

**PROOF**

---

---

**STATE OF IOWA**

# **House Journal**

**THURSDAY, FEBRUARY 2, 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-fifth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 2, 2012

The House met pursuant to adjournment at 8:30 a.m., Kaufmann of Cedar in the chair.

Prayer was offered by Representative J. Taylor of Woodbury County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kyle McGlade, Page from Council Bluffs.

The Journal of Wednesday, February 1, 2012, was approved.

## INTRODUCTION OF BILLS

[House File 2184](#), by Baltimore, a bill for an act relating to the brucellosis and tuberculosis eradication fund, and providing an appropriation.

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

[House File 2185](#), by Wenthe, a bill for an act providing for a reciprocal arrangement which allows the movement of equine animals between Iowa and Wisconsin, and providing for its implementation.

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

[House File 2186](#), by Gaines, Berry, and Abdul-Samad, a bill for an act relating to and making appropriations to the state board of regents for programs established by the state board or its universities that are designed to increase college readiness and college awareness in potential first-generation college students and underrepresented minority populations, and to increase the number of ethnically diverse Iowa students in agriculture, science, technology, engineering, and mathematics degree programs.

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

[House File 2187](#), by Abdul-Samad and Gaines, a bill for an act making an appropriation for the certificate of employability program for persons on parole or persons no longer on parole who are unemployed or underemployed.

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

[House File 2188](#), by Muhlbauer, Steckman, Thede, Kearns, Willems, Hanson, Thomas, Kelley, Gaines, Mascher, Abdul-Samad, Gaskill, Wittneben, Lensing, Winckler, Wessel-Kroeschell, Hall, and M. Smith, a bill for an act allowing in-state bidders to match comparable out-of-state bids for purchases or public improvements through a competitive bidding process by the state or political subdivisions.

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

[House File 2189](#), by Chambers, a bill for an act relating to construction permits for appliance recycling buildings and making appropriations.

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

[House File 2190](#), by Kelley, a bill for an act establishing an energy audit program with regard to elementary and secondary public school buildings.

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

[House File 2191](#), by Kelley, a bill for an act relating to the attainment of high-performance certification applicable to elementary and secondary public school buildings.

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

[House File 2192](#), by Abdul-Samad, a bill for an act relating to policies granting resident status for purposes of paying postsecondary tuition and fees at public institutions of higher education.

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

[House File 2193](#), by Murphy, Kearns, Hunter, T. Taylor, Wessel-Kroeschell, and Willems, a bill for an act relating to patient safety by establishing a nurse staffing plan, a collaborative nurse staffing committee, a patient safety committee, and reporting for nurses, and including effective date provisions.

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

[House File 2194](#), by M. Smith, a bill for an act creating a licensed social worker loan repayment program and a revolving fund.

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

[House File 2195](#), by Anderson, Pettengill, De Boef, Lofgren, Alons, Chambers, Huseman, Watts, Cownie, Baudler, Kaufmann, Garrett, Hager, Koester, R. Olson, Berry, Muhlbauer, Wittneben, Lukan, Gaines, and H. Miller, a bill for an act providing for the issuance of a certificate of birth resulting in stillbirth, providing for a fee, and including effective date provisions.

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

[House File 2196](#), by Murphy, Hunter, Kelley, Mascher, Abdul-Samad, T. Taylor, Wessel-Kroeschell, Thede, Berry, H. Miller, Winckler, Lensing, Cohoon, and Kearns, a bill for an act increasing the state minimum hourly wage.

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

[House File 2197](#), by Murphy, a bill for an act repealing authorization for the natural resource commission to establish a special season antlerless deer hunt.

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

[House File 2198](#), by Windschitl, a bill for an act concerning the authorized possession of certain offensive weapons and making penalties applicable.

Read first time and referred to committee on **public safety**.

[House File 2199](#), by Pettengill, a bill for an act relating to the review of administrative rules and the rulemaking process.

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

[House File 2200](#), by Watts, Deyoe, Helland, Sands, Soderberg, Cownie, Drake, Worthan, Brandenburg, Iverson, Arnold, Garrett, Pearson, Massie, Windschitl, Tjepkes, Rogers, Lofgren, Wagner, Koester, Fry, J. Smith, Baudler, Van Engelenhoven, Jorgensen, Hanusa, Hager, Sweeney, S. Olson, L. Miller, Alons, Huseman, Forristall, Rayhons, Hagenow, Schultz, and De Boef, a bill for an act providing for legislative and gubernatorial approval of administrative rules.

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

[House File 2201](#), by Isenhart and Kelley, a bill for an act relating to gifts, honoraria, and loans received from restricted donors and others.

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

[House File 2202](#), by Mascher, a bill for an act relating to helmet usage by motorcycle and motorized bicycle operators and passengers under eighteen years of age and providing a penalty.

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

The House stood at ease at 8:38 a.m., until the fall of the gavel.

