

PROOF

STATE OF IOWA

House Journal

TUESDAY, FEBRUARY 22, 2011

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JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 22, 2011

The House met pursuant to adjournment at 8:32 a.m., Speaker Paulsen in the chair.

Prayer was offered by Father Wally Helms, St. Thomas More Catholic Church, Coralville. He was the guest of Representative Jacoby of Johnson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Zaak Barnes, Page from Des Moines.

The Journal of Monday, February 21, 2011 was approved.

INTRODUCTION OF BILLS

[House File 339](#), by Isenhart, a bill for an act relating to campaign finance and making penalties applicable.

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

[House File 340](#), by Isenhart, a bill for an act relating to the state's workers' compensation laws by modifying alternate care procedures for medical treatment, creating registries of physicians who treat and evaluate work-related injuries, providing for the retention of a medical director, creating a state workplace injury care providers registry fund, establishing a workers' compensation advisory board, providing for and appropriating fees, and including effective date provisions.

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

[House File 341](#), by committee on state government, a bill for an act modifying the repeal date for the climate change advisory council, deleting related provisions, and including effective date provisions.

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

[House File 342](#), by Windschitl, a bill for an act allowing the issuance of joint permits to manufacture various types of alcoholic beverages and providing for fees.

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

[House File 343](#), by Hagenow, a bill for an act relating to the membership and procedures of the state judicial nominating commission, the procedures of all judicial nominating commissions, and certain retention procedures, and including effective date provisions.

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

[House File 344](#), by Hagenow, a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment.

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

[House File 345](#), by Kaufmann, Rogers, Abdul-Samad, Rasmussen, Sands, and Muhlbauer, a bill for an act relating to joint physical care of children.

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

[House File 346](#), by Hunter, a bill for an act requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

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

[House File 347](#), by Hunter, a bill for an act requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

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

SPECIAL PRESENTATION

T. Taylor of Linn introduced to the House the Honorable United States Congressman David Loeb sack.

The House rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas, through February 23, 2011, on request of Upmeyer of Hancock.

On motion by Upmeyer of Hancock, the House was recessed at 8:39 a.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:27 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

[House File 348](#), by Drake, a bill for an act providing for voting methods which may be utilized by members of cooperative associations.

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

[House File 349](#), by Watts, a bill for an act relating to energy management and regulation by repealing provisions establishing the office of energy independence and the Iowa power fund, repealing provisions establishing the office of consumer advocate, creating the Iowa energy regulatory board and transferring current responsibilities of the Iowa utilities board to the Iowa energy regulatory board, and including transition provisions.

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

[House File 350](#), by Watts, a bill for an act relating to the rights of members of a residential cooperative, owners of a condominium, or owners of certain other residential property.

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

[House File 351](#), by Mascher, a bill for an act relating to mobile homes and manufactured homes by making changes to certain residential landlord and tenant laws, requiring disclosures during the sale of manufactured and mobile homes, amending provisions relating to forcible entry and detainer actions, providing penalties, and including applicability provisions.

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

[House File 352](#), by Kajtazovic, a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions.

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

[House File 353](#), by Lofgren, L. Miller, Heaton, Byrnes, Sands, Kaufmann, Grassley, J. Taylor, Jorgensen, Alons, Kelley, Upmeyer, and Helland, a bill for an act relating to a minor child's prospective claim for negligence.

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

[House File 354](#), by Watts, a bill for an act requiring the verification of lawful immigration status to receive funds through the federal low-income home energy assistance program.

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

[House File 355](#), by Sweeney and Grassley, a bill for an act relating to agriculture, by eliminating certain powers of and requirements administered by the department of agriculture and land stewardship.

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

[House File 356](#), by Alons, a bill for an act requiring applicants for and participants in certain public assistance programs administered by the department of human services to participate in a substance abuse screening program.

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

[House File 357](#), by Jorgensen, a bill for an act relating to the powers of city boards of adjustment.

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

[House File 358](#), by Sweeney, a bill for an act relating to the definition of off-road utility vehicle and the operation of off-road utility vehicles on public areas and trails designated for all-terrain vehicle use.

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

[House File 359](#), by Isenhardt, Wittneben, Hunter, Winckler, and Kajtazovic, a bill for an act relating to the public financing for elections to the general assembly, establishing spending limits, making penalties applicable, providing an appropriation and an income tax exemption, and including effective date provisions.

