

**PROOF**

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**STATE OF IOWA**

# **House Journal**

**WEDNESDAY, FEBRUARY 23, 2011**

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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.)

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# JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 23, 2011

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

Prayer was offered by Pastor Ron Burcham, Gloria Dei Lutheran Church, Urbandale. He was the guest of Representative Raecker of Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Andy Young, Page from Clarion.

The Journal of Tuesday, February 22, 2011 was approved.

## INTRODUCTION OF BILLS

[House File 369](#), by Klein, a bill for an act relating to pseudorabies testing.

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

[House File 370](#), by Kajtazovic, Berry, M. Smith, Kearns, Hanson, Wittneben, Wessel-Kroeschell, Gaines, Lensing, Abdul-Samad, Mascher, Steckman, Thede, Hunter, Wenthe, Hall, Kressig, Wolfe, Kelley, Isenhardt, Swaim, Murphy, Heddens, and Gaskill, a bill for an act establishing a solar energy rebate program and fund, and making an appropriation.

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

[House File 371](#), by De Boef, a bill for an act relating to the requirement that school districts have a qualified guidance counselor.

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

[House File 372](#), by De Boef, a bill for an act relating to the requirement that school districts have a school nurse to provide health services to its students.

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

[House File 373](#), by Sweeney, a bill for an act requiring health classes to be taught by practitioners holding certain endorsements and including effective date provisions.

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

[House File 374](#), by Hagenow, Klein, Fry, Vander Linden, Huseman, Soderberg, J. Taylor, Pearson, Forristall, and Kaufmann, a bill for an act to designate August 7 of each year as Purple Heart Day.

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

#### ADOPTION OF [HOUSE CONCURRENT RESOLUTION 12](#)

Schulte of Linn asked and received unanimous consent for the immediate consideration of [House Concurrent Resolution 12](#), as follows, and moved its adoption:

##### [HOUSE CONCURRENT RESOLUTION 12](#)

###### BY COMMITTEE ON ADMINISTRATION AND RULES

- 1 A concurrent resolution relating to joint rules of
- 2 the Senate and House of Representatives for the
- 3 Eighty-fourth General Assembly.
- 4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
- 5 SENATE CONCURRING, That the joint rules of the Senate
- 6 and House of Representatives for the ~~Eighty-third~~
- 7 Eighty-fourth General Assembly shall be:
- 8 JOINT RULES OF THE SENATE AND HOUSE
- 9                   Rule 1
- 10                   Suspension of Joint Rules
- 11    The joint rules of the general assembly may be
- 12 suspended by concurrent resolution, duly adopted by a
- 13 constitutional majority of the senate and the house.
- 14                   Rule 2
- 15                   Designation of Sessions
- 16    Each regular session of a general assembly shall be
- 17 designated by the year in which such regular session
- 18 commences.
- 19                   Rule 3

20 Sessions of a General Assembly  
21 The election of officers, organization, hiring and  
22 compensation of employees, and standing committees in  
23 each house of the general assembly and action taken  
24 by each house shall carry over from the first to the  
25 second regular session and to any extraordinary session  
26 of the same general assembly. The status of each  
27 bill and resolution shall be the same at the beginning

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1 of each second session as it was immediately before  
2 adjournment of the previous regular or extraordinary  
3 session; however the rules of either house may provide  
4 for re-referral of some or all bills and resolutions  
5 to standing committees upon adjournment of each  
6 session or at the beginning of a subsequent regular or  
7 extraordinary session, except those which have been  
8 adopted by both houses in different forms.

9 Upon final adoption of a concurrent resolution at  
10 any extraordinary session affecting that session, or at  
11 a regular session affecting any extraordinary session  
12 which may be held before the next regular session,  
13 the creation of any calendar by either house shall be  
14 suspended and the business of the session shall consist  
15 solely of those bills or subject matters stated in the  
16 resolution adopted. Bills named in the resolution, or  
17 bills containing the subject matter provided for in the  
18 resolution, may, at any time, be called up for debate  
19 in either house by the majority leader of that house.

20 Rule 3A

21 International Relations Protocol

22 The senate and the house of representatives shall  
23 comply with the international relations protocol policy  
24 adopted by the international relations committee of the  
25 legislative council.

26 Rule 4

27 Presentation of Messages

28 All messages between the two houses shall be sent  
29 and accepted, as soon as practicable, by the secretary  
30 of the senate ~~or~~ and the chief clerk of the house

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1 of representatives, ~~and~~. The messages shall be  
2 communicated to and received by the presiding officer  
3 of the other house at the earliest appropriate time  
4 when that house is in session.

5 Rule 5

6 Printing and Form of Bills and Other Documents

7 Bills and joint resolutions shall be introduced,  
8 numbered, prepared, and printed as provided by

9 law, or in the absence of such law, in a manner  
10 determined by the secretary of the senate and the  
11 chief clerk of the house of representatives. Proposed  
12 bills and resolutions which are not introduced but  
13 are referred to committee shall be tracked in the  
14 legislative computer system as are introduced bills  
15 and resolutions. The referral of proposed bills  
16 and resolutions to committee shall be entered in the  
17 journal.

