

PROOF

STATE OF IOWA

House Journal

THURSDAY, MARCH 31, 2011

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

JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 31, 2011

The House met pursuant to adjournment at 8:11 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Graham Lohman, Chief Clerk's Page from Iowa City.

The Journal of Wednesday, March 30, 2011 was approved.

On motion by Upmeyer of Hancock, the House was recessed at 8:14 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:34 p.m., Speaker Paulsen in the chair.

SENATE MESSAGES CONSIDERED

[Senate File 466](#), by committee on commerce, a bill for an act relating to residential contractors and providing a penalty.

Read first time and **passed on file**.

[Senate File 478](#), by committee on agriculture, a bill for an act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

Read first time and **passed on file**.

The House stood at ease at 1:36 p.m., until the fall of the gavel.

The House resumed session at 3:38 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie on request of Upmeyer of Hancock.

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 APPROPRIATIONS

[Senate File 512](#), a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-1502](#) March 31, 2011.

Pursuant to Rule 31.7, [Senate File 512](#) was referred to the committee on ways and means.

COMMITTEE ON WAYS AND MEANS

[Senate File 512](#), a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-1506](#) March 31, 2011.

CONSIDERATION OF BILLS Appropriations Calendar

[Senate File 508](#), a bill for an act 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, with report of committee recommending passage, was taken up for consideration.

Rogers of Black Hawk offered amendment [H-1485](#) filed by him.

Swaim of Davis offered amendment [H-1509](#), to amendment [H-1485](#), filed by him and R. Olson of Polk from the floor.

Rogers of Black Hawk rose on a point of order that amendment [H-1509](#) was not germane, to amendment [H-1485](#).

The Speaker ruled the point well taken and amendment [H-1509](#) not germane, to amendment [H-1485](#).

Swaim of Davis asked for unanimous consent to suspend the rules to consider amendment [H-1509](#), to amendment [H-1485](#).

Objection was raised.

Swaim of Davis moved to suspend the rules to consider amendment [H-1509](#), to amendment [H-1485](#).

Roll call was requested by McCarthy of Polk and Raecker of Polk.

On the question "Shall the rules be suspended to consider amendment [H-1509](#) to amendment [H-1485](#)?" ([S.F. 508](#))

The ayes were, 40:

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

The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 1:

Brandenburg

The motion to suspend the rules lost.

Running-Marquardt of Linn offered amendment [H-1507](#), to amendment [H-1485](#), filed by her from the floor and moved its adoption.

Roll call was requested by Running-Marquardt of Linn and T. Taylor of Linn.

On the question "Shall amendment [H-1507](#) to amendment [H-1485](#) be adopted?" ([S.F. 508](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher

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

The nays were, none.

Absent or not voting, 2:

Brandenburg Kaufmann

Amendment [H-1507](#), to amendment [H-1485](#), was adopted.

Rogers of Black Hawk offered amendment [H-1494](#), to amendment [H-1485](#), filed by him and moved its adoption.

Amendment [H-1494](#), to amendment [H-1485](#), was adopted.

Rogers of Black Hawk moved amendment [H-1485](#), as amended.

A non-record roll call was requested.

The ayes were 52, nays 37.

Amendment [H-1485](#), as amended, was adopted.

Rogers of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 508](#))

The ayes were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake

Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 41:

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

Absent or not voting, 1:

Brandenburg

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

Ways and Means Calendar

[Senate File 512](#), a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Lukan of Dubuque asked and received unanimous consent that the committee amendment [H-1502](#) be deferred.

Sands of Louisa offered amendment [H-1506](#) filed by the committee on ways and means from the floor.

Swaim of Davis offered amendment [H-1508](#), to the committee amendment [H-1506](#), filed by him and R. Olson of Polk from the floor and moved its adoption.

Roll call was requested by Swaim of Davis and T. Taylor of Linn.