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

[House File 360](#), by Cownie, a bill for an act eliminating the referendum requirement for the licensing of gambling games.

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

[House File 361](#), by Kajtazovic, Thomas, Willems, Isenhardt, Petersen, M. Smith, Kressig, Steckman, Wolfe, Murphy, Lykam, Mascher, T. Taylor, McCarthy, Hunter, Heddens, Hall, Lensing, Wessel-Kroeschell, Kearns, and Muhlbauer, a bill for an act creating the red tape commission.

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

[House File 362](#), by Sweeney, a bill for an act providing an exemption from commercial vehicle marking requirements for certain vehicles operated intrastate.

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

[House File 363](#), by committee on veterans affairs, a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs.

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

[House File 364](#), by committee on veterans affairs, a bill for an act relating to veterans records managed by the department of veterans affairs.

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

[House File 365](#), by Klein, a bill for an act providing for the home delivery of alcoholic beverages by retailers.

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

[House File 366](#), by Sweeney, a bill for an act relating to the sale of child restraint systems and making a penalty applicable.

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

[House File 367](#), by Chambers, a bill for an act relating to the operation of all-terrain vehicles in cities of a certain size, providing registration fees, and making penalties applicable.

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

[House File 368](#), by Pettengill, a bill for an act requiring regular reporting by the state board of regents concerning the school for the deaf and the Iowa braille and sight saving school.

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

[HOUSE FILE 5](#) REREFERRED

The Speaker announced that [House File 5](#), previously referred to committee on **human resources** was rereferred to committee on **government oversight**.

SPONSOR ADDED
([House File 308](#))

Murphy of Dubuque requested to be added as a sponsor of [House File 308](#).

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday February 21, 2011. Had I been present, I would have voted "aye" on Senate amendment [H-1091](#) to [House File 45](#) and on [House File 45](#).

Koester of Polk

I was necessarily absent from the House chamber on Monday February 21, 2011. Had I been present, I would have voted "aye" on Senate amendment [H-1091](#) to [House File 45](#) and on [House File 45](#).

T. Taylor of Linn

SUBCOMMITTEE ASSIGNMENTS

[House File 174](#) Reassigned

Human Resources: L. Miller, Chair; Schulte and Winckler.

[House File 211](#)

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

[House File 287](#) Reassigned

Human Resources: Schulte, Chair; Abdul-Samad and Lofgren.

[House File 308](#)

Human Resources: Jorgensen, Chair; Brandenburg and Hunter.

[House File 309](#)

Human Resources: Heaton, Chair; Pearson and Steckman.

[House File 310](#)

Judiciary: Hagenow, Chair; R. Olson and Pearson.

[House File 325](#)

Education: Koester, Chair; Hanson and Hanusa.

[House File 327](#)

Natural Resources: Rayhons, Chair; Arnold and Kelley.

[House File 330](#)

Judiciary: Tjepkes, Chair; Heaton and Wessel-Kroeschell.

[House File 333](#)

Veterans Affairs: Shaw, Chair; Sweeney and Thomas.

[House File 338](#)

Judiciary: Rogers, Chair; Heaton and Lensing.

[House File 343](#)

Judiciary: Heaton, Chair; Swaim and Tjepkes.

[House File 344](#)

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

[House File 345](#)

Judiciary: Garrett, Chair; Heaton and Wolfe.

[Senate File 209](#)

(Committee of the Whole)

Ways and Means: Vander Linden, Chair; Byrnes, Cownie, De Boef, Forristall, Grassley, Hein, Helland, Isenhardt, Jacoby, Kajtazovic, Kaufmann, Kearns, Moore, Muhlbauer, Oldson, Paustian, Petersen, Pettengill, Quirk, Sands, Soderberg, J. Taylor, Thomas and Willems.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 101](#)

Labor: Hanusa, Chair; Brandenburg and Willems.

[House Study Bill 103](#)

Economic Growth/Rebuild Iowa: Lukan, Chair; Grassley, H. Miller, Running-Marquardt and Soderberg.

[House Study Bill 104](#)

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

[House Study Bill 105](#)

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

[House Study Bill 123](#)

Education: Forristall, Chair; Byrnes and Willems.

[House Study Bill 124](#)

Commerce: Soderberg, Chair; Brandenburg, Jacoby, Quirk and Wagner.

[House Study Bill 125](#)

Commerce: Pettengill, Chair; Fry, Oldson, Quirk and Shaw.

[House Study Bill 126](#)

Commerce: Shaw, Chair; Kressig and Windschitl.

