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**STATE OF IOWA**

# **House Journal**

**WEDNESDAY, FEBRUARY 2, 2011**

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

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# JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 2, 2011

The House met pursuant to adjournment at 8:34 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Terry Amann, Walnut Creek Community Church, Windsor Heights. He was the guest of Representative Hagenow of Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Seth Wester, Speaker's Page from Primghar.

The Journal of Tuesday, February 1, 2011 was approved.

## INTRODUCTION OF BILLS

[House File 161](#), by Running-Marquardt, a bill for an act relating to the use of unattended, unmarked law enforcement vehicles for purposes of motor vehicle law enforcement.

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

[House File 162](#), by Running-Marquardt, a bill for an act relating to the contouring of certain portions of highway rights-of-way at T intersections.

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

[House File 163](#), by T. Taylor, Kressig, Kajtazovic, Willems, Running-Marquardt, Steckman, and T. Olson, a bill for an act relating to disaster mitigation and predisaster planning by providing for comprehensive watershed management planning, creating a watershed management grant program, providing floodplain

management regulation incentives, creating a predisaster hazard mitigation grant program, and making appropriations.

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

[House File 164](#), by Pettengill, Heaton, De Boef, Paustian, Alons, Hanusa, Huseman, and Vander Linden, a bill for an act establishing a property tax exemption for a principal residence owned by a totally disabled individual or certain elderly individuals and including applicability provisions.

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

[House File 165](#), by Schulte and T. Taylor, a bill for an act relating to donation of newborn umbilical cord blood.

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

[House File 166](#), by Hagenow, a bill for an act creating the transparency in private attorney contracts Act.

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

[House File 167](#), by Dolecheck and Schultz, a bill for an act relating to independent accreditation of nonpublic schools.

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

[House File 168](#), by Lofgren, a bill for an act authorizing school districts to utilize the services of volunteers.

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

[House File 169](#), by Watts, a bill for an act relating to zoning restrictions applicable to the location of a winery within the limits of a city.

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

[House File 170](#), by Jorgensen, a bill for an act establishing a one-week waiting period prior to the receipt of unemployment compensation benefits and including effective date and applicability provisions.

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

[House File 171](#), by Horbach, a bill for an act repealing requirements relating to the aggregate ratio in the number of executive branch employees per supervisory employee in executive branch agencies and including effective date provisions.

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

#### IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that [House Joint Resolution 6](#) be immediately messaged to the Senate.

On motion by Upmeyer of Hancock, the House was recessed at 8:40 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:02 p.m., Kaufmann of Cedar in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

#### INTRODUCTION OF BILLS

[House File 172](#), by Lukan, a bill for an act authorizing the issuance of special senior shotgun season deer hunting licenses.

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

[House File 173](#), by Schulte, a bill for an act restricting the use of restraints on a pregnant prisoner in labor.

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

[House File 174](#), by Schulte, a bill for an act revising requirements for family support programs provided under the school ready children grant program and including effective and applicability date provisions.

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

[House File 175](#), by Deyoe, a bill for an act to repeal the excise tax on the handling of grain.

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

[House File 176](#), by Grassley, a bill for an act relating to the implementation of federal law or policy by state administrative agencies.

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

[House File 177](#), by Wagner, a bill for an act providing for the recall of elected officials of political subdivisions and providing a penalty.

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

[House File 178](#), by Hunter, a bill for an act requiring the consideration of project labor agreements for state construction projects.

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

[House File 179](#), by Dolecheck, a bill for an act relating to early school start date provisions and including effective and applicability dates.

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

[House File 180](#), by Upmeyer, Arnold, Baltimore, Brandenburg, Byrnes, Chambers, De Boef, Deyoe, Dolecheck, Fry, Garrett,

Grassley, Hagenow, Hanusa, Hein, Helland, Horbach, Huseman, Iverson, Kaufmann, Klein, Koester, Lofgren, Lukan, Moore, Paustian, Pearson, Pettengill, Rasmussen, Rogers, Sands, Schultz, Shaw, J. Smith, Soderberg, Sweeney, J. Taylor, Van Engelenhoven, Vander Linden, Wagner, Windschitl, Worthan, and Quirk, a bill for an act relating to the rulemaking authority and voting requirements of the environmental protection commission.

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

[House File 181](#), by Upmeyer, Arnold, Baltimore, Brandenburg, Byrnes, Chambers, De Boef, Deyoe, Dolecheck, Fry, Garrett, Grassley, Hagenow, Hanusa, Hein, Helland, Horbach, Huseman, Iverson, Kaufmann, Klein, Koester, Lofgren, Lukan, R. Olson, Paustian, Pearson, Pettengill, Rasmussen, Rogers, Sands, Schultz, Shaw, J. Smith, Soderberg, Sweeney, J. Taylor, Van Engelenhoven, Vander Linden, Wagner, Windschitl, and Worthan, a bill for an act relating to the legislative review of administrative rules, and rescinding all rules every five years.