18 All bills and joint resolutions introduced shall be  
19 in a form and number approved by the secretary of the  
20 senate and chief clerk of the house.

21 The legal counsel's office of each house shall  
22 approve all bills before introduction.

23 Rule 6

24 Companion Bills

25 Identical bills introduced in one or both houses  
26 shall be called companion bills. Each house shall  
27 designate the sponsor in the usual way followed in  
28 parentheses by the sponsor of any companion bill or  
29 bills in the other house. The house where a companion  
30 bill is first introduced shall print the complete text.

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1 Rule 7

2 Reprinting of Bills

3 Whenever any bill has been substantially amended by  
4 either house, the secretary of the senate or the chief  
5 clerk of the house shall order the bill reprinted on  
6 paper of a different color. All adopted amendments  
7 shall be distinguishable.

8 The secretary of the senate or the chief clerk  
9 of the house may order the printing of a reasonable  
10 number of additional copies of any bill, resolution,  
11 amendment, or journal.

12 Rule 8

13 Daily Clip Sheet

14 The secretary of the senate and the chief clerk of  
15 the house shall prepare a daily clip sheet covering all  
16 amendments filed.

17 Rule 9

18 Reintroduction of Bills and Other Measures

19 A bill or resolution which has passed one house and  
20 is rejected in the other shall not be introduced again  
21 during that general assembly.

22 Rule 10

23 Certification of Bills and Other Enrollments

24 When any bill or resolution which has passed one  
25 house is rejected or adopted in the other, notice of  
26 such action and the date thereof shall be given to the  
27 house of origin in writing signed by the secretary of

28 the senate or the chief clerk of the house.  
29 Rule 11  
30 Code Editor's Correction Bills

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1 A bill recommended by the Code editor which is  
2 passed out of committee to the floor for debate by a  
3 committee of the house or senate and which contains  
4 Code corrections of a nonsubstantive nature shall  
5 not be amended on the floor of either house except  
6 pursuant to corrective or nonsubstantive amendments  
7 filed by the judiciary committee of the senate or  
8 the house. Such committee amendments, whether filed  
9 at the time of initial committee passage of the bill  
10 to the floor for debate or after rereferral to the  
11 committee, shall not be incorporated into the bill in  
12 the originating house but shall be filed separately.  
13 Amendments filed from the floor to strike sections of  
14 the bill or the committee amendments shall be in order.  
15 Following amendment and passage by the second house,  
16 only amendments filed from the floor which strike  
17 sections of the amendment of the second house shall be  
18 in order.  
19 A bill recommended by the Code editor which is  
20 passed out of committee to the floor for debate by a  
21 committee of the house or senate and which contains  
22 Code corrections beyond those of a nonsubstantive  
23 nature shall not be amended on the floor of either  
24 house except pursuant to amendments filed by the  
25 judiciary committee of the senate or the house. Such  
26 committee amendments, whether filed at the time of  
27 initial committee passage of the bill to the floor for  
28 debate or after rereferral to the committee, shall  
29 not be incorporated into the bill in the originating  
30 house but shall be filed separately. Such a bill shall

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1 be limited to corrections which: Adjust language to  
2 reflect current practices, insert earlier omissions,  
3 delete redundancies and inaccuracies, delete temporary  
4 language, resolve inconsistencies and conflicts,  
5 update ongoing provisions, and remove ambiguities.  
6 Amendments filed from the floor to strike sections of  
7 the bill or the committee amendments shall be in order.  
8 Following amendment and passage by the second house,  
9 only amendments filed from the floor which strike  
10 sections of the amendment of the second house shall be  
11 in order.  
12 It is the intent of the house and the senate that  
13 such bills be passed out of committee to the floor for

14 debate within the first four weeks of convening of a  
15 legislative session.

16 Rule 12

17 Amendments by Other House

18 1. When a bill which originated in one house is  
19 amended in the other house, the house originating  
20 the bill may amend the amendment, concur in full in  
21 the amendment, or refuse to concur in full in the  
22 amendment. Precedence of motions shall be in that  
23 order. The amendment of the other house shall not be  
24 ruled out of order based on a question of germaneness.

25 a. If the house originating the bill concurs in the  
26 amendment, the bill shall then be immediately placed  
27 upon its final passage.

28 b. If the house originating the bill refuses to  
29 concur in the amendment, the bill shall be returned to  
30 the amending house which shall either:

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1 (1) Recede, after which the bill shall be read for  
2 the last time and immediately placed upon its final  
3 passage; or

4 (2) Insist, which will send the bill to a  
5 conference committee.

6 c. If the house originating the bill amends the  
7 amendment, that house shall concur in the amendment  
8 as amended and the bill shall be immediately placed  
9 on final passage, and shall be returned to the other  
10 house. The other house cannot further amend the bill.

11 (1) If the amending house which gave second  
12 consideration to the bill concurs in the amendment  
13 to the amendment, the bill shall then be immediately  
14 placed upon its final passage.

15 (2) If the amending house refuses to concur in the  
16 amendment to the amendment, the bill shall be returned  
17 to the house originating the bill which shall either:

18 (a) Recede, after which the bill shall be read for  
19 the last time as amended and immediately placed upon  
20 its final passage; or

21 (b) Insist, which will send the bill to a  
22 conference committee.

