

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, FEBRUARY 15, 2012

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JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 15, 2012

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Jim Laupp, First Baptist Church, Fort Dodge. He was the guest of Representative H. Miller of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Darek Muhlbauer, Page from Audubon.

The Journal of Tuesday, February 14, 2012, was approved.

INTRODUCTION OF BILLS

[House File 2297](#), by committee on veterans affairs, a bill for an act making a transfer to the veterans trust fund and including effective date provisions.

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

[House File 2298](#), by Pearson, a bill for an act relating to the prohibition of terminations of pregnancy and abortions, providing penalties, and including effective date provisions.

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

[House File 2299](#), by Wagner, a bill for an act relating to the extension of the effective date of a driver's license for a person serving on active duty in military service.

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

[House File 2300](#), by Pettengill, J. Taylor, and Hall, a bill for an act relating to the state housing credit ceiling allocation and including effective date and retroactive applicability provisions.

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

[House File 2301](#), by committee on commerce, a bill for an act requiring advance notification to utilities by specified owners of alternate energy production facilities of construction or installation of the facility.

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

[House File 2302](#), by Brandenburg, a bill for an act relating to student athletic activities in public and nonpublic schools.

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

[House File 2303](#), by Kajtazovic, a bill for an act prohibiting the manufacture of certain goods containing bisphenol A, and providing penalties.

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

[House File 2304](#), by Pearson, a bill for an act regulating the use of pat-down searches and whole-body scanners, providing penalties, and including effective date and implementation provisions.

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

[House File 2305](#), by committee on human resources, a bill for an act relating to the powers and duties of the department on aging.

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

[House File 2306](#), by committee on human resources, a bill for an act relating to the membership of the medical assistance advisory council.

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

[House File 2307](#), by committee on commerce, a bill for an act 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.

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

[House File 2308](#), by committee on judiciary, a bill for an act relating to the modification of a temporary no-contact order.

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

SENATE MESSAGE CONSIDERED

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

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

LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Baudler of Adair
Watts of Dallas

Horbach of Tama

The House stood at ease at 8:42 a.m., until the fall of the gavel.

The House resumed session at 9:33 a.m., Speaker Paulsen in the chair.

ADOPTION OF [HOUSE RESOLUTION 111](#)

Upmeyer of Hancock called up for consideration [House Resolution 111](#), a resolution welcoming His Excellency Xi Jinping, Vice President of the People's Republic of China on his visit to the State of Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Regular Calendar

[House File 2248](#), a bill for an act relating to the practice of optometry, was taken up for consideration.

Kaufmann of Cedar offered amendment [H-8010](#) filed by him and moved its adoption.

Amendment [H-8010](#) was adopted.

[SENATE FILE 2120](#) SUBSTITUTED FOR [HOUSE FILE 2248](#)

Kaufmann of Cedar asked and received unanimous consent to substitute [Senate File 2120](#) for [House File 2248](#).

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

Kaufmann of Cedar 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. 2120](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	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	Hunter	Huseman
Isenhardt	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	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg

Steckman	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, 4:

Baudler	Horbach	Swaim	Watts
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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 2248](#) WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw [House File 2248](#) from further consideration by the House.

Appropriations Calendar

[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, with report of committee recommending amendment and passage, was taken up for consideration.

Wagner of Linn offered amendment [H-8009](#) filed by the committee on appropriations.

Wagner of Linn offered amendment [H-8021](#), to the committee amendment [H-8009](#), filed by him and moved its adoption.

Amendment [H-8021](#), to the committee amendment [H-8009](#), was adopted, placing out of order amendment [H-8022](#), to the committee amendment [H-8009](#), filed by T. Olson of Linn on February 14, 2012.

T. Olson of Linn offered amendment [H-8020](#), to the committee amendment [H-8009](#), filed by him and moved its adoption.

Roll call was requested by T. Olson of Linn and Wenthe of Fayette.

On the question "Shall amendment [H-8020](#), to the committee amendment [H-8009](#), be adopted?" ([S.F. 2071](#))

The ayes were, 39:

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

The nays were, 57:

Alons	Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	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			

Absent or not voting, 4:

Baudler	Horbach	Swaim	Watts
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Amendment [H-8020](#), to the committee amendment [H-8009](#), lost.

Heddens of Story offered amendment [H-8013](#), to the committee amendment [H-8009](#), filed by her and moved its adoption.

Roll call was requested by Heddens of Story and T. Olson of Linn.

