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**STATE OF IOWA**

**House Journal**

**TUESDAY, FEBRUARY 14, 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-seventh Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 14, 2012

The House met pursuant to adjournment at 8:32 a.m., Speaker Paulsen in the chair.

Prayer was offered by the Most Reverend Martin Amos, Bishop of the Diocese of Davenport. He was the guest of Representative Lykam of Scott County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Shelby Kramer, Page from Glidden.

The Journal of Monday, February 13, 2012, was approved.

On motion by Upmeyer of Hancock, the House was recessed at 8:38 a.m., until 2:00 p.m.

### AFTERNOON SESSION

The House reconvened at 2:01 p.m., Cownie of Polk in the chair.

### QUORUM CALL

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

Speaker Paulsen in the chair at 2:07 p.m.

### 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 February 14, 2012, passed the following bill in which the concurrence of the House is asked:

[Senate File 2161](#), a bill for an act relating to the amount of the earned income tax credit and including retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

#### INTRODUCTION OF BILLS

[House File 2288](#), by Byrnes, a bill for an act relating to the use and distribution of teacher salary and professional development funds under the student achievement and teacher quality program.

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

[House File 2289](#), by committee on judiciary, a bill for an act relating to the nomination and appointment of district judges and associate juvenile judges.

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

[House File 2290](#), by committee on judiciary, a bill for an act revising the Iowa nonprofit corporation Act.

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

[House File 2291](#), by committee on judiciary, a bill for an act 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.

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

[House File 2292](#), by committee on agriculture, a bill for an act relating to confinement feeding operations confining fish, and making penalties applicable.

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

[House File 2293](#), by Berry, a bill for an act requiring the division of community action agencies to implement a financial literacy education program for clients of community action agencies and making appropriations.

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

[House File 2294](#), by Berry and Kajtazovic, a bill for an act creating a student veteran services coordinator grant program and making an appropriation.

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

[House File 2295](#), by Berry and Abdul-Samad, a bill for an act relating to consideration for early parole or work release.

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

[House File 2296](#), by Kelley, a bill for an act providing for civil rights enforcement concerning employment rights of persons exercising their rights under the federal Family and Medical Leave Act.

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

#### LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Raecker of Polk

Watts of Dallas

#### CONSIDERATION OF BILLS

##### Ways and Means Calendar

[House File 2274](#), 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, was taken up for consideration.

Jacoby of Johnson offered amendment [H-8014](#) filed by him and moved its adoption.

Roll call was requested by Jacoby of Johnson and McCarthy of Polk.

On the question "Shall amendment [H-8014](#) be adopted?" ([H.F. 2274](#))

The ayes were, 41:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Hanusa
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, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	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, 2:

Raecker	Watts
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Amendment [H-8014](#) lost.

Hall of Woodbury offered amendment [H-8015](#) filed by him and moved its adoption.

Roll call was requested by Hall of Woodbury and Hunter of Polk.

On the question "Shall amendment [H-8015](#) be adopted?" ([H.F. 2274](#))

The ayes were, 12:

Cohoon	Gaskill	Hall	Hanson
Kelley	Miller, H.	Murphy	Smith, M.
Swaim	Willems	Wittneben	Wolfe

The nays were, 86:

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

Absent or not voting, 2:

Raecker	Watts
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Amendment [H-8015](#) lost.

Kaufmann of Cedar in the chair at 2:58 p.m.

Thomas of Clayton offered amendment [H-8016](#) filed by him and moved its adoption.

Roll call was requested by Thomas of Clayton and Hunter of Polk.

On the question "Shall amendment [H-8016](#) be adopted?" ([H.F. 2274](#))

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	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	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	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paulsen, Spkr.
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	Kaufmann, Presiding		

Absent or not voting, 3:

Mascher	Raecker	Watts
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Amendment [H-8016](#) lost.

Speaker Paulsen in the chair at 3:06 p.m.

Sands of Louisa offered amendment [H-8017](#) filed by him and requested a division as follows:

Division A: Page 1, lines 2 through 7.

Division B: Page 1, line 8 through page 5, line 19.

Sands of Louisa moved amendment [H-8017A](#).

Amendment [H-8017A](#) was adopted.

Sands of Louisa asked and received unanimous consent to withdraw amendment [H-8017B](#) filed by him on February 13, 2012.

Petersen of Polk asked and received unanimous consent to withdraw amendment [H-8018](#) filed by her on February 13, 2012.

