

PROOF

STATE OF IOWA

House Journal

TUESDAY, FEBRUARY 21, 2012

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JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 21, 2012

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

Prayer was offered by Pastor LeAnn Stubbs, St. Stephen Lutheran Church, Urbandale. She was the guest of Representative Worthan of Buena Vista County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nora McKenzie, Chief Clerk's Page from Carroll.

The Journal of Monday, February 20, 2012, was approved.

INTRODUCTION OF BILLS

[House File 2333](#), by J. Taylor, a bill for an act relating to appropriations to the indigent defense fund.

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

[House File 2334](#), by committee on natural resources, a bill for an act relating to the issuance of hunting and fishing licenses, providing for fees, and including effective date provisions.

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

[House File 2335](#), by committee on appropriations, a bill for an act relating to appropriations to the justice system, and providing effective dates.

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

[House File 2336](#), by committee on appropriations, a bill for an act relating to appropriations involving state government entities

involved with agriculture, natural resources, and environmental protection.

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

[House File 2337](#), by committee on appropriations, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions.

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

[House File 2338](#), by committee on appropriations, a bill for an act relating to appropriations to the judicial branch.

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

[House File 2339](#), by committee on commerce, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions.

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

[House File 2340](#), by committee on commerce, a bill for an act 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.

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

[House File 2341](#), by committee on commerce, a bill for an act authorizing charitable auctions for alcoholic spirits.

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

[House File 2342](#), by committee on commerce, a bill for an act relating to the composition of the board of massage therapy and the education requirements for licensed massage therapists.

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

[House File 2343](#), by committee on natural resources, a bill for an act requiring the department of natural resources to conduct pheasant studies, contingent on outside funding, and including a repeal.

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

[House File 2344](#), by committee on human resources, a bill for an act relating to terminology changes in Iowa Code references to mental retardation.

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

[House File 2345](#), by committee on human resources, a bill for an act relating to the factors considered by the court in a determination of the best interest of the child in custody arrangements.

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

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 20, 2012, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

[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.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF [HOUSE RESOLUTION 116](#)

Upmeyer of Hancock called up for consideration [House Resolution 116](#), 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, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Upmeyer of Hancock, the House was recessed at 8:41 a.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:01 p.m., Speaker Paulsen in the chair.

The House stood at ease at 5:01 p.m., until the fall of the gavel.

The House resumed session at 5:35 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Moore of Jackson

Windschitl of Harrison

SENATE AMENDMENT CONSIDERED

Worthan of Buena Vista called up for consideration [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, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment [H-8026](#) to the House amendment.

The motion prevailed and the House concurred in the Senate amendment [H-8026](#), to the House amendment.

Worthan of Buena Vista moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, 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, 97:

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
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	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	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	Worthan
Mr. Speaker Paulsen			

The nays were, none.

Absent or not voting, 3:

Kressig	Moore	Windschitl
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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 MESSAGE

Upmeyer of Hancock asked and received unanimous consent that [Senate File 2071](#) be immediately messaged to the Senate.

INTRODUCTION OF BILLS

[House File 2346](#), by J. Taylor, Klein, Hein, De Boef, Moore, Paustian, Quirk, Schultz, Grassley, Windschitl, and Hager, a bill for an act relating to funding for projects on roads and bridges in critical need of repair or maintenance, and making an appropriation.

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

[House File 2347](#), by Pettengill, a bill for an act relating to the tax-sheltered investment program administered by the department of administrative services.

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

[House File 2348](#), by committee on environmental protection, a bill for an act relating to pollution prevention and waste management assistance.

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

[House File 2349](#), by Hagenow and Rogers, a bill for an act relating to commercial sexual activity and human trafficking and providing penalties and making penalties applicable.

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

[House File 2350](#), by committee on public safety, a bill for an act relating to the possession of certain substances with the intent to manufacture a controlled substance, and providing a penalty.

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

[House File 2351](#), by committee on judiciary, a bill for an act providing for notarial acts and including effective date provisions.

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

[House File 2352](#), by Lukan, a bill for an act providing an Iowa rebate tax credit for eligible individuals, providing an exemption from

the computation of the state individual income tax, and including effective date and retroactive applicability provisions.

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

SUBCOMMITTEE ASSIGNMENTS

[House File 258](#) Reassigned

Natural Resources: Rayhons, Chair; Hager and Hanson.

[House File 398](#) Reassigned

Public Safety: Hagenow, Chair; S. Olson and Wolfe.

[House File 442](#) Reassigned

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

[House File 2313](#)

Veterans Affairs: Chambers, Chair; Kearns and Lukan.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 649](#) Reassigned

State Government: Schulte, Chair; Hein and Quirk.

[House Study Bill 651](#)

Local Government: Klein, Chair; Hager and Wittneben.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 653](#) Judiciary

Relating to business corporations, including by providing for their organization and operation; providing for the relationship between shareholders, directors, and officers; and including effective date provisions.

[H.S.B. 654](#) Transportation

Relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements.

H.S.B. 655 State Government

Relating to electrical and mechanical amusement devices concerning liability for device distributors and penalties for awarding cash prizes for the use of electrical or mechanical amusement devices.

