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**STATE OF IOWA**

**House Journal**

**THURSDAY, FEBRUARY 16, 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-ninth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 16, 2012

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

Prayer was offered by Pastor Wendy Abrahamson, St. John's Church, Mason City. She was the guest of Representative Steckman of Cerro Gordo County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Angelo Vignaroli, Page from Des Moines.

The Journal of Wednesday, February 15, 2012, was approved.

### INTRODUCTION OF BILLS

[House Joint Resolution 2008](#), by Heaton, L. Miller, Fry, Shaw, and Brandenburg, a joint resolution nullifying a department of human services rule relating to reimbursement of physicians for services rendered in a facility setting, and including an effective date.

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

[House File 2309](#), by Running-Marquardt, a bill for an act relating to the period for renewal of a foster care license.

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

[House File 2310](#), by Chambers, a bill for an act exempting from the inheritance tax any agricultural land passing to nieces or nephews and including an applicability provision.

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

[House File 2311](#), by Brandenburg, a bill for an act providing an exemption from the computation of the state individual income tax of certain dividends and net capital gain from the sale or exchange of qualified capital stock and including effective date and retroactive applicability provisions.

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

[House File 2312](#), by Windschitl, a bill for an act relating to rules for compensation under the medical assistance program of individuals holding certain positions in nursing facilities.

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

[House File 2313](#), by Windschitl, a bill for an act relating to the registration and titling of military vehicles.

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

[House File 2314](#), by Windschitl, a bill for an act creating exemptions from the computation of net income for the individual and corporate income tax and the franchise tax of amounts paid to and received from a health care sharing ministry and including retroactive applicability provisions.

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

The House stood at ease at 8:45 a.m., until the fall of the gavel.

The House resumed session at 9:21 a.m., Speaker Paulsen in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Mascher of Johnson  
Raecker of Polk

McCarthy of Polk

#### ADOPTION OF [HOUSE RESOLUTION 110](#)

Koester of Polk called up for consideration [House Resolution 110](#), as follows, and moved its adoption:

HOUSE RESOLUTION 110

## BY COMMITTEE ON ETHICS

1 A resolution amending the House Code of Ethics.

2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That

3 Rule 8, as adopted by the House of Representatives

4 during the 2011 Session in House Resolution 7, is

5 amended to read as follows:

6 8. GIFTS ACCEPTED OR RECEIVED. Members and

7 employees of the house shall comply with the

8 restrictions relating to the receipt or acceptance

9 of gifts contained in section 68B.22 of the Code.

10 The sponsor of a function under section 68B.22,

11 subsection 4, paragraph "s", shall electronically

12 file a registration with the chief clerk of the house

13 five days prior to the function disclosing the name of

14 the sponsor, and the date, time, and location of the

15 function. The sponsor shall also electronically file a

16 report of expenditures as required pursuant to section

17 68B.22, subsection 4, paragraph "s".

18 BE IT FURTHER RESOLVED, That Rule 12, paragraphs

19 d and e, as adopted by the House of Representatives

20 during the 2011 Session in House Resolution 7, are

21 amended to read as follows:

22 d. Confidentiality of complaint. The identity of

23 the parties and the contents of the complaint shall be

24 confidential until the time that the committee ~~meets to~~

25 ~~determine whether the complaint is valid chairperson~~

26 ~~and ranking member determine under paragraph "f"~~

27 ~~that the complaint is sufficient as to form, unless~~

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1 either the complainant or the party charged in the

2 complaint makes the identity of the parties, or the

3 information contained in the complaint, public.

4 ~~However, if either the complainant or party alleged~~

5 ~~to have committed the violation requests that the~~

6 ~~meeting to determine whether the complaint is valid be~~

7 ~~a closed meeting and the identity of the parties or the~~

8 ~~contents of the complaint have not been disclosed, the~~

9 ~~meeting shall be closed. The chief clerk of the house ~~~

10 ~~and the committee chairperson and ranking member may~~

11 ~~communicate confidentially with appropriate legislative~~

12 ~~staff during any stage of the complaint process.~~

13 e. Notice of complaint. Upon receipt of the

14 complaint, the chief clerk of the house shall promptly

15 notify the chairperson and ranking member of the

16 ethics committee that a complaint has been filed and

17 provide both the chairperson and the ranking member

18 with copies of the complaint and any supporting

19 information. Within two working days, the chief clerk

20 shall send notice, either by personal delivery or by

21 certified mail, return receipt requested, to the person  
22 or persons alleged to have committed the violation,  
23 along with a copy of the complaint and any supporting  
24 information. The notice to the accused person shall  
25 contain a request that the person submit a written  
26 response to the complaint within ten working days of  
27 the date that the notice was sent by the chief clerk.  
28 At the request of the accused person, the committee may  
29 extend the time for the response, not to exceed ten  
30 additional calendar days. A response to a complaint

