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## HOUSE REPUBLICAN ISSUE SUMMARIES

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### **PUBLIC SAFETY**

**82<sup>nd</sup> General Assembly – Second Session – 2008**

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**HOUSE FILE 2381 / SENATE FILE 2203 – BY THE COMMITTEE ON PUBLIC SAFETY**  
**ANIMAL FIGHTING – MICHAEL VICK BILL**

SF 2203 changes the Code regarding spectators of events where an animal is injured, tormented or killed for entertainment purposes. Current law prohibits a person from conducting, promoting or owning an establishment that holds animal fight. In addition, a person cannot transport, transfer, train or own an animal engaged in an animal fight. Any of these offenses is punishable by a class “D” felony. There is one exception to the law and that is spectators of animal fights are only guilty of an aggravated misdemeanor.

In part due to the media coverage of NFL quarterback Michael Vick and his involvement in dog fighting, animal rights activists and law enforcement officials pushed to change the punishment for spectators of animal fights. In addition, when animal fights were discovered, suddenly everyone involved became spectators so they could avoid the harsher punishment.

The bill changes the law to make spectators of animal fights also guilty of a class “D” felony. It does not increase the punishment for those who conduct or promote the animal fights.

**SENATE ACTION:**

The Senate **PASSED** SF 2203 on February 25 on a 49-0 vote.

**HOUSE ACTION:**

**Amendments:**

**H-8106 by Olson and Tomenga** increased the penalty to a Class “C” felony. (*This amendment was proposed in an attempt to kill the bill.*) H-8106 was **WITHDRAWN**.

**H-8540 by Olson** changed the penalty to a Class “D” felony for a second offense. A first offense remains an aggravated misdemeanor. H-8540 was **ADOPTED** on a voice vote.

**HOUSE PASSAGE:**

The House **PASSED** SF 2203 on April 24, 2008 on a vote of 98-0 with:

45 Republicans and 53 Democrat voting "AYE"  
 0 Republicans and 0 Democrats voting "NAY"  
 2 Republicans and 0 Democrats "ABSENT OR NOT VOTING"

On the question “Shall the bill pass?” (S.F. 2203)

The ayes were, 98:

|             |            |            |                  |
|-------------|------------|------------|------------------|
| Abdul-Samad | Alons      | Anderson   | Arnold           |
| Bailey      | Baudler    | Bell       | Berry            |
| Boal        | Bukta      | Chambers   | Clute            |
| Cohoon      | Dandekar   | Davitt     | De Boef          |
| Deyoe       | Dolecheck  | Drake      | Foege            |
| Ford        | Frevert    | Gaskill    | Gayman           |
| Gipp        | Granzow    | Grassley   | Greiner          |
| Heaton      | Heddens    | Hoffman    | Horbach          |
| Hunter      | Huseman    | Huser      | Jacobs           |
| Jacoby      | Jochum     | Kaufmann   | Kelley           |
| Kressig     | Kuhn       | Lensing    | Lukan            |
| Lykam       | Mascher    | May        | McCarthy         |
| Mertz       | Miller, H. | Miller, L. | Oldson           |
| Olson, D.   | Olson, R.  | Olson, S.  | Olson, T.        |
| Palmer      | Paulsen    | Petersen   | Pettengill       |
| Quirk       | Raecker    | Rants      | Rasmussen        |
| Rayhons     | Reasoner   | Reichert   | Sands            |
| Schickel    | Schueller  | Shomshor   | Smith            |
| Soderberg   | Staed      | Struyk     | Swaim            |
| Taylor, D.  | Taylor, T. | Thomas     | Tjepkes          |
| Tomenga     | Tymeson    | Upmeyer    | Van Engelenhoven |

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|                   |                     |           |          |
|-------------------|---------------------|-----------|----------|
| Van Fossen        | Watts               | Wendt     | Wenthe   |
| Wessel-Kroeschell | Whitaker            | Whitehead | Wienczek |
| Winckler          | Windschitl          | Wise      | Worthan  |
| Zirkelbach        | Mr. Speaker, Murphy |           |          |

The nays were, none.

Absent or not voting and 2:

Forristall                      Roberts

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

**SENATE ACTION:**

The Senate **CONCURRED** with the House amendment on April 24 on a 47-0 vote.

**FINAL ACTION:**

The Governor **SIGNED** SF 2203 on May **XX**, 2008.



