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**STATE OF IOWA**

# **House Journal**

**THURSDAY, FEBRUARY 9, 2012**

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

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# JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 9, 2012

The House met pursuant to adjournment at 8:31 a.m., Kaufmann of Cedar in the chair.

Prayer was offered by Pastor Kevin Gingerich, Drakesville and Bloomfield United Methodist Churches. He was the guest of Representative Swaim of Davis County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alberto Lara, Page from Carlisle.

The Journal of Wednesday, February 8, 2012, was approved.

## INTRODUCTION OF BILLS

[House File 2259](#), by Isenhart, a bill for an act relating to a review of the feasibility of manufacturing essential generic pharmaceuticals in the state.

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

[House File 2260](#), by Hall, a bill for an act relating to the time period for property tax assessment protests to the local board of review and including applicability provisions.

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

[House File 2261](#), by committee on state government, a bill for an act relating to the regulation of persons offering occupational therapy services.

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

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

The House resumed session at 9:41 a.m., Speaker Paulsen in the chair.

#### RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on economic development appropriations subcommittee to meet at 10:00 a.m. or upon recess today.

#### LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Abdul-Samad of Polk	Gaines of Polk
Raecker of Polk	Watts of Dallas

#### CONSIDERATION OF BILLS

##### Regular Calendar

[House File 2226](#), a bill for an act relating to child abuse reports and disposition data, was taken up for consideration.

Fry of Clarke 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. 2226](#))

The ayes were, 95:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	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.	Paustian
Pearson	Pettengill	Quirk	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	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Abdul-Samad	Gaines	Petersen	Raecker
Watts			

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

[House File 2165](#), a bill for an act relating to the use of physician orders for scope of treatment including provisions relative to existing advance directives, was taken up for consideration.

Fry of Clarke offered amendment [H-8007](#) filed by him and moved its adoption.

Amendment [H-8007](#) was adopted.

Fry of Clarke 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. 2165](#))

The ayes were, 83:

Alons	Arnold	Baudler	Berry
Brandenburg	Byrnes	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Gaskill	Grassley	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby

Jorgensen	Kajtavovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	Miller, L.	Moore
Muhlbauer	Olson, S.	Olson, T.	Paustian
Pettengill	Quirk	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Taylor, J.	Taylor, T.
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 12:

Anderson	Baltimore	Hagenow	McCarthy
Miller, H.	Murphy	Oldson	Olson, R.
Pearson	Swaim	Sweeney	Thede

Absent or not voting, 5:

Abdul-Samad	Gaines	Petersen	Raecker
Watts			

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

#### IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2165** and **2226**.

#### RULE 60 INVOKED

Steckman of Cerro Gordo invoked Rule 60 and moved that [Senate File 2114](#) be withdrawn from the committee on education and placed on the calendar.

Objection was raised.

Steckman of Cerro Gordo moved to suspend the rules to withdraw [Senate File 2114](#) from the committee on education and be placed on the calendar.

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

On the question "Shall the rules be suspended?" ([S.F. 2114](#))

The ayes were, 37:

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

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	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	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Windschitl
Worthan	Mr. Speaker Paulsen		

Absent or not voting, 5:

Abdul-Samad	Gaines	Petersen	Raecker
Watts			

The motion to suspend the rules lost.

On motion by Upmeyer of Hancock, the House was recessed at 10:07 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:03 p.m., Speaker Paulsen in the chair.

## 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 9, 2012, passed the following bill in which the concurrence of the House is asked:

[Senate File 2086](#), a bill for an act relating to regular inspections of state-licensed health care facilities and including effective date and retroactive applicability provisions.

Also: That the Senate has on February 9, 2012, passed the following bill in which the concurrence of the House is asked:

[Senate File 2120](#), a bill for an act relating to the practice of optometry.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

[House File 2262](#), by Hall and Kaufmann, a bill for an act relating to approval requirements for condemnation of certain property.

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

[House File 2263](#), by M. Smith, Murphy, Hall, Kearns, Cohoon, T. Taylor, and Hunter, a bill for an act concerning requirements for motorists at highway-rail grade crossings, and providing penalties.

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

[House File 2264](#), by committee on veterans affairs, a bill for an act relating to interment rights of certain veterans and their spouses in cemeteries owned and controlled by governmental subdivisions.

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

[House File 2265](#), by committee on veterans affairs, a bill for an act authorizing certain expenditures of funds from the veterans affairs training program account.

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

[House File 2266](#), by committee on ethics, a bill for an act relating to ethics regulations for gifts received at certain functions and meetings.

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

[House File 2267](#), by Kajtazovic, a bill for an act relating to the brownfield site redevelopment program by establishing a definition of brownfield site generation facility and providing for priority consideration of applications for financial assistance in regard to such facilities.

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

[House File 2268](#), by M. Smith, a bill for an act expanding the definition of the term "sex act" in the criminal code and providing penalties.

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

[House File 2269](#), by Heaton, a bill for an act relating to the waiver of a juvenile to district court.

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

[House File 2270](#), by Hunter, a bill for an act providing for the creation of a medical marijuana Act including the creation of nonprofit dispensaries, and providing for civil and criminal penalties and fees.

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

[House File 2271](#), by Kajtazovic and Gaskill, a bill for an act banning corporate contributions to political campaigns and providing a penalty.

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

[House File 2272](#), by Kelley, a bill for an act requiring the state building code commissioner to adopt statewide requirements and standards for radon control in residential construction.