H.S.B. 656 State Government

Relating to radon control by requiring the state building code commissioner to adopt statewide radon control standards in residential construction, requiring that radon testing, mitigation, or abatement be conducted in schoolhouses and certain residential buildings, requiring certain notifications, and providing an income tax credit, and including retroactive applicability provisions.

H.S.B. 657 Local Government

Legalize and validate the proceedings preliminary to and in connection with a special election held to authorize the imposition of a local option sales and services tax within the City of Adel, Iowa under Iowa Code Chapter 423B, declaring the validity of said proceedings and the legality of the local option sales and services tax authorized by the special election, and providing an effective date and for retroactive applicability.

H.S.B. 658 Labor

Establishing a workplace safety improvement program and fund administered by the labor commissioner and making an appropriation.

H.S.B. 659 Economic Growth/Rebuild Iowa

Establishing a lifelong learning accounts program in the department of workforce development, creating an income tax credit, and including effective date and 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 AGRICULTURE

[House File 481](#), a bill for an act relating to reimbursement for state audits of certain commodity organizations, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 618](#)), relating to the assessment of moneys on sheep and wool production.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

COMMITTEE ON COMMERCE

[House File 594](#), a bill for an act relating to the rights of members of a residential cooperative, owners of a condominium, or owners of certain other residential property.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 558](#)), relating to stray electric current or voltage and civil actions to recover resulting damages.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2012.

Committee Bill (Formerly [House Study Bill 572](#)), subjecting the acts of an auctioneer in conducting a public sale or auction of real estate to real estate broker and salesperson licensing provisions, making penalties applicable, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2012.

Committee Bill (Formerly [House Study Bill 635](#)), relating to matters under the purview of the banking division of the department of commerce, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2012.

COMMITTEE ON ECONOMIC GROWTH/REBUILD IOWA

Committee Bill (Formerly [House Study Bill 590](#)), relating to economic development by making technical and policy changes related to environmental response projects and to certain programs administered by the economic development authority and including retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2012.

Committee Bill (Formerly [House Study Bill 604](#)), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2012.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly [House File 2220](#)), relating to improvements to and implementation of laws concerning elder abuse.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 595](#)), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 623](#)), relating to persons with mental health illnesses and substance-related disorders.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly [House File 624](#)), relating to limitations on creditors' rights in spendthrift trusts and discretionary trusts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

Committee Bill (Formerly [House File 2156](#)), relating to the employment of unauthorized aliens and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

Committee Bill (Formerly [House File 2157](#)), relating to expunging certain criminal records.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

Committee Bill (Formerly [House File 2195](#)), providing for the issuance of a certificate of birth resulting in stillbirth, providing for a fee, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 525](#)), relating to the possession, distribution, and reporting of obscene material, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 597](#)), relating to civil actions relating to real estate, including mortgage foreclosure actions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 614](#)), relating to the liability of an owner, lessee, or occupant of land for injury to a trespasser on the land and including an applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2012.

COMMITTEE ON LABOR

Committee Bill (Formerly [House Study Bill 557](#)), relating to unemployment insurance employer charges and claimant misrepresentation regarding benefit overpayments, providing a penalty, and including applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly [House Study Bill 633](#)), relating to the issuance of a burial transit permit.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2012.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly [House Study Bill 565](#)), concerning the definitions of "all-terrain vehicle" and "off-road utility vehicle" for purposes of provisions administered by the department of natural resources.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 615](#)), relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the department of natural resources, establishing fees, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 616](#)), relating to various recreation and conservation activities under the purview of the department of natural resources, providing for repeals, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

COMMITTEE ON PUBLIC SAFETY

[House File 398](#), a bill for an act modifying the criminal offense of interference with official acts.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2012.

Committee Bill (Formerly [House File 2222](#)), relating to school bus safety, including providing penalties for failure to obey school bus warning lamps and stop signal arms, providing for a school bus safety study, and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2012.

Committee Bill (Formerly [House File 2252](#)), relating to the possession of certain substances with the intent to manufacture a controlled substance, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2012.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly [House Study Bill 586](#)), relating to the policy administration of election and voter registration laws by the secretary of state, including changes to the definition of a general election, the voter registration age, absentee voting, the provision of training space for election personnel, the candidate nomination filing requirements for merged area, school district, and city elections, the filling of vacancies in city office, and authorizing certain cities to conduct city elections by absentee ballot, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2012.

Committee Bill (Formerly [House Study Bill 650](#)), concerning establishing and collecting certain filing fees by the auditor of state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2012.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly [House File 2282](#)), relating to escort and permit requirements for the movement of certain vehicles and combinations of vehicles of excessive size.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 654](#)), relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2012.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly [House File 2236](#)), relating to requirements for a commercial driver's license for certain persons transitioning from military service.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

Committee Bill (Formerly [House File 2299](#)), relating to the extension of the effective date of a driver's license for a person serving on active duty in military service.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 640](#)), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 641](#)), permitting the temporary allocation and use of moneys in the veterans trust fund for cemetery grant development purposes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

Committee Bill (Formerly [House Study Bill 642](#)), relating to county commissions of veteran affairs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2012.

AMENDMENTS FILED

H-8027	H.F. 2328	Committee on Judiciary
H-8028	H.F. 594	Watts of Dallas

On motion by Upmeyer of Hancock the House adjourned at 5:42 p.m., until 8:30 a.m., Wednesday, February 22, 2012.