

PROOF

STATE OF IOWA

House Journal

THURSDAY, FEBRUARY 24, 2011

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

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 24, 2011

The House met pursuant to adjournment at 8:36 a.m., Kaufmann of Cedar in the chair.

Prayer was offered by Reverend Rick Jenkins, Chaplain at the Anamosa State Penitentiary. He was the guest of Representative Hein of Jones County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alyssa Frese, Legislative Services Agency Page from Norway.

The Journal of Wednesday, February 23, 2011 was approved.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

HOUSE MEMORIAL RESOLUTION 101

WHEREAS, The Honorable Robert M. L. Johnson, of Linn County, Iowa, who was a member of the Sixty-eighth, Sixty-ninth, Sixty-ninth Extra and Sixty-ninth Second-Extra General Assemblies, passed away April 13, 2009; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Helland of Polk moved the adoption of House Memorial Resolution 101. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

HOUSE MEMORIAL RESOLUTION 102

WHEREAS, The Honorable Jane Svoboda, of Tama County, Iowa, who was a member of the Seventy-second, Seventy-second Extra, Seventy-second Second-extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra and Seventy-fourth Second-extra General Assemblies, passed away on March 14, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating her life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

M. Smith of Marshall moved the adoption of House Memorial Resolution 102. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

HOUSE MEMORIAL RESOLUTION 103

WHEREAS, The Honorable Opal L. Miller, of Calhoun County, Iowa, who was a member of the Sixty-sixth and Sixty-seventh General Assemblies, passed away on April 1, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating her life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

H. Miller of Webster moved the adoption of House Memorial Resolution 103. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

HOUSE MEMORIAL RESOLUTION 104

WHEREAS, The Honorable Samuel Anania, of Polk County, Iowa, who was a member of the Sixty-fourth General Assembly, passed away on May 25, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Hunter of Polk moved the adoption of House Memorial Resolution 104. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 105

HOUSE MEMORIAL RESOLUTION 105

WHEREAS, The Honorable Paul Bell, of Jasper County, Iowa, who was a member of the Seventy-fifth, Seventy-sixth, Seventy-seventh, Seventy-eighth, Seventy-ninth, Seventy-ninth Extra, Seventy-ninth Second-extra, Eightieth, Eightieth Extra, Eightieth Second-extra, Eighty-first, Eighty-first Extra, Eighty-second and Eighty-third General Assemblies, passed away on June 7, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Kelley of Jasper moved the adoption of House Memorial Resolution 105. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 106

HOUSE MEMORIAL RESOLUTION 106

WHEREAS, The Honorable Joseph M. Kremer, of Buchanan County, Iowa, who was a member of the Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second-extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra, Seventy-fourth Second-extra, Seventy-sixth and Seventy-seventh General Assemblies, passed away on June 30, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Rasmussen of Buchanan moved the adoption of House Memorial Resolution 106. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 107

HOUSE MEMORIAL RESOLUTION 107

WHEREAS, The Honorable Donald LeRoy Gries, of Crawford County, Iowa, who was a member of the Seventy-fifth, Seventy-sixth and Seventy-seventh General Assemblies, passed away on July 8, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Schultz of Crawford moved the adoption of House Memorial Resolution 107. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 108

HOUSE MEMORIAL RESOLUTION 108

WHEREAS, The Honorable William H. Harbor, of Mills County, Iowa, who was a member of the Fifty-sixth, Fifty-seventh, Fifty-eighth, Sixty-second, Sixty-third, Sixty-fourth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth

Extra, Sixty-ninth Second-extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second-extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra and Seventy-fourth Second-extra General Assemblies, he was also the Chief Clerk of the House during the Sixty-fifth General Assembly, passed away on July 30, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Anderson of Page moved the adoption of House Memorial Resolution 108. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 109

HOUSE MEMORIAL RESOLUTION 109

WHEREAS, The Honorable Robert M. Kreamer, of Polk County, Iowa, who was a member of the Sixty-third, Sixty-fourth, Sixty-fifth and Sixty-sixth General Assemblies, passed away on October 1, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Hagenow of Polk moved the adoption of House Memorial Resolution 109. The motion prevailed and the resolution was adopted.

ADOPTION OF [HOUSE CONCURRENT RESOLUTION 11](#)

Helland of Polk called up for consideration [House Concurrent Resolution 11](#), a concurrent resolution relating to Pioneer Lawmakers, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF [HOUSE RESOLUTION 14](#)

Abdul-Samad of Polk called up for consideration [House Resolution 14](#), a resolution designating February 2011 as Black History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Helland of Polk, the House was recessed at 8:56 a.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:01 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

[House File 389](#), by committee on human resources, a bill for an act relating to investigative costs of the Medicaid fraud control unit.

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

[House File 390](#), by committee on human resources, a bill for an act relating to an Alzheimer's disease response strategy.