23 2. A motion to recede has precedence over a motion  
24 to insist. Failure to recede means to insist; and  
25 failure to insist means to recede.

26 3. A motion to lay on the table or to indefinitely  
27 postpone shall be out of order with respect to motions  
28 to recede from or insist upon and to amendments to  
29 bills which have passed both houses.

30 4. A motion to concur, refuse to concur, recede,

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1 insist, or adopt a conference committee report is in  
2 order even though the subject matter has previously  
3 been acted upon.

4                                   Rule 13  
5                                   Conference Committee

6     1. Within one legislative day after either house  
7 insists upon an amendment to a bill, the presiding  
8 officer of the house, after consultation with the  
9 majority leader, shall appoint three majority party  
10 members and, after consultation with the minority  
11 leader, shall appoint two minority party members  
12 to a conference committee. The majority leader of  
13 the senate, after consultation with the president,  
14 shall appoint three majority party members and,  
15 after consultation with and approval by the minority  
16 leader, shall appoint two minority party members to a  
17 conference committee. The papers shall remain with the  
18 house that originated the bill.

19     2. The conference committee shall meet before  
20 the end of the next legislative day after their  
21 appointment, shall select a chair and shall discuss the  
22 controversy.

23     3. The authority of the first conference committee  
24 shall cover only issues related to provisions of the  
25 bill and amendments to the bill which were adopted  
26 by either the senate or the house of representatives  
27 and on which the senate and house of representatives  
28 differed. If a conference committee report is not  
29 acted upon because such action would violate this  
30 subsection of this rule, the inaction on the report

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1 shall constitute refusal to adopt the conference  
2 committee report and shall have the same effect as if  
3 the conference committee had disagreed.

4     4. An agreement on recommendations must be approved  
5 by a majority of the committee members from each house.  
6 The committee shall submit two originals of the report  
7 signed by a majority of the committee members of each  
8 house with one signed original and three copies to be  
9 submitted to each house. The report shall first be  
10 acted upon in the house originating the bill. Such  
11 action, including all papers, shall be immediately  
12 referred by the secretary of the senate or the chief  
13 clerk of the house of representatives to the other  
14 house.

15     5. The report of agreement is debatable, but  
16 cannot be amended. If the report contains recommended  
17 amendments to the bill, adoption of the report shall

18 automatically adopt all amendments contained therein.  
19 After the report is adopted, there shall be no more  
20 debate, and the bill shall immediately be placed upon  
21 its final passage.  
22 6. Refusal of either house to adopt the conference  
23 committee report has the same effect as if the  
24 committee had disagreed.  
25 7. If the conference committee fails to reach  
26 agreement, a report of such failure signed by a  
27 majority of the committee members of each house shall  
28 be given promptly to each house. The bill shall  
29 be returned to the house that originated the bill,  
30 the members of the committee shall be immediately

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1 discharged, and a new conference committee appointed in  
2 the same manner as the first conference committee.  
3 8. The authority of a second or subsequent  
4 conference committee shall cover free conference during  
5 which the committee has authority to propose amendments  
6 to any portion of a bill provided the amendment is  
7 within the subject matter content of the bill as passed  
8 by the house of origin or as amended by the second  
9 house.

10 Rule 14

11 Enrollment and Authentication of Bills

12 A bill or resolution which has passed both houses  
13 shall be enrolled in the house of origin under the  
14 direction of either the secretary of the senate or the  
15 chief clerk of the house and its house of origin shall  
16 be certified by the endorsement of the secretary of the  
17 senate or the chief clerk of the house.  
18 After enrollment, each bill shall be signed by the  
19 president of the senate and by the speaker of the  
20 house.

21 Rule 15

22 Concerning Other Enrollments

23 All resolutions and other matters which are to  
24 be presented to the governor for approval shall be  
25 enrolled, signed, and presented in the same manner as  
26 bills.  
27 All resolutions and other matters which are not to  
28 be presented to the governor or the secretary of state  
29 shall be enrolled, signed, and retained permanently  
30 by the secretary of the senate or chief clerk of the

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1 house.

2 Rule 16

3 Transmission of Bills to the Governor

4 After a bill has been signed in each house, it shall  
5 be presented by the house of origin to the governor by  
6 either the secretary of the senate or the chief clerk  
7 of the house. The secretary or the chief clerk shall  
8 report the date of the presentation, which shall be  
9 entered upon the journal of the house of origin.

10 Rule 17

11 Fiscal Notes

12 A fiscal note shall be attached to any bill or joint  
13 resolution which reasonably could have an annual effect  
14 of at least one hundred thousand dollars or a combined  
15 total effect within five years after enactment of  
16 five hundred thousand dollars or more on the aggregate  
17 revenues, expenditures, or fiscal liability of the  
18 state or its subdivisions. This rule does not apply  
19 to appropriation and ways and means measures where the  
20 total effect is stated in dollar amounts.