On the question "Shall amendment [H-1508](#) to the committee amendment [H-1506](#) be adopted?" ([S.F. 512](#))

The ayes were, 41:

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

The nays were, 58:

Alons	Arnold	Baltimore	Baudler
Byrnes	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

Absent or not voting, 1:

Brandenburg

Amendment [H-1508](#), to the committee amendment [H-1506](#), lost.

Sands of Louisa moved the committee amendment [H-1506](#).

The committee amendment [H-1506](#) was adopted, placing out of order committee amendment [H-1502](#) filed by the committee on appropriations from the floor, previously deferred.

Lukan of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 512](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Ishart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 1:

Brandenburg

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

Regular Calendar

[House File 657](#), a bill for an act relating to abortions including prohibiting late-term abortions with certain exceptions, providing penalties, and including an effective date provision, was taken up for consideration.

Windschitl of Harrison in the chair at 4:41 p.m.

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

Kaufmann of Cedar in the chair at 5:21 p.m.

Windschitl of Harrison in the chair at 5:44 p.m.

Hanusa of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 657](#))

The ayes were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Miller, L.
Moore	Muhlbauer	Olson, S.	Paulsen, Spkr.
Paustian	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Smith, J.	Soderberg
Swaim	Sweeney	Taylor, J.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Worthan	Windschitl, Presiding

The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Massie	McCarthy

Miller, H.	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Running-Marquardt
Shaw	Smith, M.	Steckman	Taylor, T.
Thede	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 1:

Brandenburg

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

[HOUSE FILE 5](#) WITHDRAWN

Hanusa of Pottawattamie asked and received unanimous consent to withdraw [House File 5](#) from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 657](#) and **Senate Files 508** and **512**.

HOUSE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Upmeyer of Hancock asked and received unanimous consent that the following House Files be placed on the unfinished business calendar.

[House File 456](#)
[House File 501](#)
[House File 561](#)
[House File 591](#)
[House File 645](#)
[House File 648](#)
[House File 651](#)
[House File 653](#)
[House File 659](#)
[House File 661](#)

[House File 482](#)
[House File 559](#)
[House File 564](#)
[House File 595](#)
[House File 646](#)
[House File 649](#)
[House File 652](#)
[House File 658](#)
[House File 660](#)
[House File 666](#)

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 31, 2011, he approved and transmitted to the Secretary of State the following bills:

[House File 245](#), an Act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

LEGISLATIVE SERVICES AGENCY

First Redistricting Plan, pursuant to Chapter 42, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

[House File 221](#)

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

[House File 240](#)

Ways and Means: Kaufmann, Chair; Moore and Quirk.

[House File 252](#)

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

[House File 253](#)

Ways and Means: Paustian, Chair; Grassley and Oldson.

[House File 259](#)

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

[House File 289](#)

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

[House File 294](#)

Ways and Means: De Boef, Chair; Petersen and J. Taylor.

[House File 302](#)

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

[House File 318](#)

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

[House File 319](#)

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

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 WAYS AND MEANS

Committee Bill (Formerly [House File 9](#)), relating to property taxation and local government and school financing by increasing the regular program foundation base, establishing local government financing requirements for essential services, establishing a method for determining property assessment limitations, and including retroactive and other applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2011.

Committee Bill (Formerly [House File 634](#)), relating to wind energy development and production.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2011.

AMENDMENTS FILED

<u>H-1501</u>	<u>S.F. 406</u>	Garrett of Warren
<u>H-1503</u>	<u>H.F. 561</u>	Isenhart of Dubuque
<u>H-1504</u>	<u>H.F. 591</u>	Sweeney of Hardin
<u>H-1505</u>	<u>H.F. 645</u>	Dolecheck of Ringgold
<u>H-1511</u>	<u>H.F. 561</u>	Soderberg of Plymouth
		Murphy of Dubuque

H-1512	H.F. 648	Huseman of Cherokee
H-1513	H.F. 646	Watts of Dallas

On motion by Upmeyer of Hancock the House adjourned at 6:18 p.m., until 9:30 a.m., Friday, April 1, 2011.