

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, FEBRUARY 1, 2012

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

Twenty-fourth Calendar Day - Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 1, 2012

The House met pursuant to adjournment at 8:31 a.m., Speaker Paulsen in the chair.

Prayer was offered by Tom Burkart, Glen Echo Christian Church, Des Moines. He was the guest of Representative Petersen of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nick Huffman, Page from Norwalk.

The Journal of Tuesday, January 31, 2012, was approved.

INTRODUCTION OF BILLS

[House File 2168](#), by committee on commerce, a bill for an act relating to the authorized deposit of public funds.

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

[House File 2169](#), by committee on ways and means, a bill for an act exempting from the individual income tax all pay received from the federal government for certain military service in support of the national guard and including retroactive applicability provisions.

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

The House stood at ease at 8:36 a.m., until the fall of the gavel.

The House resumed session at 9:44 a.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Iverson of Wright

Koester of Polk

CONSIDERATION OF BILLS

Regular Calendar

[House File 2103](#), a bill for an act reducing the time period during which new employers are subject to the new employer contribution rate for unemployment insurance and including effective date provisions, was taken up for consideration.

Hunter of Polk offered amendment [H-8001](#) filed by him and moved its adoption.

Amendment [H-8001](#) lost.

Horbach of Tama 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. 2103](#))

The ayes were, 94:

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
Hunter	Huseman	Isenhart	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Klein
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	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	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, 2:

Kearns	Kelley
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Absent or not voting, 4:

Iverson	Koester	Quirk	Wessel-Kroeschell
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[House File 2104](#), a bill for an act reducing the years of experience used to calculate an employer's contribution rate for unemployment insurance, was taken up for consideration.

Horbach of Tama 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. 2104](#))

The ayes were, 97:

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
Hunter	Huseman	Isenhardt	Jacoby
Jorgensen	Kajtazovic	Kaufmann	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.	Paustian
Pearson	Petersen	Pettengill	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, 3:

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

[House File 2145](#), a bill for an act establishing regulations to permit access to surplus lines insurance in this state, and providing civil and criminal penalties, coordinating provisions, and repeals, and including effective date provisions, was taken up for consideration.

Horbach of Tama 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. 2145](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	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	Jacoby
Jorgensen	Kajtazovic	Kaufmann	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.	Paustian
Pearson	Petersen	Pettengill	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, 3:

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

HOUSE FILES 2012 AND 2013 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House Files 2012 and 2013 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 Files 2103, 2104 and 2145.**

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 1, 2012, passed the following bill in which the concurrence of the House is asked:

[Senate File 2038](#), a bill for an act relating to the duties and requirements of the department of veterans affairs and the commission of veterans affairs.

Also: That the Senate has on February 1, 2012, passed the following bill in which the concurrence of the House is asked:

[Senate File 2071](#), a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 10:09 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:02 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

[House File 2170](#), by Kressig, a bill for an act relating to the notice provided to persons subject to a surcharge assessed for the return of a dishonored financial instrument.

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

[House File 2171](#), by Brandenburg, a bill for an act placing limitations on fees imposed for failure to redeem a gift certificate, and including an applicability date provision.

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

[House File 2172](#), by Kelley, a bill for an act prohibiting nuclear generating facilities from reprocessing fuel under specified circumstances.

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

[House File 2173](#), by J. Taylor, a bill for an act authorizing certain students to enroll in a career and technical course offered through a district-to-community college sharing program for high school credit only, exempting such students from proficiency requirements, and prohibiting school districts from receiving supplementary weighting for such students.

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

[House File 2174](#), by Kaufmann, Byrnes, Grassley, Lofgren, R. Olson, Brandenburg, Pettengill, Jacoby, Rogers, and Lukan, a bill for an act

requiring the state board of regents to provide for a reduction in undergraduate resident tuition for residents who earn an associate degree at an Iowa community college and who transfer to an institution of higher education governed by the board.

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

[House File 2175](#), by Windschitl, Fry, Alons, Huseman, Sweeney, Hager, Hanusa, and Schultz, a bill for an act relating to the definition of person under the criminal code.

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

[House File 2176](#), by Lykam and Baudler, a bill for an act relating to acts performed against police service horses and dogs resulting in injury or interference, providing exceptions, and providing for penalties.

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

[House File 2177](#), by Cownie, a bill for an act relating to a person proceeding pro se in an appellate case.

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

[House File 2178](#), by Watts, Hagenow, Kaufmann, and Pearson, a bill for an act relating to special assessments imposed by cities and counties and including applicability provisions.

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

[House File 2179](#), by Rogers, a bill for an act related to filing requirements for certain petitions to the city development board.

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

[House File 2180](#), by Murphy, a bill for an act providing for advance notification of the need to renew a driver's license.

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

[House File 2181](#), by Kelley, a bill for an act requiring the commission of veterans affairs to take certain actions related to a plan to establish a veterans national recovery center in Newton, and including effective date provisions.

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

[House File 2182](#), by Anderson and Dolecheck, a bill for an act establishing the sales tax rebate for county development program and making penalties applicable.

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

[House File 2183](#), by Kressig, a bill for an act establishing a long-term unemployed worker tax credit for taxpayers who hire a long-term unemployed individual and including effective date and applicability provisions.

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

SENATE MESSAGES CONSIDERED

[Senate File 2038](#), by committee on veterans affairs, a bill for an act relating to the duties and requirements of the department of veterans affairs and the commission of veterans affairs.

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

[Senate File 2071](#), by committee on appropriations, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates.