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1 shall not be confidential.  
2 BE IT FURTHER RESOLVED, That Rule 12, paragraph  
3 f, unnumbered paragraph 1, as adopted by the House  
4 of Representatives during the 2011 Session in House  
5 Resolution 7, is amended to read as follows:  
6 The committee chairperson and the ranking  
7 member shall review the complaint and supporting  
8 information to determine whether the complaint meets  
9 the requirements as to form. If the complaint is  
10 deficient as to form, the complaint shall be returned  
11 to the complainant with instructions indicating the  
12 deficiency ~~unless the committee decides to proceed on~~  
13 ~~its own motion.~~ If the complaint is in writing, is  
14 sufficient as to form, and contains the appropriate  
15 certification, as soon as practicable, the chairperson  
16 shall call a meeting of the committee to review the  
17 complaint to determine whether the complaint meets the  
18 requirements for validity and whether the committee  
19 should take action on the complaint pursuant to  
20 paragraph "g" or whether the committee should request  
21 that the chief justice of the supreme court appoint an  
22 independent special counsel to conduct an investigation  
23 to determine whether probable cause exists to believe  
24 that a violation of the house code of ethics, house  
25 rules governing lobbyists, or chapter 68B of the Code,  
26 has occurred. The sufficiency as to form determination  
27 and the valid complaint requirements determination  
28 shall be based solely upon the original complaint and  
29 the response to the complaint. Additional documents  
30 or responses shall not be filed by the parties or

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1 otherwise considered by the committee prior to a  
2 validity determination. The committee shall not  
3 receive or consider oral testimony in support of or  
4 against a validity determination.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILL  
Appropriations Calendar

[House File 2284](#), 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, was taken up for consideration.

Lofgren of Muscatine 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. 2284](#))

The ayes were, 93:

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	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Massie	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Paustian	Petersen
Pettengill	Quirk	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Smith, J.	Smith, M.	Soderberg
Steckman	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, 2:

Pearson	Shaw
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Absent or not voting, 5:

Mascher                      McCarthy                      Olson, R.                      Raecker  
Swaim

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

#### HOUSE FILES 2085 and 2203 WITHDRAWN

Lofgren of Muscatine asked and received unanimous consent to withdraw House Files 2085 and 2203 from further consideration by the House.

#### IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that [House File 2284](#) be immediately messaged to the Senate.

#### DISSENT FROM [HOUSE FILE 2284](#)

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.

The following reason for dissent was received in the office of the Chief Clerk for entry hereon:

We are submitting our official protest votes with regards to [House File 2284](#). That bill appropriated \$1,000,000 to the Economic Development Authority for the purpose of providing financial assistance, marketing, and education to businesses regarding the formation of employee stock ownership plans.

We believe this appropriation is a misuse of taxpayer funds.

Representative Kim Pearson  
Representative Tom Shaw

## SUBCOMMITTEE ASSIGNMENTS

[House Joint Resolution 2008](#)

Human Resources: L. Miller, Chair; Fry and Heddens.

[House File 2008](#)

Ways and Means: Helland, Chair; Isenhart and Sands.

[House File 2022](#)

Ways and Means: J. Taylor, Chair; Byrnes and Willems.

[House File 2034](#)

Ways and Means: Helland, Chair; Kajtazovic and Sands.

[House File 2056](#)

Ways and Means: Helland, Chair; Muhlbauer and Sands.

[House File 2057](#)

Ways and Means: Helland, Chair; Kearns and Sands.

[House File 2058](#)

Ways and Means: Helland, Chair; Petersen and Sands.

[House File 2070](#)

Ways and Means: Paustian, Chair; Pettengill and Quirk.

[House File 2091](#)

Ways and Means: Helland, Chair; Jacoby and Sands.

[House File 2100](#)

Ways and Means: Helland, Chair; Kajtazovic and Sands.

[House File 2123](#)

Ways and Means: Helland, Chair; Sands and Thomas.

[House File 2183](#)

Ways and Means: Helland, Chair; Jacoby and Sands.



[House File 2224](#)

Ways and Means: Helland, Chair; Sands and Thomas.

[House File 2225](#)

Ways and Means: Helland, Chair; Jacoby and Sands.

[House File 2251](#)

Ways and Means: Helland, Chair; Isenhart and Sands.

[House File 2258](#)

Ways and Means: Helland, Chair; Kearns and Sands.

[House File 2287](#)

Ways and Means: Byrnes, Chair; De Boef and Thomas.

[House File 2309](#)

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

[House File 2312](#)

Human Resources: Iverson, Chair; Mascher and Schulte.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 637](#)

Judiciary: Anderson, Chair; Heaton and Lensing.

[House Study Bill 638](#)

Judiciary: Baltimore, Chair; Massie and Oldson.

[House Study Bill 639](#)

Judiciary: Anderson, Chair; Baltimore and R. Olson.

[House Study Bill 640](#)

Veterans Affairs: Shaw, Chair; Hanusa and Wittneben.