21 Each fiscal note shall state in dollars the  
22 estimated effect of the bill on the revenues,  
23 expenditures, and fiscal liability of the state or  
24 its subdivisions during the first five years after  
25 enactment. The information shall specifically note  
26 the fiscal impact for the first two years following  
27 enactment and the anticipated impact for the succeeding  
28 three years. The fiscal note shall specify the source  
29 of the information. Sources of funds for expenditures  
30 under the bill shall be stated, including federal

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1 funds. If an accurate estimate cannot be made, the  
2 fiscal note shall state the best available estimate or  
3 shall state that no dollar estimate can be made and  
4 state concisely the reason.

5 The preliminary determination of whether the bill  
6 appears to require a fiscal note shall be made by  
7 the legal services staff of the legislative services  
8 agency. Unless the requestor specifies the request is  
9 to be confidential, upon completion of the bill draft,  
10 the legal services staff shall immediately send a copy  
11 to the fiscal services director for review.

12 When a committee reports a bill to the floor, the  
13 committee shall state in the report whether a fiscal  
14 note is or is not required.

15 The fiscal services director or the director's  
16 designee shall review all bills placed on the senate  
17 or house calendars to determine whether the bills are  
18 subject to this rule.

19 Additionally, a legislator may request the  
20 preparation of a fiscal note by the fiscal services  
21 staff for any bill or joint resolution introduced which  
22 reasonably could be subject to this rule.

23 The fiscal services director or the director's  
24 designee shall cause to be prepared and shall approve  
25 a fiscal note within a reasonable time after receiving  
26 a request or determining that a bill is subject to  
27 this rule. All fiscal notes approved by the fiscal  
28 services director shall be transmitted immediately to  
29 the secretary of the senate or the chief clerk of the  
30 house, after notifying the sponsor of the bill that a

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1 fiscal note has been prepared, for publication in the  
2 daily clip sheet. The secretary of the senate or chief  
3 clerk of the house shall attach the fiscal note to the  
4 bill as soon as it is available.

5 The fiscal services director may request the  
6 cooperation of any state department or agency in  
7 preparing a fiscal note.

8 A revised fiscal note may be requested by a  
9 legislator if the fiscal effect of the bill has been  
10 changed by adoption of an amendment. However, a  
11 request for a revised fiscal note shall not delay  
12 action on a bill unless so ordered by the presiding  
13 officer of the house in which the bill is under  
14 consideration.

15 If a date for adjournment has been set, then a  
16 constitutional majority of the house in which the  
17 bill is under consideration may waive the fiscal note  
18 requirement during the three days prior to the date set  
19 for adjournment.

#### 20 Rule 18

##### 21 Legislative Interns

22 Legislators may arrange student internships during  
23 the legislative session with Iowa college, university,  
24 or law school students, for which the students may  
25 receive college credit at the discretion of their  
26 schools. Each legislator is allowed only one intern  
27 at a time per legislative session, and all interns must  
28 be registered with the offices of the secretary of the  
29 senate and the chief clerk of the house.

30 The purpose of the legislative intern program shall

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1 be: to provide useful staff services to legislators  
2 not otherwise provided by the general assembly; to give  
3 interested college, graduate, and law school students  
4 practical experience in the legislative process as well  
5 as providing a meaningful educational experience; and  
6 to enrich the curriculum of participating colleges and  
7 universities.

8 The secretary of the senate and the chief clerk of

9 the house or their designees shall have the following  
10 responsibilities as regards the legislative intern  
11 program:  
12 1. Identify a supervising faculty member at each  
13 participating institution who shall be responsible  
14 for authorizing students to participate in the intern  
15 program.  
16 2. Provide legislators with a list of participating  
17 institutions and the names of supervising professors to  
18 contact if interested in arranging for an intern.  
19 3. Provide interns with name badges which will  
20 allow them access to the floor of either house when  
21 required to be present by the legislators for whom they  
22 work.  
23 4. Provide orientation materials to interns prior  
24 to the convening of each session.  
25 Rule 19  
26 Administrative Rules Review Committee Bills and Rule  
27 Referrals  
28 A bill which relates to departmental rules and  
29 which is approved by the administrative rules review  
30 committee by a majority of the committee's members

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1 of each house is eligible for introduction in either  
2 house at any time and must be referred to a standing  
3 committee, which must take action on the bill within  
4 three weeks of referral, except bills referred to  
5 appropriations and ways and means committees.  
6 If, on or after July 1, 1999, the administrative  
7 rules review committee delays the effective date of a  
8 rule until the adjournment of the next regular session  
9 of the general assembly and the speaker of the house  
10 or the president of the senate refers the rule to a  
11 standing committee, the standing committee shall review  
12 the rule within twenty-one days of the referral and  
13 shall take formal committee action by sponsoring a  
14 joint resolution to disapprove the rule, by proposing  
15 legislation relating to the rule, or by refusing to  
16 propose a joint resolution or legislation concerning  
17 the rule. The standing committee shall inform the  
18 administrative rules review committee of the committee  
19 action taken concerning the rule.  
20 Rule 20  
21 Time of Committee Passage and Consideration of Bills  
22 1. This rule does not apply to concurrent or  
23 simple resolutions, joint resolutions nullifying  
24 administrative rules, senate confirmations, bills  
25 embodying redistricting plans prepared by the  
26 legislative services agency pursuant to chapter  
27 42, or bills passed by both houses in different