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

[House File 391](#), by committee on education, a bill for an act relating to the use of school district physical plant and equipment levy revenue for certain joint infrastructure projects.

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

[House File 392](#), by committee on state government, a bill for an act relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing Act and to the fee structure for professional licenses.

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

[House File 393](#), by committee on human resources, a bill for an act allowing an advanced registered nurse practitioner to sign a death certificate.

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

[House File 394](#), by Schultz, a bill for an act allowing certain milk and products using milk to be transferred directly by operators of dairy farms, and making penalties applicable.

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

[House File 395](#), by R. Olson, a bill for an act relating to verification of payment of child support, and providing a penalty.

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

[House File 396](#), by Hein, a bill for an act relating to the underage possession or consumption of alcohol and providing penalties.

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

[House File 397](#), by R. Olson and Wolfe, a bill for an act relating to the dissemination of criminal history data and expunging records relating to the dismissal of or acquittal on a criminal charge.

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

[House File 398](#), by committee on public safety, a bill for an act modifying the criminal offense of interference with official acts.

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

[House File 399](#), by T. Taylor, a bill for an act relating to close clearances and safe spaces around railroad tracks and railroad facilities, and providing penalties and including effective date provisions.

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

[House File 400](#), by T. Taylor, a bill for an act relating to passive highway-rail grade crossings by providing for the establishment and enforcement of statewide standards and providing requirements for road users approaching passive highway-rail grade crossings, and including penalty provisions.

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

[House File 401](#), by committee on labor, a bill for an act excepting certain employee injuries which occur on an employer's premises from compensability under the state's workers' compensation laws.

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

[House File 402](#), by committee on environmental protection, a bill for an act relating to certain fees assessed for activities regulated under the federal Clean Air Act.

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

[House File 403](#), by committee on public safety, a bill for an act requiring a person convicted of an aggravated misdemeanor to submit a DNA sample and providing for the reimbursement of costs.

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

[House File 404](#), by committee on commerce, a bill for an act relating to payments for prepaid cemetery and funeral merchandise, and funeral services that are required to be placed in trust or secured by a surety bond.

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

[House File 405](#), by committee on commerce, a bill for an act relating to records requirements applicable to state banks and state credit unions, and causes of action and duties in relation thereto.

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

[House File 406](#), by committee on transportation, a bill for an act concerning the types of motor vehicle speeding violations to be considered for purposes related to driver's license sanctions and motor vehicle insurance policies and including applicability provisions.

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

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that [House Concurrent Resolution 11](#) be immediately messaged to the Senate.

HOUSE FILE REFERRED

The Speaker announced that [House File 300](#), previously placed on the **calendar** was referred to committee on **ways and means**.

SUBCOMMITTEE ASSIGNMENTS

**[House File 171](#) 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 File 200](#)

Judiciary: Kaufmann, Chair; Gaines and Heaton.

[House File 307](#)

Human Resources: Schulte, Chair; Fry and Mascher.

[House File 311](#)

Labor: Jorgensen, Chair; Deyoe and Willems.

[House File 312](#)

Labor: Watts, Chair; Deyoe and Murphy.

[House File 313](#)

Labor: Brandenburg, Chair; Kearns and Moore.

[House File 326](#)

Labor: Moore, Chair; Forristall and Hunter.

[House File 327](#) Reassigned

Natural Resources: Rayhons, Chair; Arnold, Hanson, Kelley and J. Smith.

[House File 340](#)

Labor: Moore, Chair; Forristall and Hunter.

[House File 346](#)

Labor: Moore, Chair; Hunter and Schultz.

[House File 347](#)

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

[House File 351](#)

Commerce: Wagner, Chair; Iverson and Lykam.

[House File 352](#)

Economic Growth/Rebuild Iowa: Byrnes, Chair; Hall and Hanusa.

[House File 357](#)

Local Government: Arnold, Chair; Iverson and Thede.

[House File 358](#)

Natural Resources: Sweeney, Chair; Hager and Hall.

[House File 365](#)

Commerce: Windschitl, Chair; Brandenburg and Muhlbauer.

[House File 370](#)

Commerce: Watts, Chair; Kressig and Shaw.

[House File 376](#)

Commerce: Pettengill, Chair; Kajtazovic and Paustian.

[House File 377](#)

Economic Growth/Rebuild Iowa: Byrnes, Chair; Baltimore and Hall.

[House File 378](#)

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

[House File 379](#)

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

[House File 380](#)

Commerce: Grassley, Chair; J. Smith and Swaim.

[House File 381](#)

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

[House File 383](#)

Education: Forristall, Chair; Jorgensen and Willems.

[House File 384](#)

Education: Forristall, Chair; Jorgensen and Willems.

[House File 386](#)

Commerce: Wagner, Chair; Kressig and Shaw.

[House Concurrent Resolution 9](#) Reassigned

Commerce: Watts, Chair; Quirk and Wagner.