On the question "Shall amendment [H-8013](#), to the committee amendment [H-8009](#), be adopted?" ([S.F. 2071](#))

The ayes were, 42:

Abdul-Samad	Berry	Cohoon	De Boef
Gaines	Gaskill	Hall	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtaovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Miller, L.	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Paustian
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 54:

Alons	Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers	Cownie
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Huseman	Iverson	Jorgensen
Kaufmann	Klein	Koester	Lofgren
Lukan	Massie	Moore	Olson, S.
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		

Absent or not voting, 4:

Baudler	Horbach	Swaim	Watts
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Amendment [H-8013](#), to the committee amendment [H-8009](#), lost.

Wagner of Linn moved the adoption of the committee amendment [H-8009](#), as amended.

The committee amendment [H-8009](#), as amended, was adopted.

Schulte of Linn offered amendment [H-8019](#) filed by her and moved its adoption.

Amendment [H-8019](#) was adopted.

Worthan of Buena Vista 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. 2071](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	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	Hunter	Huseman
Isenhardt	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	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	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, 4:

Baudler	Horbach	Swaim	Watts
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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 MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2071** and **2120**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 15, 2012, he approved and transmitted to the Secretary of State the following bill:

[Senate File 93](#), an Act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS

[House Joint Resolution 2006](#)

Appropriations: Rogers, Chair; T. Olson and Wagner.

[House File 2271](#)

State Government: Iverson, Chair; Helland and Kajtazovic.

[House File 2272](#)

State Government: Iverson, Chair; Helland and Isenhart.

[House File 2277](#)

Judiciary: Rogers, Chair; Heaton and Wolfe.

[House File 2280](#)

Judiciary: Massie, Chair; Alons and M. Smith.

[House File 2286](#)

Public Safety: Baudler, Chair; Kressig and Tjepkes.

[House File 2288](#)

Education: Byrnes, Chair; Mascher and Pearson.

[House File 2298](#)

Human Resources: Iverson, Chair; Schulte and Wessel-Kroeschell.

[House File 2299](#)

Veterans Affairs: Rayhons, Chair; Berry and Sweeney.

[House File 2302](#)

Education: Hanusa, Chair; Lofgren and Steckman.

[House File 2304](#)

Public Safety: Baudler, Chair; Kressig and Tjepkes.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 630](#)

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

[House Study Bill 631](#)

Commerce: J. Smith, Chair; Muhlbauer and Paustian.

[House Study Bill 632](#)

Local Government: Hager, Chair; Kressig and Rayhons.

[House Study Bill 633](#)

Local Government: Klein, Chair; Horbach and Kajtazovic.

[House Study Bill 634](#)

Local Government: Tjepkes, Chair; Gaskill and Pearson.

[House Study Bill 635](#)

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 636](#) **Public Safety**

Imposing a duty of reasonable assistance on a person present at the scene of an emergency or accident and providing a penalty.

H.S.B. 637 Judiciary

Creating medical parole for certain persons committed to the custody of the department of corrections, and including effective date provisions.

H.S.B. 638 Judiciary

Relating to identity theft, providing penalties, and making penalties applicable.

H.S.B. 639 Judiciary

Relating to the apportionment of magistrates, and creating a full-time magistrate office.

H.S.B. 640 Veterans Affairs

Requiring that a veteran be seriously injured or very seriously injured in order to be eligible to receive a grant under the injured veterans grant program.

H.S.B. 641 Veterans Affairs

Permitting the temporary allocation and use of moneys in the veterans trust fund for cemetery grant development purposes.

H.S.B. 642 Veterans Affairs

Relating to county commissions of veteran affairs.

H.S.B. 643 State Government

Concerning the duties and operations of the department of administrative services.

H.S.B. 644 State Government

Providing for the licensing of polysomnographic technologists and providing for a penalty.

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 PUBLIC SAFETY

Committee Bill (Formerly [House Joint Resolution 2005](#)), proposing an amendment to the Constitution of the State of Iowa relating to an individual's right to acquire, keep, possess, transport, carry, transfer, and use arms.

Fiscal Note is not required.

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

Committee Bill (Formerly [House File 2114](#)), relating to state preemption of firearms, firearm accessories, and ammunition regulation by political subdivisions, and including penalties and remedies and applicability provisions.

Fiscal Note is not required.

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

RESOLUTIONS FILED

[H.R. 112](#), by Alons, De Boef, Shaw, Brandenburg, Massie, Sweeney, Jorgensen, and Wolfe, a resolution to preserve habeas corpus and civil liberties.

Laid over under **Rule 25**.

[H.R. 113](#), by Upmeyer, Rayhons, and Byrnes, a resolution to recognize Iowa Mold Tooling on its 50th anniversary.

Laid over under **Rule 25**.

AMENDMENT FILED

[H-8023](#) [S.F. 413](#) Wagner of Linn

On motion by Upmeyer of Hancock the House adjourned at 10:10 a.m., until 8:30 a.m., Thursday, February 16, 2012.