The House resumed session at 9:22 a.m., Speaker Paulsen in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Fry of Clarke  
Wagner of Linn

Raecker of Polk

CONSIDERATION OF BILLS  
Regular Calendar

[Senate File 93](#), a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Shaw of Pocahontas asked and received unanimous consent to withdraw amendment [H-8002](#) filed by him on January 31, 2012.

Wolfe of Clinton asked and received unanimous consent to withdraw amendment [H-8003](#) filed by her on February 1, 2012.

J. Taylor of Woodbury 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. 93](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	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, 1:

Massie

Absent or not voting, 3:

Fry                      Quirk                      Raecker

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

**House Joint Resolution 2001**, a joint resolution nullifying an administrative rule of the natural resource commission prohibiting the use of lead shot for hunting mourning doves and providing an effective date, was taken up for consideration.

Baudler of Adair moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" ([H.J.R. 2001](#))

The yeas were, 73:

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

The nays were, 27:

Abdul-Samad	Berry	Gaines	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kelley	Kressig	Lensing
Mascher	Murphy	Oldson	Olson, T.
Petersen	Running-Marquardt	Smith, M.	Steckman
Swaim	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Winckler	

Absent or not voting, none.

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

T. Taylor of Linn in the chair at 9:57 a.m.

#### Ways and Means Calendar

[House File 2150](#), a bill for an act updating the Code references to the Internal Revenue Code, and including effective date and retroactive applicability provisions, was taken up for consideration.

Pettengill of Benton 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. 2150](#))

The ayes were, 100:

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	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.	Paulsen, Spkr.	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.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Taylor, T., Presiding

The nays were, none.

Absent or not voting, none.

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

#### IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House Joint Resolution 2001](#), [House File 2150](#) and [Senate File 93](#).

On motion by Upmeyer of Hancock, the House was recessed at 10:02 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:05 p.m., Speaker Paulsen in the chair.

#### INTRODUCTION OF BILLS

[House File 2203](#), by committee on ways and means, a bill for an act 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.

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

[House File 2204](#), by Byrnes, a bill for an act authorizing performance-based efficiency contracts for governmental units.

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

[House File 2205](#), by Byrnes, a bill for an act including natural gas facilities and electric generating facilities within the definition of a county enterprise.

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

[House File 2206](#), by Iverson, a bill for an act specifying requirements applicable to salvage dealers and recyclers, and providing penalties.

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

[House File 2207](#), by Swaim, a bill for an act relating to insurance coverage of cranial prostheses for cancer patients and including applicability provisions.

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

[House File 2208](#), by Byrnes, a bill for an act providing for the licensure of applicants with professional employment in mathematics-related or science-related fields as teachers for secondary school-level mathematics and science courses.

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

[House File 2209](#), by Kelley, a bill for an act relating to the assessment of the drug abuse resistance education surcharge.

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

[House File 2210](#), by Swaim, a bill for an act relating to notice of garnishment proceedings and the seizure of moneys in a bank, credit union, or other financial institution account.

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

[House File 2211](#), by Willems, Kelley, Wessel-Kroeschell, Abdul-Samad, and Gaines, a bill for an act requiring employers to provide school activity leave, providing for penalties, and including applicability provisions.

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

[House File 2212](#), by Isenhart and Kaufmann, a bill for an act providing for a product stewardship report by the department of natural resources.

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

[House File 2213](#), by Pettengill, Baltimore, and R. Olson, a bill for an act concerning the administrative rules review committee and the rulemaking process.

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

[House File 2214](#), by committee on transportation, a bill for an act prohibiting the use of automated traffic law enforcement systems, and including effective date provisions.

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

SPONSOR ADDED  
([House File 2162](#))

Kajtazovic of Black Hawk requested to be added as a sponsor of [House File 2162](#).

SPONSOR ADDED  
([House File 2175](#))

Pettengill of Benton requested to be added as a sponsor of [House File 2175](#).

DISSENT FROM [SENATE FILE 93](#)

Mr. Speaker:

Article III Section 10 of the Constitution of the State of Iowa provides:

Protest – record of vote – Every member of the general assembly shall have the liberty to dissent from, or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

I have here a written statement explaining the reasons for my dissent.

I firmly believe that [Senate File 93](#) is a violation of Article I, Sec. 6 – Laws uniform of the Iowa Constitution.

Representative Glen Massie

## EXPLANATION OF VOTE

On February 2, 2012, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

[Senate File 93](#) – “aye”

RAECKER of Polk

## PETITION FILED

The following petition was received and placed on file:

By Upmeyer of Hancock from over 1,000 Iowans: “urging the support of the establishment of health insurance exchanges as written in Iowa [Senate File 235](#) and Iowa [House File 559](#).”

## SUBCOMMITTEE ASSIGNMENTS

[House File 2035](#)

Commerce: J. Smith, Chair; Baltimore and Quirk.

[House File 2112](#)

Labor: Jorgensen, Chair; Brandenburg and Murphy.

[House File 2140](#)

Labor: Moore, Chair; Hanusa and Hunter.

[House File 2152](#)

Commerce: Pettengill, Chair; Lykam and J. Smith.

