.2, animal neglect pursuant to section
 20 717B.3, or animal torture pursuant to section 717B.3A,
 21 the court shall order the person to pay the civil
 22 penalty to the clerk of court who shall transmit the
 23 civil penalties to a pound operating in the county as a
 24 donation, as provided in the court's order.>
 25 10. Page 16, after line 20 by inserting:
 26 <Sec. ____ DEPARTMENT OF AGRICULTURE AND LAND
 27 STEWARDSHIP ENFORCEMENT. It is the intent of the
 28 general assembly in enacting this Act that the
 29 department of agriculture and land stewardship actively
 30 enforce the provisions of chapter 162, as amended in
 31 this Act, with respect to any commercial establishment
 32 that is operating without authorization as required by
 33 chapter 162, as amended by this Act.>
 34 11. By renumbering as necessary.

Roll call was requested by Hagenow of Polk and Paulsen of Linn.

On the question "Shall amendment [H-8140](#) be adopted?" ([H.F. 2280](#))

The ayes were, 44:

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

The nays were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevort	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.

Olson, T.	Palmer	Petersen	Reasoner
Reichert	Running-Marquardt	Shomshor	Smith
Steckman	Swaim	Taylor	Thede
Wendt	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Schueller, Presiding

Absent or not voting, 4:

Murphy, Spkr.	Quirk	Thomas	Windschitl
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Amendment [H-8140](#) lost.

Lukan of Dubuque offered the following amendment [H-8142](#) filed by him and moved its adoption:

[H-8142](#)

- 1 Amend [House File 2280](#) as follows:
- 2 1. Page 1, line 4, by striking <to do> and
- 3 inserting <to accomplish>
- 4 2. By striking page 14, line 12, through page 16,
- 5 line 8.
- 6 3. Title page, by striking lines 3 through 4 and
- 7 inserting <commercial establishments, providing for
- 8 fees, providing penalties,>
- 9 4. By renumbering as necessary.

Amendment [H-8142](#) was adopted.

Lykam of Scott offered amendment [H-8120](#) filed by him as follows:

[H-8120](#)

- 1 Amend [House File 2280](#) as follows:
- 2 1. Page 2, by striking lines 30 and 31 and
- 3 inserting:
- 4 <Sec. ____. Section 162.2, subsections 6 and 13,
- 5 Code Supplement 2009, are amended to read as follows:
- 6 6. "Commercial breeder" means a person, engaged
- 7 in the business of breeding dogs or cats, who sells,
- 8 exchanges, or leases dogs or cats in return for
- 9 consideration, or who offers to do so, whether or
- 10 not the animals are raised, trained, groomed, or
- 11 boarded by the person. A person who owns or harbors
- 12 three or fewer breeding males or females is not a
- 13 commercial breeder. However, a person who breeds or
- 14 ~~harbors more than three~~ any number of breeding male or
- 15 female greyhounds for the purposes of using them for

16 pari-mutuel ~~rac~~ing wagering at a racetrack as provided
 17 in chapter 99D shall be considered a commercial breeder
 18 irrespective of whether the person sells, leases, or
 19 exchanges the greyhounds for consideration or offers
 20 to do so.>

21 2. Page 3, by striking line 29 and inserting:

22 <__. The person's identification number.

23 Notwithstanding chapter 22, the department shall keep
 24 the person's tax identification number confidential
 25 except for purposes of tax administration by the
 26 department of revenue, including as provided in section
 27 421.18.>

28 3. Page 8, line 11, by striking <invertebrate> and
 29 inserting <vertebrate>

30 4. Page 11, line 26, by striking <162.1.>

31 5. Page 11, after line 27 by inserting:

32 <__. Section 162.1 but only to the extent required
 33 to implement sections described in paragraph "a".>

34 6. Page 11, after line 29 by inserting:

35 <Sec. __. Section 162.12, Code 2009, is amended to
 36 read as follows:

37 162.12 Denial or revocation of license or
 38 registration.

