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**STATE OF IOWA**

# **House Journal**

**TUESDAY, FEBRUARY 15, 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

Thirty-seventh Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 15, 2011

The House met pursuant to adjournment at 8:31 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Keith A. Ratliff, Maple Street Baptist Church, Des Moines. He was the guest of Representative Abdul-Samad of Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jael Chepkwony, Page from Waukee.

The Journal of Monday, February 14, 2011 was approved.

## INTRODUCTION OF BILLS

[House File 271](#), by committee on judiciary, a bill for an act relating to bail restrictions placed on criminal defendants.

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

[House File 272](#), by Murphy, a bill for an act requiring the establishment of a collaborative nurse council in licensed hospitals and licensed nursing facilities.

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

[House File 273](#), by Hagenow, a bill for an act relating to the renewal of a license to practice dietetics.

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

[House File 274](#), by Van Engelenhoven, a bill for an act relating to smoking prohibitions for certain locations providing health-related services, and making penalties applicable.

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

[House File 275](#), by Murphy, a bill for an act relating to the compulsory school attendance age, a driver's license penalty for failure to attend, and school district dropout prevention measures, and including effective date provisions.

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

[House File 276](#), by Kressig, T. Olson, Isenhardt, Lensing, Petersen, Hunter, Hall, T. Taylor, Jacoby, Mascher, M. Smith, Steckman, Wolfe, Kajtazovic, Thomas, Murphy, Lykam, Wenthe, Abdul-Samad, Kelley, Gaskill, Kearns, Oldson, Wessel-Kroeschell, and Winckler, a bill for an act concerning requirements for motor vehicle operators when overtaking and passing a bicycle, and making penalties applicable.

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

[House File 277](#), by Hanusa, Chambers, Huseman, Iverson, Running-Marquardt, Alons, Brandenburg, Pearson, Cownie, L. Miller, Schulte, J. Taylor, Sweeney, M. Smith, Wittneben, Muhlbauer, Grassley, Koester, Massie, Drake, Hager, Helland, Paustian, Worthan, Schultz, Shaw, Lukan, Thomas, Heddens, Jacoby, Rayhons, Vander Linden, Lofgren, J. Smith, Forristall, Deyoe, Willems, Kearns, Horbach, Klein, Windschitl, De Boef, Hein, Baltimore, Byrnes, Rasmussen, Soderberg, Van Engelenhoven, Arnold, Wagner, Hanson, Upmeyer, Garrett, Steckman, Baudler, Rogers, Hagenow, Raecker, Heaton, Gaskill, and Paulsen, a bill for an act relating to the Iowa civil rights Act and discrimination based upon a person's status as a veteran.

Read first time and referred to committee on **veterans affairs**.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas, through February 23, 2011, on request of Upmeyer of Hancock; Winckler of Scott on request of Wessel-Kroeschell of Story.

On motion by Upmeyer of Hancock, the House was recessed at 8:40 a.m., until 4:00 p.m.

## AFTERNOON SESSION

The House reconvened at 4:08 p.m., Speaker Paulsen in the chair.

## INTRODUCTION OF BILLS

[House File 278](#), by committee on public safety, a bill for an act relating to eluding or attempting to elude a marked law enforcement vehicle, and providing a penalty.

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

[House File 279](#), by Hall, a bill for an act relating to the appointment of clerks of the district court.

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

[House File 280](#), by Wessel-Kroeschell, a bill for an act relating to earned time accrual by an inmate at a correctional institution of the department of corrections.

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

[House File 281](#), by Willems, a bill for an act relating to agreements between landholders and developers constructing wind energy facilities.

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

[House File 282](#), by Swaim, a bill for an act relating to damages recoverable for the wrongful or negligent injury or death of a person.

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

[House File 283](#), by Abdul-Samad, Gaines, M. Smith, Kressig, and Kajtazovic, a bill for an act providing for a streamlined issuance process for identity theft passports under specified circumstances.

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

[House File 284](#), by Willems, a bill for an act relating to the method of collecting property taxes by a county treasurer.

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

[House File 285](#), by Watts, a bill for an act relating to intellectual diversity in community colleges and institutions of higher education under the control of the state board of regents and providing a reporting requirement.

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

[House File 286](#), by Kaufmann, Lensing, Heaton, Wessel-Kroeschell, and Tjepkes, 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**.

The House stood at ease at 4:10 p.m., until the fall of the gavel.

The House resumed session at 4:41 p.m., Speaker Paulsen in the chair.

#### CONSIDERATION OF BILLS Regular Calendar

[House File 245](#), a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights, was taken up for consideration.

Kaufmann of Cedar 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. 245](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby

Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Arnold                      Winckler

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

[House File 243](#), a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor, was taken up for consideration.

Anderson of Page 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. 243](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby

Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Arnold                      Winckler

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 243 and 245.**

#### SUBCOMMITTEE ASSIGNMENTS

##### [House Joint Resolution 4](#)

State Government: Kaufmann, Chair; Hunter and Pettengill.

##### [House Joint Resolution 8](#)

State Government: Koester, Chair; Jorgensen and Wenthe.

##### [House Joint Resolution 10](#)

State Government: Vander Linden, Chair; Jorgensen and T. Taylor.

[House File 14](#)

Ways and Means: Helland, Chair; Quirk and Sands.

[House File 47](#)

Ways and Means: Helland, Chair; Sands and Thomas.

[House File 69](#)

Ways and Means: Helland, Chair; Kajtazovic and Sands.

