

PROOF

STATE OF IOWA

House Journal

TUESDAY, MAY 3, 2011

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JOURNAL OF THE HOUSE

One Hundred-fourteenth Calendar Day - Seventy-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 3, 2011

The House met pursuant to adjournment at 8:38 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Iverson of Wright County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bryant Hickie, Page from Marshalltown.

The Journal of Monday, May 2, 2011 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 2011, amended and passed the following bill in which the concurrence of the House is asked:

[House File 648](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF [HOUSE RESOLUTION 51](#)

Chambers of O'Brien called up for consideration [House Resolution 51](#), a resolution honoring the service, courage, and sacrifice of United States Army Staff Sergeant Salvatore Augustine Giunta, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Upmeyer of Hancock, the House was recessed at 8:43 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Lukan of Dubuque in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee and Van Engelenhoven of Marion on request of Upmeyer of Hancock; Horbach of Tama and Shaw of Pocahontas until their return, on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS Ways and Means Calendar

[Senate File 526](#), a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Speaker Paulsen in the chair at 1:21 p.m.

Cownie of Polk asked and received unanimous consent to withdraw amendment [H-1701](#) filed by him from the floor.

Petersen of Polk offered amendment [H-1704](#) filed by her from the floor.

Cownie of Polk rose on a point of order that amendment [H-1704](#) was not germane.

The Speaker ruled the point not well taken and amendment [H-1704](#) germane.

The House stood at ease at 1:32 p.m., until the fall of the gavel.

The House resumed session at 2:10 p.m., Speaker Paulsen in the chair.

Petersen of Polk moved amendment [H-1704](#).

Amendment [H-1704](#) lost.

Petersen of Polk offered amendment [H-1705](#) filed by her, Oldson of Polk, T. Olson of Linn, M. Smith of Marshall, Gaskill of Wapello, Kearns of Lee, Hanson of Jefferson, Heddens of Story, Wittneben of Emmet, Thede of Scott, Mascher of Johnson, Abdul-Samad of Polk, Winckler of Scott, Lensing of Johnson, Wessel-Kroeschell of Story, Gaines of Polk, Hunter of Polk, Kelley of Jasper, Steckman of Cerro Gordo, Swaim of Davis and Jacoby of Johnson from the floor and moved its adoption.

Cownie of Polk rose on a point of order that amendment [H-1705](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1705](#) not germane.

Petersen of Polk asked for unanimous consent to suspend the rules to consider amendment [H-1705](#).

Objection was raised.

Petersen of Polk moved to suspend the rules to consider amendment [H-1705](#).

Roll call was requested by Mascher of Johnson and Petersen of Polk.

On the question "Shall the rules be suspended to consider amendment [H-1705](#)?" ([S.F. 526](#))

The ayes were, 40:

Abdul-Samad	Baudler	Berry	Gaines
Gaskill	Hager	Hanson	Heddens

Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Mascher	McCarthy	Miller, H.	Moore
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, 55:

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

Absent or not voting, 5:

De Boef	Horbach	Huseman	Shaw
Van Engelenhoven			

The motion to suspend the rules lost.

Cownie of Polk 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. 526](#))

The ayes were, 75:

Abdul-Samad	Arnold	Baltimore	Baudler
Berry	Brandenburg	Byrnes	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Fry	Gaines
Garrett	Gaskill	Hagenow	Hanusa
Heaton	Hein	Helland	Hunter
Isenhart	Iverson	Jacoby	Kajtazovic
Kearns	Klein	Koester	Kressig
Lensing	Lukan	Lykam	McCarthy
Miller, H.	Moore	Muhlbauer	Murphy

Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Smith, J.	Smith, M.	Soderberg	Steckman
Sweeney	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Vander Linden	Wagner
Wenthe	Willems	Winckler	Windschitl
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 21:

Alons	Anderson	De Boef	Grassley
Hager	Hall	Hanson	Heddens
Jorgensen	Kaufmann	Kelley	Lofgren
Mascher	Massie	Miller, L.	Schultz
Swaim	Taylor, J.	Watts	Wessel-Kroeschell
Wittneben			

Absent or not voting, 4:

Horbach	Huseman	Shaw	Van Engelenhoven
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that [Senate File 526](#) be immediately messaged to the Senate.