39 A certificate of registration may be denied to any

40 animal shelter, pound, or animal shelter research

41 facility and a state license ~~or certificate of~~

42 ~~registration~~ may be denied to any public auction,

43 boarding kennel, commercial kennel, ~~research~~

44 ~~facility~~, pet shop, commercial breeder, or dealer,

45 or an existing certificate of registration or'

46 state license may be revoked by the secretary if, after

47 public hearing, it is determined that the housing

48 facilities or primary enclosures are inadequate under

49 this chapter or if the feeding, watering, cleaning,

50 and housing practices at the pound, animal shelter,

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1 public auction, pet shop, boarding kennel, commercial
 2 kennel, research facility, or those practices by the
 3 commercial breeder or dealer, are not in compliance
 4 with this chapter or with the rules adopted pursuant
 5 to this chapter. The premises of each registrant or
 6 state licensee ~~or certificate holder~~ shall be open for
 7 inspection during normal business hours.>

8 7. Page 14, line 3, by striking <paragraph> and
 9 inserting <paragraph subsection>

10 8. Page 14, line 5, by striking <paragraph> and
 11 inserting <paragraph subsection>

12 9. Page 14, after line 11 by inserting:

13 <Sec. __. Section 717B.1, Code 2009, is amended by
 14 adding the following new subsection:

15 NEW SUBSECTION. 3A. "Department" means the
16 department of agriculture and land stewardship.>
17 10. By renumbering as necessary.

Lykam of Scott offered the following amendment [H-8153](#), to amendment [H-8120](#), filed by him from the floor and moved its adoption:

[H-8153](#)

1 Amend the amendment, H-8120, to [House File 2280](#) as
2 follows:
3 1. Page 1, by striking line 30 and inserting:
4 <___. Page 11, line 26, by striking <Sections
5 162.1.> and inserting <Section 162.1, subsection 2, and
6 sections>>
7 2. Page 1, line 32, after <162.1> by inserting <,
8 subsection 1,>
9 3. By renumbering as necessary.

Amendment [H-8153](#) was adopted.

Lykam of Scott moved the adoption of amendment [H-8120](#), as amended.

Amendment [H-8120](#), as amended, was adopted.

Isenhart of Dubuque asked and received unanimous consent to withdraw amendment [H-8082](#) filed by him on February 10, 2010.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-8143](#) filed by him on February 16, 2010.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk and Struyk of Pottawattamie, until their return, on request of Paulsen of Linn.

Lukan of Dubuque invoked Rule 32, and requested that [House File 2280](#) be sent to the committee on ways and means.

The Speaker ruled the point not well taken.

Lykam 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. 2280](#))

The ayes were, 77:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Cownie	Deyoe	Ficken
Ford	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heddens
Hunter	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Reasoner
Reichert	Roberts	Running-Marquardt	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Schueller, Presiding			

The nays were, 22:

Alons	Arnold	Baudler	Chambers
De Boef	Dolecheck	Drake	Forristall
Heaton	Helland	Horbach	Huseman
Miller, L.	Olson, S.	Rayhons	Sands
Schultz	Sweeney	Van Engelenhoven	Wagner
Watts	Worthan		

Absent or not voting, 1:

Windschitl

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

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

McCarthy of Polk asked and received unanimous consent that [House File 785](#) be deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2280](#) be immediately messaged to the Senate.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2067](#)

State Government: Willems, Chair; Beard and Pettengill.

[Senate File 2128](#)

State Government: Isenhart, Chair; Schulte and Willems.

[Senate File 2190](#)

Judiciary: Swaim, Chair; Anderson and Ford.

[Senate File 2247](#)

State Government: Taylor, Chair; Frevert and Struyk.

[Senate File 2249](#)

Judiciary: Smith, Chair; Kaufmann and Lensing.

[Senate File 2254](#)

Local Government: Kuhn, Chair; Cohoon and Tjepkes.

[Senate File 2264](#)

Local Government: D. Olson, Chair; Grassley and Kressig.

RESOLUTIONS FILED

[HR 112](#), by Zirkelbach, a resolution supporting the assignment of the USS Iowa as a museum at the former Mare Island Naval Shipyard.

Laid over under **Rule 25**.

[HR 113](#), by Winckler and L. Miller, a resolution designating March 2010 as Iowa Women's History Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8147	H.F. 2420	Chambers of O'Brien
H-8148	H.F. 2420	Chambers of O'Brien
H-8149	H.F. 2415	Wendt of Woodbury
H-8150	H.F. 2413	Sweeney of Hardin
H-8151	H.F. 2447	Quirk of Chickasaw
H-8152	H.F. 2194	Hunter of Polk
H-8154	H.F. 2472	Isenhart of Dubuque
H-8155	H.F. 2462	Raecker of Polk
H-8156	H.F. 2462	Raecker of Polk
H-8157	H.F. 2462	Raecker of Polk
H-8158	H.F. 2414	Alons of Sioux
H-8159	H.F. 2464	Committee on Judiciary
H-8160	H.F. 2465	Committee on Judiciary
H-8161	H.F. 2420	Rants of Woodbury
H-8162	H.F. 2444	Willems of Linn

On motion by McCarthy of Polk the House adjourned at 2:46 p.m., until 9:00 a.m., Thursday, February 18, 2010.