**HOUSE FILE 2564 – BY THE COMMITTEE ON PUBLIC SAFETY  
CHANGES TO THE DISASTER ASSISTANCE PROGRAM**

HF 2564 makes changes to the new disaster assistance program. It increases those eligible for the program to 200 percent of the federal poverty rate and increases the maximum amount for a claim from \$3300 to \$5000. It does not change the \$1 million standing appropriation for the program.

**HOUSE ACTION:**

The House **PASSED** HF 2564 on March 24, 2008 on a 100-0 vote with:

47 Republicans and 53 Democrat voting "AYE"  
0 Republicans and 0 Democrats voting "NAY"  
0 Republicans and 0 Democrats "ABSENT OR NOT VOTING"

On the question "Shall the bill pass?" (H.F. 2564)

The ayes were, 100:

|               |                  |                   |                     |
|---------------|------------------|-------------------|---------------------|
| Abdul-Samad   | Alons            | Anderson          | Arnold              |
| Bailey        | Baudler          | Bell              | Berry               |
| Boal          | Bukta            | Chambers          | Clute               |
| Cohoon        | Dandekar         | Davitt            | De Boef             |
| Deyoe         | Dolecheck        | Drake             | Foege               |
| Ford          | Forristall       | Frevert           | Gaskill             |
| Gayman        | Gipp             | Granzow           | Grassley            |
| Greiner       | Heaton           | Heddens           | Hoffman             |
| Horbach       | Hunter           | Huseman           | Huser               |
| Jacobs        | Jacoby           | Jochum            | Kaufmann            |
| Kelley        | Kressig          | Kuhn              | Lensing             |
| Lukan         | Lykam            | 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         | Rasmussen        | Rayhons           | Reasoner            |
| Reichert      | Roberts          | Sands             | Schueller           |
| Shomshor      | Smith            | Soderberg         | Staed               |
| Struyk        | Swaim            | Taylor, D.        | Taylor, T.          |
| Thomas        | Tjepkes          | Tomenga           | Tymeson             |
| Upmeyer       | Van Engelenhoven | Van Fossen        | Watts               |
| Wendt         | Wenthe           | Wessel-Kroeschell | Whitaker            |
| Whitead       | Wiencek          | Winckler          | Windschitl          |
| Wise          | Worthan          | Zirkelbach        | Schickel, Presiding |

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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.

**SENATE ACTION:**

The Senate **PASSED** HF 2564 without amendments on April 2, 2008 on a 45-3 vote.

**FINAL ACTION:**

The Governor **SIGNED** HF 2564 on April 11, 2008.

**HOUSE FILE 2613 – BY THE COMMITTEE ON PUBLIC SAFETY  
SHALL ISSUE CONCEALED CARRY PERMITS**

HF 2613 requires a sheriff to issue a permit to carry a concealed weapon unless that person has been disqualified for any of the reasons stated in the bill. Current law states that a sheriff may issue a concealed weapons permit and may reject an applicant without putting the reason why in writing.

The reasons for disqualification from the permit process are as follows: a nonprofessional under age 21, anyone convicted of a felony, anyone who is addicted to alcohol or drugs, anyone with a history of violence, anyone who would constitute a danger to any person and anyone convicted of any crime in chapter 708 except “assault” defined in 708.1 and “harassment” defined in 708.7.

The bill amends current law relating to a firearms training program. It provides that the commissioner of public safety shall establish minimum firearms safety standards. It also specifies that the commissioner shall establish certain training standards relating to the qualifications of persons in the safe use of firearms and shall include a course of instruction designed to qualify a person on a firing range.

In addition, the bill requires that applicants pass a live fire shooting test and prescribes the test’s requirements. An applicant must pass the shooting test within two weeks of completing firearms training. Also, it states that the instructor shall not issue a certificate of completion to an applicant who fails to demonstrate proper knowledge and technique, handles a firearm in a manner that poses a threat to the applicant or others or fails the live shooting test.

Finally, the bill also requires that if a sheriff denies a weapon permit the sheriff must give a reason for the denial in writing. It also states that the sheriff or commissioner shall not be liable for damages in any civil action arising from the wrongful issuance, renewal or failure to revoke a concealed carry permit.

**HOUSE ACTION:**

HF 2613 was **REFERRED** to Ways and Means and **DIED** in committee on April 25, 2008.

**FINAL ACTION:**

HF 2613 was drafted as an amendment to the HF 2700, the Standings Appropriations bill. The amendment was ruled **NOT GERMANE** and the motion to suspend the rules **FAILED**. This is the vote that the National Rifle Association will use when awarding its grades for the upcoming election cycle.