[House File 2153](#)

Commerce: Windschitl, Chair; Iverson and Muhlbauer.

[House File 2154](#)

Commerce: Grassley, Chair; Jacoby and Windschitl.

[House File 2173](#)

Education: J. Taylor, Chair; Byrnes and Gaines.

[House File 2174](#)

Education: Byrnes, Chair; Jorgensen and Kelley.

[House File 2175](#)

Human Resources: Fry, Chair; Heaton and Wessel-Kroeschell.

[House File 2176](#)

Judiciary: Rogers, Chair; Lensing and Massie.

[House File 2177](#)

Judiciary: Hagenow, Chair; Heaton and Wolfe.

[House File 2180](#)

Transportation: Pearson, Chair; Murphy and Windschitl.

[House File 2186](#)

Appropriations: Dolecheck, Chair; Chambers and Winckler.

[House File 2187](#)

Appropriations: Dolecheck, Chair; Chambers and T. Taylor.

[House File 2191](#)

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

[House File 2192](#)

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

[House File 2193](#)

Human Resources: Iverson, Chair; Massie and Schulte.

[House File 2194](#)

Human Resources: Iverson, Chair; Schulte and M. Smith.

[House File 2195](#)

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

[House File 2202](#)

Transportation: Iverson, Chair; Arnold and Petersen.

[Senate File 2038](#)

Veterans Affairs: Vander Linden, Chair; Shaw and Thomas.

[Senate File 2071](#)

Appropriations: Worthan, Chair; T. Taylor and Wagner.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 581](#)

State Government: Schulte, Chair; Jorgensen and Wenthe.

[House Study Bill 582](#)

State Government: Schulte, Chair; Gaskill and Jorgensen.

[House Study Bill 583](#)

Human Resources: L. Miller, Chair; Jorgensen and Mascher.

[House Study Bill 584](#)

Human Resources: L. Miller, Chair; Heaton and M. Smith.

[House Study Bill 585](#)

Judiciary: Pearson, Chair; Lensing and Massie.

[House Study Bill 586](#)

State Government: Schulte, Chair; Hunter and Jorgensen.

[House Study Bill 587](#)

State Government: Schulte, Chair; Gaskill and Jorgensen.

[House Study Bill 588](#)

Education: Forristall, Chair; Steckman and J. Taylor.

[House Study Bill 589](#)

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

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 592 Commerce**

Regulating the sale of portable electronics insurance, including by requiring licensure, and providing for fees and penalties.

**H.S.B. 593 Economic Growth/Rebuild Iowa**

Creating the manufactured housing program fund.

**H.S.B. 594 Environmental Protection**

Relating to pollution prevention and waste management assistance.

**H.S.B. 595 Human Resources**

Establishing a rural Iowa primary care grant and forgivable loan program to be administered by the college student aid commission, a rural Iowa primary care trust fund, and making appropriations.

**H.S.B. 596 Judiciary**

Providing for notarial acts and including effective date provisions.

**H.S.B. 597 Judiciary**

Relating to civil actions relating to real estate, including mortgage foreclosure actions.

**H.S.B. 598 Veterans Affairs**

Making a transfer to the veterans trust fund and including effective date provisions.

**H.S.B. 599 Commerce**

Relating to eligibility for the renewable energy tax credit.

**H.S.B. 600 Commerce**

Relating to mobile and manufactured home tenancy by providing for minimum duration of rental agreements and termination or nonrenewal of rental agreements, and modifying notice of unpaid rent and related forcible entry and detainer provisions.

**H.S.B. 601 Labor**

Relating to unemployment insurance benefit eligibility requirements and periods for calculating employer contribution rates and including effective date and applicability provisions.

**H.S.B. 602 Local Government**

Concerning the review, approval, and establishment of county supervisor districting plans.

**H.S.B. 603 Public Safety**

Requiring salvage dealers to maintain designated records, and providing a penalty.

**H.S.B. 604 Economic Growth/Rebuild Iowa**

Relating to economic development by providing an adjustment to net income for certified suppliers of anchor manufacturers for purposes of state taxation and including retroactive 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 ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly [House File 496](#)), relating to disclosure statements required to be delivered to persons interested in acquiring real property, by providing a notice if the real property is located in a levee or drainage district.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2012.

## COMMITTEE ON LABOR

**Committee Bill** (Formerly [House Study Bill 546](#)), relating to child labor requirements administered by the labor commissioner, making penalties applicable, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2012.

## COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly [House Study Bill 542](#)), relating to the practice of optometry.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2012.

## COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly [House File 2028](#)), allowing a veteran to request that the veteran's driver's license or nonoperator's identification card be marked with the word "VETERAN" to indicate veteran status.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2012.

**Committee Bill** (Formerly [House File 2048](#)), prohibiting the use of automated traffic law enforcement systems, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2012.

On motion by Sands of Louisa the House adjourned at 4:07 p.m., until 10:00 a.m., Friday, February 3, 2012.