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

[House File 182](#), by committee on judiciary, a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

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

[House File 183](#), by committee on public safety, a bill for an act relating to the control of marijuana, including an effective date provision, and providing a penalty.

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

#### RULE 57 SUSPENDED

Helland of Polk 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 4:00 p.m. today.

On motion by Helland of Polk, the House was recessed at 1:06 p.m., until 4:10 p.m.

The House reconvened at 4:25 p.m., Speaker Paulsen in the chair.

#### INTRODUCTION OF BILLS

[House File 184](#), by committee on education, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

[House File 185](#), by committee on education, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

[House File 186](#), by committee on public safety, a bill for an act adding hallucinogenic substances to the list of schedule I controlled substances, providing penalties, and including an effective date provision.

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

[House File 187](#), by Isenhardt, a bill for an act relating to independent expenditures in campaigns and providing for a penalty.

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

[House File 188](#), by Isenhardt, a bill for an act relating to requirements for foster care provided by an individual in a single-family home facility.

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

CONSIDERATION OF BILLS  
Regular Calendar

**House File 149**, a bill for an act providing for the placement of a right-to-work notice on department of economic development materials, was taken up for consideration.

Hunter of Polk asked and received unanimous consent to withdraw amendments [H-1048](#), [H-1049](#), [H-1050](#), [H-1051](#), [H-1052](#), [H-1053](#), [H-1054](#), [H-1055](#), [H-1056](#), [H-1057](#), [H-1058](#), [H-1059](#), [H-1060](#), [H-1061](#), [H-1062](#), [H-1063](#), [H-1064](#), [H-1065](#), [H-1066](#), [H-1067](#), [H-1068](#), and [H-1069](#), filed by him on January 31, 2011.

Murphy of Dubuque asked and received unanimous consent to withdraw amendments [H-1038](#), [H-1039](#), [H-1040](#), [H-1041](#), [H-1042](#), [H-1043](#), [H-1044](#), and [H-1045](#), filed by him on January 31, 2011.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment [H-1046](#) filed by him on January 31, 2011, placing out of order amendment [H-1071](#) to amendment [H-1046](#) filed by him on February 1, 2011.

Willems of Linn asked and received unanimous consent to withdraw amendment [H-1047](#) filed by him on January 31, 2011.

Kearns of Lee offered amendment [H-1072](#) filed by him and moved its adoption.

Roll call was requested by Kearns of Lee and Hunter of Polk.

On the question "Shall amendment [H-1072](#) be adopted?" ([H.F. 149](#))

The ayes were, 40:

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



Willems                      Winckler                      Wittneben                      Wolfe

The nays were, 59:

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	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 1:

De Boef

Amendment [H-1072](#) lost.

Horbach of Tama 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. 149](#))

The ayes were, 66:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanson	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.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner

Watts Worthan	Wenthe Mr. Speaker Paulsen	Windschitl	Wittneben
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The nays were, 33:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Heddens	Hunter
Isenhardt	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	Wessel-Kroeschell	Willems	Winckler
Wolfe			

Absent or not voting, 1:

De Boef

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

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 2, 2011, passed the following bill in which the concurrence of the House is asked:

[Senate File 7](#), a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

MICHAEL E. MARSHALL, Secretary

[House File 111](#), a bill for an act establishing the right to choose whether to purchase health care, was taken up for consideration.

Kaufmann of Cedar in the chair at 4:55 p.m.

Speaker Paulsen in the chair at 5:10 p.m.

Horbach of Tama 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. 111](#))

The ayes were, 59:

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	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 39:

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

Absent or not voting, 2:

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

#### IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 149** and **111**.

On motion by Upmeyer of Hancock, the House was recessed at 5:39 p.m., until conclusion of the ways and means committee meeting.

## EVENING SESSION

The House reconvened at 6:47 p.m., Speaker Paulsen in the chair.

## INTRODUCTION OF BILL

[House File 189](#), by committee on ways and means, a bill for an act establishing a school district property tax relief supplement for certain fiscal years, making an appropriation, and including effective date and applicability provisions.

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

## COMMUNICATIONS RECEIVED

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

## DEPARTMENT OF ADMINISTRATIVE SERVICES

ICN Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

Des Moines RFP Report, pursuant to [Senate File 2389](#), 2010 Iowa Acts.

DEPARTMENT OF HUMAN RIGHTS  
Division of Criminal and Juvenile Justice Planning

Iowa Collaboration for Youth Development Council's Annual Report, pursuant to Chapter 216A.140, Code of Iowa.

Sex Offender Research Council Report, pursuant to Chapter 216A.139(5), Code of Iowa.

## DEPARTMENT OF TRANSPORTATION

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

## IOWA JUDICIAL BRANCH

Report of the Enhanced Court Collections Fund and the Court Technology Fund, pursuant to Chapter 1185.1(8), 2010 Iowa Acts.

## TREASURER OF STATE

Linked Investments for Tomorrow Annual Report, pursuant to Chapter 12.38, Code of Iowa.

## SUBCOMMITTEE ASSIGNMENTS

**House File 132**

Local Government: J. Smith, Chair; Gaines and Helland.