28 forms. Subsection 2 of this rule does not apply to  
29 appropriations bills, ways and means bills, government  
30 oversight bills, legalizing acts, administrative

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1 rules review committee bills, bills sponsored by  
2 standing committees in response to a referral from  
3 the president of the senate or the speaker of the  
4 house of representatives relating to an administrative  
5 rule whose effective date has been delayed until the  
6 adjournment of the next regular session of the general  
7 assembly by the administrative rules review committee,  
8 bills cosponsored by majority and minority floor  
9 leaders of one house, bills in conference committee,  
10 and companion bills sponsored by the majority floor  
11 leaders of both houses after consultation with the  
12 respective minority floor leaders. For the purposes of  
13 this rule, a joint resolution is considered as a bill.  
14 To be considered an appropriations, ways and means,  
15 or government oversight bill for the purposes of this  
16 rule, the appropriations committee, the ways and means  
17 committee, or the government oversight committee must  
18 either be the sponsor of the bill or the committee of  
19 first referral in the originating house.  
20 2. To be placed on the calendar in the house of  
21 origin, a bill must be first reported out of a standing  
22 committee by Friday of the ~~9th~~ 8th week of the first  
23 session and the 8th week of the second session. To be  
24 placed on the calendar in the other house, a bill must  
25 be first reported out of a standing committee by Friday  
26 of the ~~10th~~ 12th week of the first session and the 11th  
27 week of the second session.  
28 3. During the ~~11th~~ 10th week of the first session  
29 and the 9th week of the second session, each house  
30 shall consider only bills originating in that house and

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1 unfinished business. During the ~~14th~~ 13th week of the  
2 first session and the 12th week of the second session,  
3 each house shall consider only bills originating in the  
4 other house and unfinished business. Beginning with  
5 the ~~15th~~ 14th week of the first session and the 13th  
6 week of the second session, each house shall consider  
7 only bills passed by both houses, bills exempt from  
8 subsection 2, and unfinished business.  
9 4. A motion to reconsider filed and not disposed  
10 of on an action taken on a bill or resolution which is  
11 subject to a deadline under this rule may be called up  
12 at any time before or after the day of the deadline by  
13 the person filing the motion or after the deadline by

14 the majority floor leader, notwithstanding any other  
15 rule to the contrary.

16 Rule 21

17 Resolutions

18 1. A "concurrent resolution" is A resolution to  
19 be adopted by both houses of the general assembly  
20 which expresses the sentiment of the general assembly  
21 or deals with temporary legislative matters. It  
22 may authorize the expenditure, for any legislative  
23 purpose, of funds appropriated to the general assembly.  
24 A concurrent resolution is not limited to, but may  
25 provide for a joint convention of the general assembly,  
26 adjournment or recess of the general assembly, or  
27 requests to a state agency or to the general assembly  
28 or a committee. A concurrent resolution requires  
29 the affirmative vote of a majority of the senators or  
30 representatives present and voting unless otherwise

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1 specified by statute. A concurrent resolution does  
2 not require the governor's approval unless otherwise  
3 specified by statute. A concurrent resolution shall  
4 be filed with the secretary of the senate or the chief  
5 clerk of the house. A concurrent resolution shall be  
6 printed in the bound journal after its adoption.  
7 2. A "joint resolution" is A resolution which  
8 requires for approval the affirmative vote of a  
9 constitutional majority of each house of the general  
10 assembly. A joint resolution which appropriates funds  
11 or enacts temporary laws must contain the clause "Be It  
12 Enacted by the General Assembly of the State of Iowa:",  
13 is equivalent to a bill, and must be transmitted to  
14 the governor for approval. A joint resolution which  
15 proposes amendments to the Constitution of the State  
16 of Iowa, ratifies amendments to the Constitution of  
17 the United States, proposes a request to Congress  
18 or an agency of the government of the United States  
19 of America, proposes to Congress an amendment to the  
20 Constitution of the United States of America, nullifies  
21 an administrative rule, or creates a special commission  
22 or committee must contain the clause "Be It Resolved by  
23 the General Assembly of the State of Iowa:" and shall  
24 not be transmitted to the governor. A joint resolution  
25 shall not amend a statute in the Code of Iowa.

26 Rule 22

27 Nullification Resolutions

28 A "nullification resolution" is a joint resolution  
29 which nullifies all of an administrative rule, or  
30 a severable item of an administrative rule adopted

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1 pursuant to chapter 17A of the Code. A nullification  
2 resolution shall not amend an administrative rule by  
3 adding language or by inserting new language in lieu of  
4 existing language.

5 A nullification resolution is debatable, but cannot  
6 be amended on the floor of the house or senate. The  
7 effective date of a nullification resolution shall  
8 be stated in the resolution. Any motions filed to  
9 reconsider adoption of a nullification resolution  
10 must be disposed of within one legislative day of the  
11 filing.

#### 12 Rule 23

#### 13 Consideration of Vetoes

14 1. The senate and house calendar shall include a  
15 list known as the "Veto Calendar." The veto calendar  
16 shall consist of:

17 a. Bills returned to that house by the governor  
18 in accordance with Article III, section 16 of the  
19 Constitution of the State of Iowa.

20 b. Appropriations items returned to that house by  
21 the governor in accordance with Article III, section 16  
22 of the Constitution of the State of Iowa.