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

SPONSOR ADDED (House Files 2131 and 2135)

Murphy of Dubuque requested to be added as a sponsor of House Files 2131 and 2135.

EXPLANATIONS OF VOTE

On February 1, 2012, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

[House File 2103](#) – “aye”

[House File 2104](#) – “aye”

[House File 2145](#) – “aye”

IVERSON of Wright

On February 1, 2012, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

[House File 2103](#) – “aye”

[House File 2104](#) – “aye”

[House File 2145](#) – “aye”

KOESTER of Polk

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 1, 2012, he approved and transmitted to the Secretary of State the following bill:

[Senate File 2018](#), an Act relating to financial assistance for purposes of the Battleship Iowa, BB-61, making appropriations, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

[House File 2064](#)

State Government: Iverson, Chair; Kaufmann and T. Taylor.

[House File 2141](#)

Local Government: Baltimore, Chair; Kressig and Rayhons.

[House File 2156](#)

Judiciary: Garrett, Chair; Massie and Wolfe.

[House File 2157](#)

Judiciary: Alons, Chair; Tjepkes and Wolfe.

[House File 2158](#)

Judiciary: Alons, Chair; R. Olson and Tjepkes.

[House File 2159](#)

Judiciary: Kaufmann, Chair; Massie and Wessel-Kroeschell.

[House File 2160](#)

Public Safety: Baudler, Chair; Kressig and Tjepkes.

[House File 2161](#)

State Government: Iverson, Chair; Helland and T. Taylor.

[House File 2162](#)

State Government: Iverson, Chair; Helland and Hunter.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 520](#) Reassigned

Judiciary: Rogers, Chair; Gaines and Massie.

[House Study Bill 546](#)

Labor: Horbach, Chair; Kearns and Klein.

[House Study Bill 557](#)

Labor: Jorgensen, Chair; Hanusa and T. Taylor.

[House Study Bill 569](#)

Local Government: Baltimore, Chair; Thede and Tjepkes.

[House Study Bill 575](#)

Judiciary: Garrett, Chair; Swaim and Tjepkes.

[House Study Bill 576](#)

Public Safety: Worthan, Chair; Fry and Swaim.

[House Study Bill 577](#)

Veterans Affairs: J. Taylor, Chair; Lukan and Muhlbauer.

[House Study Bill 578](#)

Veterans Affairs: Sweeney, Chair; Hanusa and Heddens.

[House Study Bill 579](#)

Veterans Affairs: Vander Linden, Chair; Chambers and Wittneben.

[House Study Bill 580](#)

State Government: Iverson, Chair; Isenhart and Rogers.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 581](#) **State Government**

Requiring that absentee ballot return envelopes be conspicuously marked with county commissioner of elections receipt and postmark requirements.

[H.S.B. 582](#) **State Government**

Relating to proof of identification and proof of residence in order to register to vote or to vote, creating a criminal offense for falsely swearing certain oaths, providing penalties, and including applicability provisions.

[H.S.B. 583](#) **Human Resources**

Establishing an allopathic physician recruitment program and revolving fund and making an appropriation.

[H.S.B. 584](#) **Human Resources**

Relating to the membership of the medical assistance advisory council.

[H.S.B. 585](#) **Judiciary**

Providing that certain milk and products using milk may be transferred directly by operators of dairy farms, and making penalties applicable.

H.S.B. 586 State Government

Relating to the policy administration of election and voter registration laws by the secretary of state, including changes to the definition of a general election, the voter registration age, absentee voting, the provision of training space for election personnel, the candidate nomination filing requirements for merged area, school district, and city elections, the filling of vacancies in city office, and authorizing certain cities to conduct city elections by absentee ballot, and including effective date provisions.

H.S.B. 587 State Government

Relating to elections and voter registration, including technical administration of the law by making modifications to certain filing deadlines, preservation of certain records, special elections to fill certain vacancies in office, absentee voting, voting systems, and ballot summaries.

H.S.B. 588 Education

Relating to requirements for the enactment of the state percent of growth and the categorical state percent of growth and including effective date provisions.

H.S.B. 589 Judiciary

Relating to crime victims, including restitution plan hearings, crime victim compensation, and the identity theft passport program.

H.S.B. 590 Economic Growth/Rebuild Iowa

Relating to economic development by making technical and policy changes related to environmental response projects and to certain programs administered by the economic development authority and including retroactive applicability provisions.

H.S.B. 591 Economic Growth/Rebuild Iowa

Relating to economic development and the use of tax revenues and other funds by affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by diverting franchise tax revenues and withholding tax payments for such programs, incentives, and

assistance, by abolishing the film tax credit program, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive and other applicability provisions.

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 HUMAN RESOURCES

Committee Bill (Formerly [House Study Bill 510](#)), relating to child abuse reports and disposition data.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 2012.

COMMITTEE ON JUDICIARY

[Senate File 155](#), a bill for an act relating to procedural requirements in in rem forfeiture proceedings.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 2012.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly [House File 2082](#)), relating to residency qualifications for memorial hospital commissioners.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 2012.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly [House File 2085](#)), relating to employee stock ownership plans by encouraging the adoption of such plans by Iowa corporations, creating an individual income tax exemption, making an appropriation, and including retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2012.

AMENDMENT FILED

[H-8003](#) [S.F. 93](#) Wolfe of Clinton

On motion by Upmeyer of Hancock the House adjourned at 4:08 p.m., until 8:30 a.m., Thursday, February 2, 2012.