[House File 75](#)

Ways and Means: Helland, Chair; Sands and Willems.

[House File 101](#)

Ways and Means: Helland, Chair; Sands and Thomas.

[House File 119](#)

Ways and Means: Moore, Chair; Jacoby and Paustian.

[House File 135](#)

Ways and Means: Helland, Chair; Isenhart and Sands.

[House File 136](#)

Ways and Means: Kaufmann, Chair; Helland and Isenhart.

[House File 141](#)

Ways and Means: Vander Linden, Chair; Hein, Kearns, Petersen and Pettengill.

[House File 164](#)

Ways and Means: Helland, Chair; Oldson and Sands.

[House File 175](#)

Ways and Means: Helland, Chair; Muhlbauer and Sands.

[House File 192](#) Reassigned

Human Resources: L. Miller, Chair; Garrett and Wessel-Kroeschell.

[House File 202](#)

Ways and Means: Helland, Chair; Isenhart and Sands.



[House File 214](#)

State Government: Iverson, Chair; Drake and Mascher.

[House File 219](#)

Commerce: Grassley, Chair; Iverson and Lykam.

[House File 227](#)

Environmental Protection: Paustian, Chair; Kelley and Klein.

[House File 228](#)

Environmental Protection: Hein, Chair; De Boef and Kelley.

[House File 232](#)

Commerce: Windschitl, Chair; Shaw and Swaim.

[House File 233](#)

Commerce: Windschitl, Chair; Kressig and Paustian.

[House File 237](#)

State Government: Kaufmann, Chair; Jorgensen and T. Taylor.

[House File 238](#)

State Government: Vander Linden, Chair; Kajtazovic and Rogers.

[House File 241](#)

Natural Resources: Baudler, Chair; Hager and H. Miller.

[House File 250](#)

State Government: Iverson, Chair; Drake and Isenhardt.

[House File 256](#)

Veterans Affairs: Alons, Chair; Chambers and Wittneben.

[House File 258](#)

Natural Resources: Rasmussen, Chair; Hanson and Vander Linden.

[House File 261](#)

Commerce: J. Smith, Chair; Brandenburg and Quirk.

[House File 262](#)

Commerce: Baltimore, Chair; Jacoby and Wagner.

[House File 263](#)

Economic Growth/Rebuild Iowa: J. Smith, Chair; Lofgren and Running-Marquardt.

[House File 269](#)

Economic Growth/Rebuild Iowa: Schultz, Chair; De Boef and Steckman.

[House File 270](#)

State Government: Kaufmann, Chair; Pettengill and Wenthe.

[House File 275](#)

Education: L. Miller, Chair; Forristall and Willems.

[House File 277](#)

Veterans Affairs: Hanusa, Chair; Berry and Lukan.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 80](#) Reassigned

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

[House Study Bill 84](#) Reassigned

Appropriations: Watts, Chair; Wagner and Wenthe.

[House Study Bill 91](#)

Labor: Horbach, Chair; Hanusa and Murphy.

[House Study Bill 92](#)

Judiciary: Kaufmann, Chair; Alons and Wolfe.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 93](#) **Transportation**

Relating to the use of automated traffic enforcement systems.

**H.S.B. 94 Transportation**

Allowing the department of transportation to accept reports from advanced registered nurse practitioners disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

**H.S.B. 95 Public Safety**

Relating to operating-while-intoxicated offenses and providing penalties.

**H.S.B. 96 Judiciary**

Relating to the conveyance or encumbrance of a homestead by a spouse.

**H.S.B. 97 Human Resources**

Exempting certain outpatient surgical facilities from certificate of need requirements.

**H.S.B. 98 Human Resources**

Exempting certain outpatient surgical facilities located in certain areas of the state from certificate of need requirements.

**H.S.B. 99 Agriculture**

Relating to preferred stock issued by cooperative associations.

**H.S.B. 100 State Government**

Concerning the duties and responsibilities of the auditor of state.

**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 COMMERCE

**Committee Bill** (Formerly [House Study Bill 51](#)), applying criminal trespass provisions to public utility property, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2011.

**Committee Bill** (Formerly [House Study Bill 56](#)), relating to the assessment of certain subdivided real property and including applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2011.

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly [House Study Bill 65](#)), modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 2011.

## COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly [House File 53](#)), to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 2011.

## RESOLUTIONS FILED

[H.C.R. 9](#), by Isenhart, a concurrent resolution urging the United States Congress to modernize the Toxic Substances Control Act of 1976.

Referred to committee on **commerce**.

[H.R. 12](#), by committee on ethics, a resolution relating to the rules governing lobbyists in the House of Representatives.

Placed on the **calendar**.

## AMENDMENTS FILED

<a href="#">H-1081</a>	<a href="#">H.F. 260</a>	Forristall of Pottawattamie
<a href="#">H-1082</a>	<a href="#">H.F. 260</a>	Hagenow of Polk
<a href="#">H-1083</a>	<a href="#">H.F. 194</a>	Jacoby of Johnson
Gaskill of Wapello		Kajtazovic of Black Hawk
Kressig of Black Hawk		Oldson of Polk
Petersen of Polk		
<a href="#">H-1084</a>	<a href="#">H.F. 194</a>	Helland of Polk

On motion by Upmeyer of Hancock the House adjourned at 4:51 p.m., until 8:30 a.m., Wednesday, February 16, 2011.