23 c. Bills and appropriations items received from the  
24 other house after that house has voted to override a  
25 veto of them by the governor.

26 2. Vetoes bills and appropriations items shall  
27 automatically be placed on the veto calendar upon  
28 receipt. Vetoes bills and appropriations items shall  
29 not be referred to committee.

30 3. Upon first publication in the veto calendar, the

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1 senate majority leader or the house majority leader  
2 may call up a vetoed bill or appropriations item at any  
3 time.

4 4. The affirmative vote of two-thirds of the  
5 members of the body by record roll call is required on  
6 a motion to override an executive veto or item veto.

7 5. A motion to override an executive veto or item  
8 veto is debatable. A vetoed bill or appropriation item  
9 cannot be amended in this case.

10 6. The vote by which a motion to override an  
11 executive veto or item veto passes or fails to pass  
12 either house is not subject to reconsideration under  
13 senate rule 24 or house rule 73.

14 7. The secretary of the senate or the chief clerk  
15 of the house shall immediately notify the other house  
16 of the adoption or rejection of a motion to override an  
17 executive veto or item veto.

18 8. All bills and appropriations items on the veto  
19 calendar shall be disposed of before adjournment sine  
20 die, unless the house having a bill or appropriation  
21 item before it declines to do so by unanimous consent.

22 9. Bills and appropriations items on the veto  
23 calendar are exempt from deadlines imposed by joint  
24 rule 20.

25 Rule 24

26 Special Rules Regarding Redistricting for 2010

27 1. If, pursuant to chapter 42, either the senate or  
28 the house of representatives rejects a redistricting  
29 plan submitted by the legislative services agency, the  
30 house rejecting the plan shall convey the reasons for

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1 the rejection of the plan to the legislative services  
2 agency by resolution.  
3 2. If, pursuant to chapter 42, the legislative  
4 services agency submits a third redistricting plan  
5 as provided by law, the senate and the house of  
6 representatives, when considering a bill embodying the  
7 third plan, shall be allowed to accept for filing as  
8 amendments only such amendments which constitute the  
9 total text of a congressional plan without striking  
10 a legislative redistricting plan, the total text of  
11 a legislative redistricting plan without striking a  
12 congressional plan, or the combined total text of a  
13 congressional plan and a legislative redistricting  
14 plan, and nonsubstantive, technical corrections to the  
15 text of any such bills or amendments.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that  
[House File 45](#) be immediately messaged to the Senate.

On motion by Upmeyer of Hancock, the House was recessed at 8:48  
a.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:05 p.m., Speaker Paulsen in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Willems of Linn on request of Gaines of Polk.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 23, 2011, passed the following bill in which the concurrence of the House is asked:

[Senate File 120](#), a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

Also: That the Senate has on February 23, 2011, passed the following bill in which the concurrence of the House is asked:

[Senate File 121](#), a bill for an act relating to donations made in a criminal proceeding.

Also: That the Senate has on February 23, 2011, passed the following bill in which the concurrence of the House is asked:

[Senate File 130](#), a bill for an act relating to raccoon hunting.

Also: That the Senate has on February 23, 2011, passed the following bill in which the concurrence of the House is asked:

[Senate File 205](#), a bill for an act relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

[House File 375](#), by Murphy, a bill for an act providing labeling requirements for certain genetically modified agricultural commodities and products, making penalties applicable, providing penalties, and including effective date provisions.

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

[House File 376](#), by Kajtazovic and Petersen, a bill for an act requiring public hearings in each congressional district for certain proposed health insurance rate increases.

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

[House File 377](#), by Kajtazovic, a bill for an act relating to community development by allocating tax credits for redevelopment of brownfields and grayfields and by making an appropriation for certain community partnership programs designed to support community beautification projects.

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

[House File 378](#), by Pettengill, a bill for an act relating to the requirements for early childhood Iowa areas.

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

[House File 379](#), by Klein, a bill for an act relating to access to and funding of the educational services offered under a home school assistance program.

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

[House File 380](#), by Pearson, a bill for an act relating to the production or manufacture of goods retained within the state of Iowa and federal authority in relation thereto, providing penalties, and including effective date and applicability provisions.

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

[House File 381](#), by T. Olson, a bill for an act relating to the rights of parties to private and public construction contracts and including applicability provisions.

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

[House File 382](#), by R. Olson, a bill for an act relating to license revocation periods for persons under the age of twenty-one and Iowa's operating-while-intoxicated law.

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

[House File 383](#), by Schultz, a bill for an act directing state aid funding for special education support services, media services, educational services, area education agency professional development supplement, and area education agency teacher salary supplement to the applicable school districts, allowing school districts to establish the method of providing the services the funding supports, and including applicability provisions.

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

[House File 384](#), by Schultz, a bill for an act authorizing area education agencies to competitively bid to provide services to school districts and accredited nonpublic schools.

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

[House File 385](#), by Koester and Lofgren, a bill for an act concerning the protection of student athletes from concussions and other brain injuries.

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

[House File 386](#), by Gaskill and Steckman, a bill for an act relating to public utility operation and regulation.

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

[House File 387](#), by Gaskill, a bill for an act relating to a review of certain financial processes of state agencies.