**House File 137 Reassigned**

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

**House File 147**

Commerce: Grassley, Chair; Paustian and Quirk.

**House File 155**

State Government: Helland, Chair; Lensing and Rogers.

**House File 156**

Judiciary: Kaufmann, Chair; Alons and Wolfe.

**House File 157**

State Government: Kaufmann, Chair; Gaskill and Raecker.

**House File 165**

Human Resources: Fry, Chair; Brandenburg and Petersen.

**House File 166**

Judiciary: Garrett, Chair; Hagenow and Wolfe.

**House File 167**

Education: Dolecheck, Chair; Byrnes and Winckler.

**House File 168**

Education: Lofgren, Chair; Jorgensen and Steckman.

**House File 174**

Human Resources: Koester, Chair; Pearson and Winckler.

**Senate File 72 Reassigned**

Judiciary: Garrett, Chair; Oldson and J. Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 50**

Judiciary: Anderson, Chair; Heaton and Swaim.

**House Study Bill 51**

Commerce: Wagner, Chair; Brandenburg and Swaim.

**House Study Bill 52**

Commerce: Watts, Chair; Oldson and J. Smith.

**House Study Bill 53**

Commerce: Iverson, Chair; Paustian and Quirk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 54 Human Resources**

Relating to voluntary cessation of program operations and decertification of assisted living programs, and providing penalties.

**H.S.B. 55 Human Resources**

Relating to exemptions for admission or retention of tenants of assisted living programs who do not meet admission or retention criteria.

**H.S.B. 56 Commerce**

Relating to the assessment of certain subdivided real property and including applicability provisions.

**H.S.B. 57 Commerce**

Prohibiting the inclusion of health plans that provide coverage for abortion in a state health benefit exchange and including effective date provisions.

**H.S.B. 58 Local Government**

Relating to the determination of city population for purposes of civil service commissions.

**H.S.B. 59 Local Government**

Providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

**H.S.B. 60 Public Safety**

Relating to eluding or attempting to elude a marked law enforcement vehicle, and providing a penalty.

**H.S.B. 61 Commerce**

Opposing regulation of greenhouse gases pursuant to the federal Clean Air Act.

**H.S.B. 62 Human Resources**

Relating to reciprocal agreements with contiguous states for hospice care.

**H.S.B. 63 Judiciary**

Relating to bail restrictions placed on criminal defendants.

**H.S.B. 64 Judiciary**

Relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

**H.S.B. 65 Judiciary**

Modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses.

**H.S.B. 66 Judiciary**

Repealing duties of county and city attorneys relating to hotel and food establishment regulation.

**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 ADMINISTRATION AND RULES**

**Committee Bill** (Formerly [House Study Bill 2](#)), relating to permanent rules of the House for the Eighty-fourth General Assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2011.

**COMMITTEE ON COMMERCE**

**Committee Bill** (Formerly [House Joint Resolution 2](#)), nullifying an administrative rule of the Iowa finance authority relating to the Iowa jobs program, and including an effective date provision.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2011.

**COMMITTEE ON EDUCATION**

**Committee Bill** (Formerly [House Study Bill 28](#)), establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Fiscal Note is not required.

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

**Committee Bill** (Formerly [House Study Bill 32](#)), establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Fiscal Note is not required.

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



## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly [House File 4](#)), providing for a reduction in the individual income tax rates and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2011.

**Committee Bill** (Formerly [House Study Bill 41](#)), establishing a school district property tax relief supplement for certain fiscal years, making an appropriation, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2011.

## RESOLUTIONS FILED

[H.R. 9](#), by Watts, a resolution requesting the Attorney General of the State of Iowa to join with other states that have filed suit challenging the constitutionality of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010.

Laid over under **Rule 25**.

[H.R. 10](#), by Alons, Anderson, Arnold, Baltimore, Baudler, Brandenburg, Byrnes, Chambers, Cownie, De Boef, Deyoe, Dolecheck, Drake, Forristall, Fry, Garrett, Grassley, Hagenow, Hager, Hanusa, Heaton, Hein, Helland, Horbach, Huseman, Iverson, Jorgensen, Kaufmann, Klein, Koester, Lofgren, Lukan, Massie, L. Miller, Moore, S. Olson, Paulsen, Paustian, Pearson, Pettengill, Raecker, Rasmussen, Rayhons, Rogers, Sands, Schulte, Schultz, Shaw, J. Smith, Soderberg, Sweeney, J. Taylor, Tjepkes, Upmeyer, Van Engelenhoven, Vander Linden, Wagner, Watts, Windschitl, and Worthan, a resolution to commemorate the centennial of the birth of President Ronald Reagan.

Laid over under **Rule 25**.

[H.R. 11](#), by committee on administration and rules, a resolution relating to permanent rules of the House for the eighty-fourth general assembly.

Placed on the **calendar**.

On motion by Upmeyer of Hancock the House adjourned at 6:49 p.m., until 8:30 a.m., Thursday, February 3, 2011.