The motion to suspend the rules to consider H-8674, by Baudler, **FAILED** on April 25, 2008 on a 49-46 (*51 votes are needed to suspend the rules*) record roll call vote with:

44 Republicans and 5 Democrat voting "AYE"  
0 Republicans and 46 Democrats voting "NAY"  
3 Republicans and 2 Democrats "ABSENT OR NOT VOTING"

On the question “Shall the rules be suspended to consider amendment H-8674, as amended?” (H.F. 2700)

The ayes were, 49:

|            |           |                  |            |
|------------|-----------|------------------|------------|
| Alons      | Anderson  | Baudler          | Boal       |
| Chambers   | Clute     | De Boef          | Deyoe      |
| Dolecheck  | Drake     | Forristall       | Gayman     |
| Gipp       | Granzow   | Grassley         | Greiner    |
| Heaton     | Hoffman   | Horbach          | Huseman    |
| Jacobs     | Kaufmann  | Lukan            | May        |
| Miller, L. | Olson, S. | Palmer           | Paulsen    |
| Pettengill | Raecker   | Rants            | Rasmussen  |
| Rayhons    | Sands     | Schickel         | Soderberg  |
| Struyk     | Swaim     | Taylor, D.       | Tjepkes    |
| Tymeson    | Upmeyer   | Van Engelenhoven | Van Fossen |

Watts  
Zirkelbach

Wienczek

Windschitl

Worthan

The nays were, 46:

Abdul-Samad  
Bukta  
Ford  
Hunter  
Kelley  
Lykam  
Miller, H.  
Olson, T.  
Reichert  
Staed  
Wenthe  
Winckler

Bailey  
Cohoon  
Frevert  
Huser  
Kressig  
Mascher  
Oldson  
Petersen  
Schueller  
Taylor, T.  
Wessel-Kroeschell  
Mr. Speaker, Murphy

Bell  
Davitt  
Gaskill  
Jacoby  
Kuhn  
McCarthy  
Olson, D.  
Quirk  
Shomshor  
Thomas  
Whitaker

Berry  
Foege  
Heddens  
Jochum  
Lensing  
Mertz  
Olson, R.  
Reasoner  
Smith  
Wendt  
Whitehead

Absent or not voting, 5:

Arnold  
Wise

Dandekar

Roberts

Tomenga

The motion to suspend the rules lost.

**HOUSE FILE 2628 – BY THE COMMITTEE ON PUBLIC SAFETY  
TASERS ARE DANGEROUS WEAPONS**

HF 2628 adds tasers to the list of dangerous weapons.

**HOUSE ACTION:**

**Amendments:**

**H-8127 by R. Olson** specifically excluded a bow and arrow from the list of dangerous weapons. H-8127 was **ADOPTED** on a voice vote.

**HOUSE PASSAGE:**

The House **PASSED** HF 2628 on March 24, 2008 on a 100-0 vote with:

47 Republicans and 53 Democrat voting "AYE"  
0 Republicans and 0 Democrats voting "NAY"  
0 Republicans and 0 Democrats "ABSENT OR NOT VOTING"

On the question "Shall the bill pass?" (H.F. 2628)

The ayes were, 100:

|                  |                   |                     |            |
|------------------|-------------------|---------------------|------------|
| Abdul-Samad      | Alons             | Anderson            | Arnold     |
| Bailey           | Baudler           | Bell                | Berry      |
| Boal             | Bukta             | Chambers            | Clute      |
| Cohoon           | Dandekar          | Davitt              | De Boef    |
| Deyoe            | Dolecheck         | Drake               | Foege      |
| Ford             | Forristall        | Frevert             | Gaskill    |
| Gayman           | Gipp              | Granzow             | Grassley   |
| Greiner          | Heaton            | Heddens             | Hoffman    |
| Horbach          | Hunter            | Huseman             | Huser      |
| Jacobs           | Jacoby            | Jochum              | Kaufmann   |
| Kelley           | Kressig           | Kuhn                | Lensing    |
| Lukan            | Lykam             | Mascher             | May        |
| McCarthy         | Mertz             | Miller, H.          | Miller, L. |
| Oldson           | Olson, D.         | Olson, R.           | Olson, S.  |
| Olson, T.        | Palmer            | Paulsen             | Petersen   |
| Pettengill       | Quirk             | Raecker             | Rants      |
| Rasmussen        | Rayhons           | Reasoner            | Reichert   |
| Roberts          | Sands             | Schueller           | Shomshor   |
| Smith            | Soderberg         | Staed               | Struyk     |
| Swaim            | Taylor, D.        | Taylor, T.          | Thomas     |
| Tjepkes          | Tomenga           | Tymeson             | Upmeyer    |
| Van Engelenhoven | Van Fossen        | Watts               | Wendt      |
| Wenthe           | Wessel-Kroeschell | Whitaker            | Whitead    |
| Wienczek         | Winckler          | Windschitl          | Wise       |
| Worthan          | Zirkelbach        | Schickel, 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.