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

[House File 388](#), by Gaskill, a bill for an act relating to the approval and use of increased local sales and services tax revenues to fund urban renewal projects and including effective date provisions.

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

## SENATE MESSAGES CONSIDERED

[Senate File 120](#), by committee on education, a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

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

[Senate File 121](#), by committee on judiciary, a bill for an act relating to donations made in a criminal proceeding.

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

[Senate File 130](#), by committee on natural resources and environment, a bill for an act relating to raccoon hunting.

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

[Senate File 205](#), by committee on transportation, a bill for an act relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

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

## IMMEDIATE MESSAGE

Helland of Polk asked and received unanimous consent that [House Concurrent Resolution 12](#) be immediately messaged to the Senate.

## COMMITTEE REVISION

The Speaker announced the following change to the House committee assignments, effective immediately:

Winckler of Scott replaced Gaines of Polk on the committee on **environmental protection**.

## SUBCOMMITTEE ASSIGNMENTS

[House File 291](#)

Public Safety: Tjepkes, Chair; Baudler and R. Olson.

[House File 317](#)

Transportation: Rogers, Chair; Hall and Massie.

[House File 331](#)

Transportation: Massie, Chair; Wenthe and Windschitl.

[House File 332](#)

Transportation: Tjepkes, Chair; Iverson and Lykam.

[House File 334](#)

Commerce: Wagner, Chair; Quirk and Watts.

[House File 335](#)

Commerce: Pettengill, Chair; Muhlbauer and Shaw.

[House File 336](#)

Commerce: Fry, Chair; Iverson and Lykam.

[House File 337](#)

Commerce: Windschitl, Chair; T. Olson and Paustian.

[House File 339](#)

State Government: Drake, Chair; Isenhart and Jorgensen.

[House File 342](#)

Commerce: Windschitl, Chair; Kajtazovic and Paustian.

[House File 348](#)

Agriculture: Drake, Chair; Deyoe and Kelley.

[House File 353](#)

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

[House File 354](#)

State Government: Koester, Chair; Jorgensen and Mascher.

[House File 355](#)

Agriculture: Sweeney, Chair; Alons and H. Miller.

[House File 359](#)

State Government: Rogers, Chair; Isenhart and Kaufmann.

[House File 360](#)

State Government: Cownie, Chair; Quirk and Raecker.

[House File 361](#)

State Government: Drake, Chair; Kajtazovic and Schulte.

[House File 362](#)

Transportation: Worthan, Chair; Murphy and Rasmussen.

[House File 366](#)

Transportation: Pearson, Chair; Petersen and Windschitl.

[House File 367](#)

Transportation: Garrett, Chair; Hanson and Rasmussen.

[House File 369](#)

Agriculture: Hein, Chair; Moore and Muhlbauer.

[House File 371](#)

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

[House File 372](#)

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

[House File 373](#)

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

[House File 374](#)

Veterans Affairs: Alons, Chair; Kearns and J. Taylor.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 40 Reassigned  
(Committee of the Whole)**

Labor: Horbach, Chair; Brandenburg, Deyoe, Forristall, Hanusa, Hunter, Jorgensen, Kearns, Klein, L. Miller, Moore, Murphy, Running-Marquardt, Schultz, T. Taylor, Watts and Willems.

**House Study Bill 107**

Local Government: Hager, Chair; Iverson and Wittneben.

**House Study Bill 127**

Public Safety: Hagenow, Chair; Abdul-Samad and S. Olson.

**House Study Bill 130  
(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.

**House Study Bill 131  
(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.

**House Study Bill 132**

Human Resources: Fry, Chair; Hunter and Jorgensen.

**House Study Bill 133**

State Government: Schulte, Chair; Mascher and Rogers.

**House Study Bill 134**

State Government: Vander Linden, Chair; Gaskill and Koester.

**House Study Bill 135**

Local Government: Baltimore, Chair; Kearns and Wagner.

**House Study Bill 136**

Local Government: Iverson, Chair; Berry and Klein.

[House Study Bill 137](#)

Public Safety: Hagenow, Chair; Berry and Shaw.

[House Study Bill 138](#)

Local Government: Iverson, Chair; Arnold and Gaskill.

[House Study Bill 139](#)

State Government: Koester, Chair; Rogers and Wenthe.

[House Study Bill 140](#)

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

[House Study Bill 141](#)

State Government: Iverson, Chair; Drake and Hunter.

[House Study Bill 142](#)

State Government: Jorgensen, Chair; Koester and Mascher.

[House Study Bill 143](#)

Transportation: Tjepkes, Chair; Lykam and Van Engelenhoven.

[House Study Bill 144](#)

Education: Forristall, Chair; Abdul-Samad and Lofgren.

[House Study Bill 145](#)

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

[House Study Bill 146](#)

Education: Forristall, Chair; Jorgensen and Winckler.

[House Study Bill 147](#)

Education: Forristall, Chair; Byrnes and Mascher.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 149 Agriculture**

Relating to reimbursement for state audits of certain commodity organizations, and including effective date provisions.

**H.S.B. 150 Judiciary**

Restricting claims involving mineral rights underlying land owned by another person.