Kaufmann of Cedar in the chair at 3:25 p.m.

Speaker Paulsen in the chair at 4:47 p.m.

Sands of Louisa 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. 2274](#))

The ayes were, 59:

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	Raecker
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	

The nays were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	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  
Willems

Thomas  
Winckler

Wenthe  
Wittneben

Wessel-Kroeschell  
Wolfe

Absent or not voting, 1:

Watts

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 [House File 2274](#) be immediately messaged to the Senate.

#### [HOUSE FILE 2273](#) REFERRED

The Speaker announced that [House File 2273](#), previously placed on the **calendar** was referred to committee on **ways and means**.

#### SUBCOMMITTEE ASSIGNMENTS

##### [House File 481](#)

Agriculture: De Boef, Chair; H. Miller and Rasmussen.

##### [House File 2249](#)

Commerce: Wagner, Chair; T. Olson and Watts.

##### [House File 2253](#)

Judiciary: Kaufmann, Chair; Garrett and Wolfe.

##### [House File 2254](#)

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

##### [House File 2263](#)

Transportation: Iverson, Chair; Arnold and Cohoon.

##### [House File 2267](#)

Commerce: Watts, Chair; Kajtazovic and Wagner.

##### [House File 2268](#)

Judiciary: Tjepkes, Chair; Heaton and T. Olson.

[House File 2269](#)

Judiciary: Pearson, Chair; Gaines and Kaufmann.

[House File 2270](#)

Public Safety: Baudler, Chair; Kressig and Tjepkes.

[House File 2279](#)

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

[House File 2282](#)

Transportation: Worthan, Chair; Hall and Rasmussen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 628](#)

Commerce: Iverson, Chair; Kressig and Paustian.

[House Study Bill 629](#)

Education: Forristall, Chair; Jorgensen and Steckman.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 630](#) **Human Resources**

Relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions.

[H.S.B. 631](#) **Commerce**

Relating to security interests in farm products, providing for fees and their expenditure, and including contingent applicability provisions.

[H.S.B. 632](#) **Local Government**

A study bill to legalize the proceedings of the City Council of Ankeny, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project with Pirc-Tobin Construction, Inc. of Alburnett, Iowa, in connection with, and to legalize said contract, and authorize its performance by said Council and the financing including project notes issued thereof.

**H.S.B. 633 Local Government**

Relating to the issuance of a burial transit permit.

**H.S.B. 634 Local Government**

Relating to property tax assessments by modifying the requirements for certain notice and protest periods, authorizing local boards of review to allow electronic filing of assessment protests, and including applicability provisions.

**H.S.B. 635 Commerce**

Relating to matters under the purview of the banking division of the department of commerce, and including effective date 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 COMMERCE**

**Committee Bill** (Formerly [House File 2078](#)), reducing the statute of repose period in a case arising out of the unsafe or defective condition of an improvement to real property and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2012.

**Committee Bill** (Formerly [House Study Bill 574](#)), requiring advance notification to utilities by the owner of an alternative energy production facility of construction or installation of the facility.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2012.

**COMMITTEE ON ECONOMIC GROWTH/REBUILD IOWA**

**Committee Bill** (Formerly [House Study Bill 593](#)), creating the manufactured housing program fund.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2012.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly [House File 2067](#)), relating to the transmission and recording of certain death certificates.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2012.

**Committee Bill** (Formerly [House Study Bill 581](#)), requiring that absentee ballot return envelopes be conspicuously marked with county commissioner of elections receipt and postmark requirements.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2012.

**Committee Bill** (Formerly [House Study Bill 587](#)), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2012.

#### RESOLUTION FILED

**H.R. 111**, by Paulsen, Upmeyer, and McCarthy, a resolution welcoming His Excellency Xi Jinping, Vice President of the People's Republic of China on his visit to the State of Iowa.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

<a href="#">H-8019</a>	<a href="#">S.F. 2071</a>	Schulte of Linn
<a href="#">H-8020</a>	<a href="#">S.F. 2071</a>	T. Olson of Linn
<a href="#">H-8021</a>	<a href="#">S.F. 2071</a>	Wagner of Linn
<a href="#">H-8022</a>	<a href="#">S.F. 2071</a>	T. Olson of Linn

On motion by Upmeyer of Hancock the House adjourned at 5:00 p.m., until 8:30 a.m., Wednesday, February 15, 2012.