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



[House File 2273](#), by committee on state government, a bill for an act relating to the licensure of ambulatory surgical centers, providing fees and penalties, and including effective date provisions.

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

[House File 2274](#), by committee on ways and means, a bill for an act relating to property taxation and local government budgets by increasing the regular program foundation base percentage, establishing a property tax exemption for certain commercial and industrial property, establishing and modifying property assessment limitations, providing for certain property tax replacement payments, modifying the assessment and taxation of telecommunications company property, establishing budget limitations for counties and cities, eliminating certain reporting requirements, making appropriations, and including effective date and applicability provisions.

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

#### SENATE MESSAGES CONSIDERED

[Senate File 2086](#), by committee on human resources, a bill for an act relating to regular inspections of state-licensed health care facilities and including effective date and retroactive applicability provisions.

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

[Senate File 2120](#), by committee on state government, a bill for an act relating to the practice of optometry.

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

The House stood at ease at 4:08 p.m., until the fall of the gavel.

The House resumed session at 4:11 p.m., Speaker Paulsen in the chair.

## SUBCOMMITTEE ASSIGNMENTS

[House Joint Resolution 2007](#)

State Government: Iverson, Chair; Helland and Wenthe.

[House File 396](#)

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

[House File 2181](#)

Veterans Affairs: Lukan, Chair; Chambers and Kearns.

[House File 2221](#)

Local Government: Horbach, Chair; Running-Marquardt and J. Smith.

[House File 2236](#)

Veterans Affairs: Shaw, Chair; Rayhons and Thomas.

[House File 2240](#)

Judiciary: Tjepkes, Chair; Heaton and Lensing.

[House File 2246](#)

Judiciary: Tjepkes, Chair; Heaton and Swaim.

[House File 2247](#)

Natural Resources: Arnold, Chair; Van Engelenhoven and Wittneben.

[House File 2250](#)

Education: Byrnes, Chair; Hanson and Pearson.

[House File 2252](#)

Public Safety: Worthan, Chair; Fry and Kressig.

[House File 2257](#)

State Government: Pettengill, Chair; Hein and Wenthe.

[House File 2259](#)

Human Resources: Iverson, Chair; Schulte and Wolfe.

[Senate File 430](#)

State Government: Rogers, Chair; Cownie, Koester, Lensing and T. Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 621](#)

Commerce: Pettengill, Chair; Fry and Oldson.

[House Study Bill 622](#)

Human Resources: Jorgensen, Chair; Koester, Chair; Winckler.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 623](#) **Human Resources**

Relating to persons with mental health illnesses and substance-related disorders.

[H.S.B. 624](#) **Human Resources**

Relating to terminology changes in Iowa Code references to mental retardation.

[H.S.B. 625](#) **Judiciary**

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

[H.S.B. 626](#) **State Government**

Permitting internet wagering by licensees authorized to conduct gambling games on an excursion boat, gambling structure, or racetrack enclosure, and making penalties applicable.

**H.S.B. 627 State Government**

Relating to direct care professionals including the establishment of a board of direct care professionals, providing for implementation, making penalties applicable, and including effective date provisions.

**H.S.B. 628 Commerce**

Relating to credit unions, including methods of voting by credit union members and the board of directors, electronic communications to certain credit union members, the composition of the board of directors, assessment of fees for examination and supervision, limited negotiated disclosures of certain confidential information, treatment of ownership shares, and superintendent management authority, and making penalties applicable.

**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 2071**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8009** February 8, 2012.

**Committee Bill** (Formerly **House File 2203**), 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 **Amend and Do Pass** February 8, 2012.

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly [House Study Bill 515](#)), relating to informal dispute resolution, by eliminating a program for the establishment and support of locally organized informal dispute resolution centers in the office of prosecuting attorneys training coordinator of the department of justice.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2012.

**Committee Bill** (Formerly [House Study Bill 559](#)), revising the Iowa nonprofit corporation Act.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2012.

**Committee Bill** (Formerly [House File 2002](#)), relating to the residency requirements of a full-time associate juvenile judge.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2012.

## COMMITTEE ON LOCAL GOVERNMENT

[Senate File 413](#), a bill for an act relating to financial responsibilities of local emergency management commissions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8008** February 8, 2012.

## COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly [House File 2015](#)), relating to the definition of hydronic for purposes of the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2012.

## COMMITTEE ON VETERANS AFFAIRS

**Committee Bill** (Formerly [House Study Bill 598](#)), making a transfer to the veterans trust fund and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2012.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly [House Study Bill 519](#)), relating to property taxation and local government budgets by establishing and modifying property assessment limitations, providing for certain property tax replacement payments, establishing budget limitations for counties and cities, eliminating certain reporting requirements, making appropriations, and including applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2012.

## AMENDMENTS FILED

<a href="#">H-8008</a>	<a href="#">S.F. 413</a>	Committee on Local Government
<a href="#">H-8009</a>	<a href="#">S.F. 2071</a>	Committee on Appropriations
<a href="#">H-8010</a>	<a href="#">H.F. 2248</a>	Kaufmann of Cedar
<a href="#">H-8011</a>	<a href="#">H.F. 2245</a>	Winckler of Scott

On motion by Upmeyer of Hancock the House adjourned at 4:11 p.m., until 9:00 a.m., Friday, February 10, 2012.