**H.S.B. 151 Judiciary**

Relating to the probate and trust codes and state inheritance tax and medical assistance claims and including applicability provisions.

**H.S.B. 152 Public Safety**

Relating to sexual misconduct committed by employees and agents of the department of corrections and judicial district departments of correctional services, and providing a penalty.

**H.S.B. 153 Public Safety**

Relating to the criminal offense of possessing contraband at a secure facility and making penalties applicable.

**H.S.B. 154 Local Government**

Relating to actions against political subdivisions.

**H.S.B. 155 Local Government**

Providing for the assumption by certain cities of county powers and authority, establishing an advisory committee, and including effective date provisions.

**H.S.B. 156 Commerce**

Limiting the number of transactions entered into in connection with a delayed deposit services business, creating a statewide database, and providing for a fee.

**H.S.B. 157 Commerce**

Relating to hearings conducted with regard to petitions for an electric transmission line franchise.

**H.S.B. 158 Commerce**

Providing for the installation and operation of an automatic metering and termination of service system by electric utilities.

**H.S.B. 159 Commerce**

Authorizing the establishment of health insurance exchanges in the state and including effective date provisions.

**H.S.B. 160 Education**

Relating to vehicular transportation for students and making penalties applicable.

**H.S.B. 161 Education**

Relating to the duties and operations of the state's community colleges.

**H.S.B. 162 Local Government**

Relating to the administration of the special appraiser's fund and the assessment expense fund.

**H.S.B. 163 Local Government**

Relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

**H.S.B. 164 Agriculture**

Providing for services relating to livestock pregnancy, and including effective date provisions.

**H.S.B. 165 Judiciary**

Relating to the operations of certain common interest communities.

**H.S.B. 166 Judiciary**

Relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions.

**H.S.B. 167 Labor**

Relating to teacher termination and appeals thereof.

**H.S.B. 168 State Government**

Relating to the solicitation, delivery, and return of absentee ballot applications.

**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 AGRICULTURE**

**Committee Bill** (Formerly [House Study Bill 99](#)), relating to preferred stock issued by cooperative associations.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

**Committee Bill** (Formerly [House Study Bill 108](#)), placing the agricultural development authority within the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

**Committee Bill** (Formerly [House Study Bill 110](#)), relating to the regulation of egg production.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2011.

**Committee Bill** (Formerly [House Study Bill 111](#)), providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

**Committee Bill** (Formerly [House Study Bill 113](#)), relating to motor fuel, including ethanol blended gasoline and biodiesel or biodiesel blended motor fuel, by providing for regulation and taxes.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

**Committee Bill** (Formerly [House File 293](#)), relating to a tax credit for the promotion of biodiesel blended fuel, and including effective date and applicability provisions.

Fiscal Note is required.

Recommended **Do Pass** February 23, 2011.

#### COMMITTEE ON APPROPRIATIONS

[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-1097](#) February 22, 2011.

## COMMITTEE ON COMMERCE

**Committee Bill** (Formerly [House Study Bill 102](#)), relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2011.

**Committee Bill** (Formerly [House Study Bill 126](#)), relating to the licensing and regulation of real estate brokers and salespersons.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

## COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly [House Study Bill 48](#)), relating to rulemaking authority of the department of natural resources and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

**Committee Bill** (Formerly [House Study Bill 75](#)), relating to certain fees assessed for activities regulated under the federal Clean Air Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly [House Study Bill 90](#)), relating to programs and activities under the purview of the department of public health.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2011.

## COMMITTEE ON LABOR

**Committee Bill** (Formerly [House Study Bill 40](#)), excepting certain employee injuries which occur on an employer's premises from compensability under the state's workers' compensation laws.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2011.

**Committee Bill** (Formerly [House Study Bill 91](#)), relating to bidding and contracting for public improvement, public works, and public road projects and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

#### COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly [House Study Bill 67](#)), requiring an arrested person to submit a DNA sample if the arrest is for a felony and providing for the reimbursement of costs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

**Committee Bill** (Formerly [House Study Bill 69](#)), modifying the criminal offense of interference with official acts.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2011.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly [House File 42](#)), repealing the Iowa plumber, mechanical professional, and contractor licensing Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

**Committee Bill** (Formerly [House File 103](#)), relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 23, 2011.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly [House File 239](#)), concerning the types of motor vehicle speeding violations to be considered for purposes related to driver's license sanctions and motor vehicle insurance policies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

## RESOLUTION FILED

[H.R. 14](#), by Abdul-Samad, H. Miller, Berry, Gaines, and Thede, a resolution designating February 2011 as Black History Month.

Laid over under **Rule 25**.

## AMENDMENTS FILED

<a href="#">H-1096</a>	<a href="#">H.F. 341</a>	Hunter of Polk
<a href="#">H-1097</a>	<a href="#">S.F. 209</a>	Committee on Appropriations
<a href="#">H-1098</a>	<a href="#">H.F. 268</a>	Lukan of Dubuque
<a href="#">H-1099</a>	<a href="#">H.F. 186</a>	Baudler of Adair

On motion by Helland of Polk the House adjourned at 5:09 p.m., until 8:30 a.m., Thursday, February 24, 2011.