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 May 3, 2011, passed the following bill in which the concurrence of the Senate was asked:

[House File 652](#), a bill for an act providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and service in Operation New Dawn and including effective date and retroactive applicability provisions.

Also: That the Senate has on May 3, 2011, amended and passed the following bill in which the concurrence of the House is asked:

[House File 672](#), a bill for an act relating to wind and other sources of renewable energy development and production.

Also: That the Senate has on May 3, 2011, passed the following bill in which the concurrence of the Senate was asked:

[House File 676](#), a bill for an act providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 2:16 p.m., until the fall of the gavel.

The House resumed session at 3:33 p.m., Kaufmann of Cedar in the chair.

Ways and Means Calendar

[Senate File 514](#), a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Grassley of Butler offered amendment [H-1695](#) filed by the committee on ways and means and moved its adoption.

The committee amendment [H-1695](#) was adopted.

Grassley of Butler 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. 514](#))

The ayes were, 92:

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

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

The nays were, 1:

Pearson

Absent or not voting, 7:

Byrnes	Horbach	Huseman	Koester
Raecker	Shaw	Van Engelenhoven	

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

Unfinished Business Calendar

[House File 595](#), a bill for an act relating to residential contractors and providing a penalty, was taken up for consideration.

Iverson of Wright offered amendment [H-1646](#) filed by him and moved its adoption.

Amendment [H-1646](#) was adopted.

[SENATE FILE 466](#) SUBSTITUTED FOR [HOUSE FILE 595](#)

Iverson of Wright asked and received unanimous consent to substitute [Senate File 466](#) for [House File 595](#).

[Senate File 466](#), a bill for an act relating to residential contractors and providing a penalty, was taken up for consideration.

Baltimore of Boone offered amendment [H-1700](#) filed by him from the floor.

Garrett of Warren offered amendment [H-1703](#), to amendment [H-1700](#), filed by him from the floor and moved its adoption.

Amendment [H-1703](#), to amendment [H-1700](#), was adopted.

Baltimore of Boone moved amendment [H-1700](#), as amended.

Amendment [H-1700](#), as amended, was adopted, placing out of order amendment [H-1624](#) filed by Baltimore of Boone on April 11, 2011.

Iverson of Wright 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. 466](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Isenhart	Iverson	Jacoby	Jorgensen
Kajtaovic	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.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Quirk
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Kaufmann, Presiding	

The nays were, 1:

Hunter

Absent or not voting, 4:

Huseman

Raecker

Shaw

Van Engelenhoven

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

[HOUSE FILE 595](#) WITHDRAWN

Iverson of Wright asked and received unanimous consent to withdraw [House File 595](#) 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: **Senate Files 466** and **514**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 3, 2011, he approved and transmitted to the Secretary of State the following bill:

[House File 679](#), an Act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 242](#)

Government Oversight: Hagenow, Chair; Petersen and Tjepkes.

[House Study Bill 243](#)

Government Oversight: Pettengill, Chair; Baltimore and Petersen.

[House Study Bill 244](#)

Government Oversight: Baltimore, Chair; Kressig and Pettengill.

[House Study Bill 245](#)

Government Oversight: Pettengill, Chair; Baltimore and Berry.

[House Study Bill 246](#)

Government Oversight: Hagenow, Chair; Berry and Tjepkes.

[House Study Bill 247](#)
(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.

AMENDMENTS FILED

<u>H-1702</u>	<u>H.F. 648</u>	Senate Amendment
<u>H-1706</u>	<u>H.F. 672</u>	Senate Amendment

On motion by Upmeyer of Hancock the House adjourned at 3:51 p.m., until 8:30 a.m., Wednesday, May 4, 2011.