**SENATE ACTION:**

The Senate stripped out the Olson amendment and **PASSED** the bill on April 2, 2008 on a 49-0 vote.

**SECOND HOUSE ACTION:**

**Amendments:**

**H-8501 by R. Olson** amended his original amendment to clearly state that a bow and arrow is not a dangerous weapon if used for hunting purposes. H-8501 was **ADOPTED** on a voice vote.

**SECOND HOUSE PASSAGE:**

The House **PASSED** HF 2628 on April 16, 2008 on a 100-0 vote with:

47 Republicans and 53 Democrat voting "AYE"  
 0 Republicans and 0 Democrats voting "NAY"  
 0 Republicans and 0 Democrats "ABSENT OR NOT VOTING"

On the question "Shall the bill pass?" (H.F. 2628)

The ayes were, 100:

|                  |                   |                     |            |
|------------------|-------------------|---------------------|------------|
| Abdul-Samad      | Alons             | Anderson            | Arnold     |
| Bailey           | Baudler           | Bell                | Berry      |
| Boal             | Bukta             | Chambers            | Clute      |
| Cohoon           | Dandekar          | Davitt              | De Boef    |
| Deyoe            | Dolecheck         | Drake               | Foege      |
| Ford             | Forristall        | Frevert             | Gaskill    |
| Gayman           | Gipp              | Granzow             | Grassley   |
| Greiner          | Heaton            | Heddens             | Hoffman    |
| Horbach          | Hunter            | Huseman             | Huser      |
| Jacobs           | Jacoby            | Jochum              | Kaufmann   |
| Kelley           | Kressig           | Kuhn                | Lensing    |
| Lukan            | Lykam             | Mascher             | May        |
| McCarthy         | Mertz             | Miller, H.          | Miller, L. |
| Oldson           | Olson, D.         | Olson, R.           | Olson, S.  |
| Olson, T.        | Palmer            | Paulsen             | Petersen   |
| Pettengill       | Quirk             | Raecker             | Rants      |
| Rasmussen        | Rayhons           | Reasoner            | Reichert   |
| Roberts          | Sands             | Schueller           | Shomshor   |
| Smith            | Soderberg         | Staed               | Struyk     |
| Swaim            | Taylor, D.        | Taylor, T.          | Thomas     |
| Tjepkes          | Tomenga           | Tymeson             | Upmeyer    |
| Van Engelenhoven | Van Fossen        | Watts               | Wendt      |
| Wenthe           | Wessel-Kroeschell | Whitaker            | Whitead    |
| Wiencek          | Winckler          | Windschitl          | Wise       |
| Worthan          | Zirkelbach        | Schickel, Presiding |            |

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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.

### **SECOND SENATE ACTION:**

The Senate **CONCURRED** with the House amendment and **PASSED** HF 2628 on April 21 on a 47-2 vote.

### **FINAL ACTION:**

HF 2628 was **SIGNED** by the Governor on May **X**, 2008.

**HOUSE FILE 2266 – BY THE COMMITTEE ON PUBLIC SAFETY  
EXPLOSIVES REGULATION BILL**

HF 2266 makes technical changes regarding the regulation of explosives. The reference to "black powder" in the bill is existing language (not new), but the individual making the inquiry may not know that. Second, and more importantly, the bill does not change the more specific statute that exempts 5 pounds or less of black powder and 25 pounds or less of smokeless powder. See 101A.11.

