

PROOF

STATE OF IOWA

House Journal

TUESDAY, FEBRUARY 1, 2011

Produced daily by the State of Iowa during the sessions of the General Assembly.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 1, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Candy Boucher, former Associate Minister at First Evangelical Lutheran Church, Centerville. She was the guest of Representative Helland of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Michael Terrell, Page from Des Moines.

The Journal of Monday, January 31, 2011 was approved.

INTRODUCTION OF BILLS

[House File 156](#), by Kaufmann, Schultz, Lofgren, Moore, Pettengill, Baudler, Heaton, L. Miller, Forristall, Alons, Huseman, Chambers, and Rayhons, a bill for an act relating to the location of a civil jury trial.

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

[House File 157](#), by Kaufmann and Raecker, a bill for an act allowing voters to reject all candidates on general election ballots for certain offices and providing for a special election and for filing deadlines.

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

[House File 158](#), by Kaufmann and Baudler, a bill for an act providing for restricted driver motor vehicle registration plates to identify persons driving under a temporary restricted driver's license following a second or subsequent revocation for operating while intoxicated, and providing penalties.

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

[House File 159](#), by J. Taylor and De Boef, a bill for an act relating to issue advocacy by the department of cultural affairs.

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

[House File 160](#), by Hagenow, Windschitl, Watts, Lukan, De Boef, Huseman, Dolecheck, Koester, Fry, Pearson, Massie, Schultz, Alons, Forristall, Tjepkes, and Hanusa, a bill for an act concerning driver education instruction by a teaching parent.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Upmeyer of Hancock, until her return.

On motion by Upmeyer of Hancock, the House was recessed at 8:44 a.m., until 11:00 a.m.

The House resumed session at 11:03 a.m., Speaker Paulsen in the chair.

QUORUM CALL

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

CONSIDERATION OF BILL

[House Joint Resolution 6](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa specifying marriage between one man and one woman as the only legal union that is valid or recognized in the state, was taken up for consideration.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article I of the Constitution of the State of Iowa is amended by adding the following new section:

Marriage. SEC. 26. Marriage between one man and one woman shall be the only legal union valid or recognized in this state.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment to the Constitution of the State of Iowa is referred to the general assembly to be chosen at the next general election for members of the general assembly, and the secretary of state is directed to cause the same to be published for three consecutive months previous to the date of that election as provided by law.

EXPLANATION

This joint resolution proposes an amendment to the Constitution of the State of Iowa specifying that marriage between one man and one woman shall be the only legal union valid or recognized in this state.

The joint resolution, if adopted, would be referred to the next general assembly for adoption a second time before being submitted to the electorate for ratification.

Kaufmann of Cedar in the chair at 11:46 a.m.

Speaker Paulsen in the chair at 12:32 p.m.

Kaufmann of Cedar in the chair at 12:50 p.m.

Speaker Paulsen in the chair at 1:37 p.m.

Alons of Sioux moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" ([H.J.R. 6](#))

The yeas were, 62:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman

Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Muhlbauer	Olson, S.
Paustian	Pearson	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Swaim	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker Paulsen		

The nays were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 1:

De Boef

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for a meeting of the committee on administration and rules at 3:30 p.m. today.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ADMINISTRATIVE SERVICES

Capitol Planning Commission's 2010 Annual Report, pursuant to Chapter 8A.373, Code of Iowa.

IOWA ECONOMIC DEVELOPMENT BOARD

IDED FY 2010 Annual Report, pursuant to Chapter 15.104(8), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

[House File 21](#)

Commerce: Windschitl, Chair; Iverson and Quirk.

[House File 78 Reassigned](#)

Natural Resources: J. Smith, Chair; Baudler and Steckman.

[House File 96](#)

Natural Resources: Hager, Chair; Kelley and Rasmussen.

[House File 100](#)

Commerce: Watts, Chair; Fry and T. Olson.

[House File 104](#)

Public Safety: Alons, Chair; R. Olson and Shaw.

[House File 105](#)

Local Government: Tjepkes, Chair; Running-Marquardt and J. Smith.

[House File 112](#)

Environmental Protection: Sands, Chair; Isenhart and Moore.

[House File 117](#)

Environmental Protection: Schultz, Chair; Klein and Steckman.

[House File 120](#)

Labor: Jorgensen, Chair; Klein and T. Taylor.

[House File 121](#)

Commerce: Windschitl, Chair; Lykam and Shaw.

[House File 123](#)

Environmental Protection: Soderberg, Chair; Hein and M. Smith.

[House File 127](#)

Veterans Affairs: Shaw, Chair; Lukan and Thomas.

[House File 130](#)

Labor: L. Miller, Chair; Hanusa and Hunter.

[House File 131](#)

Environmental Protection: Byrnes, Chair; Isenhardt and Klein.

[House File 133](#)

Labor: Klein, Chair; Brandenburg and Hunter.

[House File 137](#)

Judiciary: J. Taylor, Chair; Swaim and Tjepkes.

[House File 138](#)

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

[House File 139](#)

Education: Pearson, Chair; Gaines and Hanusa.

[House File 142](#)

Education: Koester, Chair; Lofgren and Mascher.

[House File 143](#)

Education: Byrnes, Chair; Hanusa and Winckler.

[House File 144](#)

Education: Lofgren, Chair; Cohoon and J. Taylor.

[House File 145](#)

Natural Resources: Rayhons, Chair; Hanson and Sweeney.

[House File 146](#)

Natural Resources: Arnold, Chair; Hanson and Lofgren.

[House File 151](#)

Local Government: Iverson, Chair; Baltimore and Wittneben.

[House File 152](#)

Human Resources: Lofgren, Chair; Garrett and Hunter.

[House File 153](#)

Human Resources: Heaton, Chair; Pearson and Wessel-Kroeschell.

[House File 154](#)

Transportation: Pearson, Chair; Hall and Huseman.

[House File 158](#)

Transportation: Tjepkes, Chair; Iverson and Lykam.

[House File 159](#)

Economic Growth/Rebuild Iowa: De Boef, Chair; Hall and J. Smith.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 36](#)

Public Safety: Windschitl, Chair; Baudler, Hagenow, Kressig and R. Olson.

[House Study Bill 37](#)

Public Safety: Windschitl, Chair; R. Olson and Shaw.

[House Study Bill 45](#)

Ways and Means: Byrnes, Chair; Petersen and Pettengill.

[House Study Bill 46](#)

Judiciary: Anderson, Chair; Hagenow and Swaim.

[House Study Bill 47](#)

Education: Byrnes, Chair; Hanusa and Mascher.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 50](#) **Judiciary**

Establishing the religious conscience protection Act.

H.S.B. 51 Commerce

Applying criminal trespass provisions to public utility property, and providing a penalty.

H.S.B. 52 Commerce

Relating to the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

H.S.B. 53 Commerce

Relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network.

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.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Committee Bill (Formerly [House File 58](#)), relating to the appointment of a district associate judge.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2011.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly [House Study Bill 4](#)), relating to the control of marijuana, including an effective date provision, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 2011.

Committee Bill (Formerly [House Study Bill 5](#)), adding hallucinogenic substances to the list of schedule I controlled substances, providing penalties, and including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 2011.

AMENDMENTS FILED

[H-1071](#) [H.F. 149](#) Murphy of Dubuque

[H-1072](#) [H.F. 149](#) Kearns of Lee

On motion by Upmeyer of Hancock the House adjourned at 2:01 p.m., until 8:30 a.m., Wednesday, February 2, 2011.