[Senate File 205](#)

Transportation: Iverson, Chair; Huseman, Lykam, Tjepkes and Wolfe.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 122](#)

Human Resources: L. Miller, Chair; Koester and Wolfe.

[House Study Bill 149](#)

Agriculture: De Boef, Chair; H. Miller and Rasmussen.

[House Study Bill 150](#)

Judiciary: Tjepkes, Chair; Alons and Oldson.

[House Study Bill 151](#)

Judiciary: Hagenow, Chair; Anderson, Baltimore, Gaines and Swaim.

[House Study Bill 152](#)

Public Safety: Alons, Chair; Abdul-Samad and Shaw.

[House Study Bill 153](#)

Public Safety: Fry, Chair; Alons and Gaines.

[House Study Bill 154](#)

Local Government: Helland, Chair; Berry and Iverson.

[House Study Bill 155](#)

Local Government: Wagner, Chair; Baltimore and Kearns.

[House Study Bill 156](#)

Commerce: J. Smith, Chair; Iverson and T. Olson.

[House Study Bill 157](#)

Commerce: Wagner, Chair; Kressig and J. Smith.

[House Study Bill 158](#)

Commerce: Paustian, Chair; Muhlbauer and Windschitl.

[House Study Bill 159](#)

Commerce: Pettengill, Chair; Fry and Oldson.

[House Study Bill 160](#)

Education: Hanusa, Chair; Abdul-Samad and J. Taylor.

[House Study Bill 161](#)

Education: Byrnes, Chair; Gaines and Lofgren.

[House Study Bill 162](#)

Local Government: Wagner, Chair; Helland and Kajtazovic.

[House Study Bill 163](#)

Local Government: Wagner, Chair; Gaines and Klein.

[House Study Bill 165](#)

Judiciary: Kaufmann, Chair; Hagenow and Oldson.

[House Study Bill 166](#)

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

[House Study Bill 167](#)

Labor: Deyoe, Chair; Forristall and Willems.

[House Study Bill 168](#)

State Government: Schulte, Chair; Massie and T. Taylor.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 169 State Government

Related to absentee voting by tenants of assisted living programs.

H.S.B. 170 State Government

Relating to preservation of tally lists after an election.

H.S.B. 171 Appropriations

Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters.

H.S.B. 172 Appropriations

Relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

H.S.B. 173 Labor

Providing that the workers' compensation commissioner and the labor commissioner shall be appointed by and serve at the pleasure of the director of the department of workforce development and including effective date provisions.

H.S.B. 174 Judiciary

Relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

H.S.B. 175 Judiciary

Relating to interpreters and translators for limited English proficient participants in legal proceedings and in court-ordered programs.

H.S.B. 176 Judiciary

Relating to the administration of the judicial branch including shorthand reporters and the practice of law, making appropriations, and providing for a fee.

H.S.B. 177 Judiciary

Relating to the appointment of judicial officers, senior judges, and clerks of the district court.

H.S.B. 178 Local Government

Relating to county support of county civil service commissions.

H.S.B. 179 Environmental Protection

Relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

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

ENVIRONMENTAL PROTECTION

Committee Bill (Formerly [House File 295](#)), relating to wastewater discharges by on-farm processing operations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2011.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly [House Study Bill 10](#)), concerning the retention of funds due to contractors on public improvements.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 64](#)), relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2011.

COMMITTEE ON LABOR

Committee Bill (Formerly [House File 171](#)), 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.

Fiscal Note is not required.

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

COMMITTEE ON LOCAL GOVERNMENT

[House File 132](#), a bill for an act relating to recording requirements and required notices when approving, amending, or modifying certain urban renewal plans.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment [H-1100](#)** February 23, 2011.

Committee Bill (Formerly [House Study Bill 58](#)), relating to the determination of city population for purposes of civil service commissions.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 59](#)), providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 81](#)), permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

Fiscal Note is not required.

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

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly [House File 96](#)), relating to the attachment of tags to deer carcasses.

Fiscal Note is not required.

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

Committee Bill (Formerly [House File 230](#)), allowing the operation of certain motorboats on lake Macbride at any time.

Fiscal Note is not required.

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

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly [House File 193](#)), relating to the protection and care of pioneer cemeteries.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2011.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly [House File 251](#)), relating to the enforcement of weight limitations for vehicles with retractable axles.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2011.

Committee Bill (Formerly [House File 331](#)), providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2011.

Committee Bill (Formerly [House Study Bill 94](#)), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2011.

RESOLUTION FILED

[H.R. 15](#), by Cownie and Oldson, a resolution recognizing February 26, 2011, as Iowa Bacon Day.

Laid over under **Rule 25**.

AMENDMENT FILED

[H-1100](#) [H.F. 132](#) Committee on Local Government

On motion by Upmeyer of Hancock the House adjourned at 5:04 p.m., until 9:00 a.m., Friday, February 25, 2011.