**HOUSE PASSAGE:**

The House **PASSED** HF 2266 on March 13, 2008 on a 93-0 vote with:

42 Republicans and 51 Democrat voting "AYE"  
0 Republicans and 0 Democrats voting "NAY"  
5 Republicans and 2 Democrats "ABSENT OR NOT VOTING"

On the question "Shall the bill pass?" (H.F. 2266)

The ayes were, 93:

|                     |                   |            |            |
|---------------------|-------------------|------------|------------|
| Abdul-Samad         | Alons             | Anderson   | Arnold     |
| Bailey              | Baudler           | Bell       | Berry      |
| Boal                | Bukta             | Chambers   | Cphoon     |
| Dandekar            | Davitt            | De Boef    | Deyoe      |
| Dolecheck           | Drake             | Foege      | Ford       |
| Forristall          | Frevert           | Gaskill    | Gayman     |
| Gipp                | Granzow           | Grassley   | Heaton     |
| Heddens             | Horbach           | Hunter     | Huseman    |
| Huser               | Jacobs            | Jacoby     | Jochum     |
| Kaufmann            | Kelley            | Kressig    | Kuhn       |
| Lensing             | Lukan             | Lykam      | Mascher    |
| May                 | McCarthy          | Mertz      | Miller, H. |
| Miller, L.          | Oldson            | Olson, D.  | Olson, R.  |
| Olson, S.           | Olson, T.         | Palmer     | Paulsen    |
| Petersen            | Pettengill        | Quirk      | Rants      |
| Rasmussen           | Rayhons           | Reasoner   | Reichert   |
| Roberts             | Sands             | Schickel   | Schueller  |
| Smith               | Soderberg         | Staed      | Struyk     |
| Swaim               | Taylor, D.        | Taylor, T. | Thomas     |
| Tjepkes             | Tomenga           | Tymeson    | Upmeyer    |
| Van Engelenhoven    | Van Fossen        | Watts      | Wendt      |
| Wenthe              | Wessel-Kroeschell | Whitaker   | Whitead    |
| Wiencek             | Windschitl        | Wise       | Zirkelbach |
| Mr. Speaker, Murphy |                   |            |            |

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The nays were, none.

Absent or not voting, 7:

|          |          |         |         |
|----------|----------|---------|---------|
| Clute    | Greiner  | Hoffman | Raecker |
| Shomshor | Winckler | Worthan |         |

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

**SENATE ACTION:**

The Senate added explosives to the list of offenses when eluding law enforcement and **PASSED** the bill on April 2, 2008 on a 49-0 vote.

**HOUSE ACTION:**

The House **CONCURRED** with the Senate Amendment to HF 2266.

**SECOND HOUSE PASSAGE:**

The House **PASSED** HF 2266 on April 17, 2008 on a 100-0 vote with:

47 Republicans and 53 Democrat voting "AYE"

0 Republicans and 0 Democrats voting "NAY"  
 0 Republicans and 0 Democrats "ABSENT OR NOT VOTING"

On the question "Shall the bill pass?" (H.F. 2266)

The ayes were, 100:

|                  |                   |                     |            |
|------------------|-------------------|---------------------|------------|
| Abdul-Samad      | Alons             | Anderson            | Arnold     |
| Bailey           | Baudler           | Bell                | Berry      |
| Boal             | Bukta             | Chambers            | Clute      |
| Cphoon           | Dandekar          | Davitt              | De Boef    |
| Deyoe            | Dolecheck         | Drake               | Foege      |
| Ford             | Forristall        | Frevert             | Gaskill    |
| Gayman           | Gipp              | Granzow             | Grassley   |
| Greiner          | Heaton            | Heddens             | Hoffman    |
| Horbach          | Hunter            | Huseman             | Huser      |
| Jacobs           | Jacoby            | Jochum              | Kaufmann   |
| Kelley           | Kressig           | Kuhn                | Lensing    |
| Lukan            | Lykam             | Mascher             | May        |
| McCarthy         | Mertz             | Miller, H.          | Miller, L. |
| Oldson           | Olson, D.         | Olson, R.           | Olson, S.  |
| Olson, T.        | Palmer            | Paulsen             | Petersen   |
| Pettengill       | Quirk             | Raecker             | Rants      |
| Rasmussen        | Rayhons           | Reasoner            | Reichert   |
| Roberts          | Sands             | Schueller           | Shomshor   |
| Smith            | Soderberg         | Staed               | Struyk     |
| Swaim            | Taylor, D.        | Taylor, T.          | Thomas     |
| Tjepkes          | Tomenga           | Tymeson             | Upmeyer    |
| Van Engelenhoven | Van Fossen        | Watts               | Wendt      |
| Wenthe           | Wessel-Kroeschell | Whitaker            | Whitead    |
| Wiencek          | Winckler          | Windschitl          | Wise       |
| Worthan          | Zirkelbach        | Schickel, Presiding |            |

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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.

**FINAL ACTION:**

The Governor **SIGNED** HF 2266 on May **XX**, 2008.