[House Study Bill 128](#)

Commerce: Horbach, Chair; Baltimore and Oldson.

[House Study Bill 129](#)

Ways and Means: Sands, Chair; Helland, Jacoby, Kaufmann and Kearns.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 130](#) **Appropriations**

Relating to and making appropriations to the justice system and including effective date provisions.

[H.S.B. 131](#) **Appropriations**

Relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2010, and including effective date and retroactive applicability provisions.

H.S.B. 132 Human Resources

Relating to the child abuse registry administered by the department of human services.

H.S.B. 133 State Government

Relating to election recounts.

H.S.B. 134 State Government

Prohibiting county auditors from providing or appearing to provide certain political endorsements.

H.S.B. 135 Local Government

Allowing certain cities to adopt and establish an alternative benefits retirement system for police officers and fire fighters.

H.S.B. 136 Local Government

Abolishing county compensation boards.

H.S.B. 137 Public Safety

Relating to the sex offender registry and including retroactive and other applicability provisions.

H.S.B. 138 Local Government

Relating to the meetings and activities of the governing boards of certain nonprofit corporations and horizontal property regimes and including applicability provisions.

H.S.B. 139 State Government

Authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

H.S.B. 140 State Government

Relating to the assignment of debts placed with the centralized collection unit of the department of revenue to a private debt collection designee.

H.S.B. 141 State Government

Concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

H.S.B. 142 State Government

Requiring a separate tally of absentee votes by precinct.

H.S.B. 143 Transportation

Concerning implementation of a statewide program for electronic registration and titling of vehicles and including effective date provisions.

H.S.B. 144 Education

Relating to the use of a high school proficiency examination as a condition of graduation and for payment of school foundation aid funding to community colleges and regents universities on behalf of certain students who pass the examination.

H.S.B. 145 Education

Creating an Iowa preschool scholarship program for four-year-old children, repealing the statewide preschool program for four-year-old children, and including effective date and applicability provisions.

H.S.B. 146 Education

Relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a recognized non-Iowa institution.

H.S.B. 147 Education

Relating to the establishment of an independent private instruction option for students of compulsory attendance age.

H.S.B. 148 Environmental Protection

Relating to water resources, by transferring the water resources coordinating council from the office of the governor to the department of agriculture and land stewardship.

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 File 13](#)), requiring all payments for prepaid cemetery and funeral merchandise, and funeral services to be placed in trust or secured by a surety bond.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

Committee Bill (Formerly [House File 261](#)), reducing the period of time during which records of a state bank or state credit union are required to be preserved.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

COMMITTEE ON EDUCATION

Committee Bill (Formerly [House File 81](#)), relating to the use of school district physical plant and equipment levy revenue and statewide school infrastructure funding.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly [House Study Bill 25](#)), allowing an advanced registered nurse practitioner to sign a death certificate.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

Committee Bill (Formerly [House File 60](#)), relating to the Alzheimer's disease task force report.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

Committee Bill (Formerly [House Study Bill 89](#)), relating to investigative costs of the Medicaid fraud control unit.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

COMMITTEE ON WAYS AND MEANS

[Senate File 209](#), a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment [H-1093](#)** February 21, 2011.

Pursuant to Rule 31.7, [Senate File 209](#) was referred to the committee on appropriations.

SUBCOMMITTEE ASSIGNMENT

[Senate File 209](#)
(Committee of the Whole)

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

RESOLUTIONS FILED

[H.C.R. 11](#), by Upmeyer and McCarthy, a concurrent resolution relating to Pioneer Lawmakers.

Laid over under **Rule 25**.

[H.C.R. 12](#), by committee on administration and rules, a concurrent resolution relating to joint rules of the Senate and House of representatives for the Eighty-fourth General Assembly.

Placed on the **calendar**.

[H.R. 13](#), by Sweeney, a resolution urging support of efforts to improve the sustainability of the horse industry.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1092	H.F. 278	Swaim of Davis Kressig of Black Hawk R. Olson of Polk
H-1093	S.F. 209	Committee on Ways and Means
H-1094	H.F. 299	Brandenburg of Pottawattamie Wagner of Linn
H-1095	H.F. 278	Swaim of Davis Kressig of Black Hawk R. Olson of Polk

On motion by Upmeyer of Hancock the House adjourned at 5:31 p.m., until 8:30 a.m., Wednesday, February 23, 2011.