[House Study Bill 641](#)

Veterans Affairs: Shaw, Chair; Kearns and Sweeney.

[House Study Bill 642](#)

Veterans Affairs: Alons, Chair; Hanusa and Muhlbauer.

[House Study Bill 643](#)

State Government: Vander Linden, Chair; Hunter and Massie.

[House Study Bill 644](#)

State Government: Iverson, Chair; Helland and Quirk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 645](#) **State Government**

Relating to government operations and efficiency, school elections, eliminating certain tax credits, making appropriations, and including effective date and applicability provisions.

[H.S.B. 646](#) **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, making appropriations, and including effective date and applicability provisions.

[H.S.B. 647](#) **Education**

Concerning school district funding for excess costs of instruction of children requiring special education.

[H.S.B. 648](#) **Economic Growth/Rebuild Iowa**

Relating to the amount allowable as an innovation fund investment tax credit, making the credit transferable, and including effective date and retroactive applicability provisions.

[H.S.B. 649](#) **State Government**

Concerning public construction bidding by establishing a pilot program for alternative project delivery processes for certain public

projects and utilizing alternative selection procedures for certain professional services and making an appropriation.

**H.S.B. 650 State Government**

Concerning establishing and collecting certain filing fees by the auditor of state.

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

**Committee Bill** (Formerly LSB 5120HB), relating to appropriations to the judicial branch.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 2012.

COMMITTEE ON COMMERCE

**Committee Bill** (Formerly [House File 2126](#)), relating to the education requirements for licensed massage therapists.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2012.

**Committee Bill** (Formerly [House Study Bill 608](#)), authorizing charitable auctions for alcoholic spirits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2012.

**Committee Bill** (Formerly [House Study Bill 621](#)), relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2012.

**Committee Bill** (Formerly [House Study Bill 628](#)), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 2012.

#### COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly [House Study Bill 594](#)), relating to pollution prevention and waste management assistance.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2012.

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly [House File 2076](#)), relating to establishing cohabitation with a sex offender as a potential substantial change in circumstances for the purposes of modification of decree or order regarding custody, visitation, or physical care.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 2012.

**Committee Bill** (Formerly [House Study Bill 610](#)), relating to the designation of area agencies on aging, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 2012.

**Committee Bill** (Formerly [House Study Bill 624](#)), relating to terminology changes in Iowa Code references to mental retardation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 2012.

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly [House File 2037](#)), relating to the issuance of a search warrant to authorize the placement, tracking, and monitoring of a global positioning device.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2012.

**Committee Bill** (Formerly [House Study Bill 613](#)), relating to notice of mortgage mediation assistance.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 2012.

**Committee Bill** (Formerly [House Study Bill 596](#)), providing for notarial acts and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 2012.

**Committee Bill** (Formerly [House Study Bill 625](#)), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 2012.

**Committee Bill** (Formerly [House Study Bill 606](#)), relating to nonsubstantive Code corrections and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2012.

## COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly [House File 2141](#)), relating to city utilities and city enterprises by making changes to requirements related to residential rental property.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 2012.

**Committee Bill** (Formerly [House Study Bill 602](#)), concerning the review, approval, and establishment of county supervisor districting plans.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 2012.

#### COMMITTEE ON NATURAL RESOURCES

**Committee Bill** (Formerly [House File 2247](#)), requiring the department of natural resources to conduct pheasant studies, contingent on outside funding, and including a repeal.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2012.

**Committee Bill** (Formerly [House Study Bill 617](#)), relating to the issuance of hunting and fishing licenses and providing for fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2012.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly [House File 2016](#)), to allow a person with a special minor's license to drive to and from school and school activities along a route that begins or ends at the home of either parent.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2012.

#### COMMITTEE ON VETERANS AFFAIRS

[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.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 2012.

**Committee Bill** (Formerly [House File 2026](#)), providing for the issuance of special hunting licenses to certain nonresident disabled veterans.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2012.

## RESOLUTIONS FILED

[H.R. 114](#), by Deyoe, Baltimore, Heddens, and Wessel-Kroeschell, a resolution honoring Dr. Gregory L. Geoffroy's remarkable achievements as President of Iowa State University.

Laid over under **Rule 25**.

[H.R. 115](#), by Horbach, a resolution to recognize March 30, 2012, as Vietnam Veterans Day.

Laid over under **Rule 25**.

[H.R. 116](#), by Deyoe, Baltimore, Heddens, and Wessel-Kroeschell, a resolution congratulating Dan Shechtman of the Iowa State University College of Engineering, the United States Department of Energy's Ames Laboratory, and Technion-Israel Institute of Technology on his receipt of the 2011 Nobel Prize in Chemistry.

Laid over under **Rule 25**.

## AMENDMENT FILED

[H-8024](#)      [H.F. 2289](#)      Kaufmann of Cedar

On motion by Upmeyer of Hancock the House adjourned at 9:41 a.m., until 8:00 a.m., Friday, February 17, 2012.