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**STATE OF IOWA**

# **House Journal**

**TUESDAY, APRIL 17, 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

One Hundredth Calendar Day - Seventieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 17, 2012

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

Prayer was offered by Pastor John Raab from Trinity United Methodist Church, Keokuk. He was the guest of Representative Kearns of Lee County.

Choral presentation was given by the Cedar Rapids Kennedy High School show choir, Happiness, Inc. They were the guests of Speaker Paulsen of Linn, T. Taylor of Linn and Schulte of Linn.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by James Eimers, Page from Ankeny.

The Journal of Monday, April 16, 2012, was approved.

## ADOPTION OF [HOUSE RESOLUTION 139](#)

Upmeyer of Hancock called up for consideration [House Resolution 139](#), a resolution honoring the Cedar Rapids Kennedy High School's show choir, Happiness, Inc., for winning the Show Choir Nationals 2012 championships, and moved its adoption.

The motion prevailed and the resolution was adopted.

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

The House resumed session at 8:55 a.m., Speaker Paulsen in the chair.

The House stood at ease at 9:07 a.m., until the fall of the gavel.

The House resumed session at 9:18 a.m., Speaker Paulsen in the chair.

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session at 10:58 a.m., Speaker Paulsen in the chair.

CONSIDERATION OF BILL  
Ways and Means Calendar

[Senate File 2322](#), a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Moore of Jackson 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. 2322](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	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
Petersen	Pettengill	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	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, 1:

Hunter

Absent or not voting, 3:

Byrnes

Horbach

Quirk

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 2322](#) be immediately messaged to the Senate.

On motion by Upmeyer of Hancock, the House was recessed at 11:03 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:03 p.m., Speaker Paulsen in the chair.

#### SPECIAL PRESENTATION

Raecker of Polk introduced to the House former Governor Robert D. Ray.

The House rose and expressed its welcome.

The House stood at ease at 1:32 p.m., until the fall of the gavel.

The House resumed session at 1:59 p.m., Speaker Paulsen in the chair.

CONSIDERATION OF BILLS  
Unfinished Business Calendar

[Senate File 2284](#), a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Chambers of O'Brien offered amendment [H-8458](#) filed by the committee on education.

Chambers of O'Brien offered amendment [H-8461](#), to the committee amendment [H-8458](#), filed by him from the floor and moved its adoption.

Amendment [H-8461](#), to the committee amendment [H-8458](#), was adopted.

Chambers of O'Brien offered amendment [H-8462](#), to the committee amendment [H-8458](#), filed by him from the floor and moved its adoption.

Amendment [H-8462](#), to the committee amendment [H-8458](#), was adopted.

Chambers of O'Brien moved the adoption of the committee amendment [H-8458](#), as amended.

Roll call was requested by Mascher of Johnson and Hunter of Polk.

On the question "Shall the committee amendment [H-8458](#), as amended, be adopted?" ([S.F. 2284](#))

The ayes were, 55:

Anderson	Arnold	Baltimore	Baudler
Brandenburg	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	Miller, L.	Moore	Olson, S.
Paustian	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 43:

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

Absent or not voting, 2:

Byrnes	Horbach
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The committee amendment [H-8458](#), as amended, was adopted.

Chambers of O'Brien 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. 2284](#))

The ayes were, 54:

Anderson	Arnold	Baltimore	Baudler
Brandenburg	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Koester	Lofgren
Lukan	Miller, L.	Moore	Olson, S.
Paustian	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven

Vander Linden Worthan	Wagner Mr. Speaker Paulsen	Watts	Windschitl
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The nays were, 45:

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

Absent or not voting, 1:

Byrnes

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

#### SENATE AMENDMENTS CONSIDERED

Baltimore of Boone called up for consideration [House File 675](#), a bill for an act concerning mechanics' liens including the establishment of a state construction registry for residential construction property, and including effective date and applicability provisions, amended by the Senate, and moved that the House concur in the Senate amendment [H-8457](#).

The motion prevailed and the House concurred in the Senate amendment [H-8457](#).

Baltimore of Boone moved that the bill, as 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?" ([H.F. 675](#))

The ayes were, 75:

Anderson	Arnold	Baltimore	Baudler
Brandenburg	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hall	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtažovic	Kelley	Klein
Koester	Kressig	Lofgren	Lukan
Lykam	Massie	McCarthy	Miller, L.
Moore	Oldson	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Willems
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 24:

Abdul-Samad	Alons	Berry	Chambers
Gaines	Gaskill	Hanson	Huseman
Kaufmann	Kearns	Lensing	Mascher
Miller, H.	Muhlbauer	Murphy	Olson, R.
Quirk	Steckman	Swaim	Wenthe
Wessel-Kroeschell	Winckler	Wittneben	Wolfe

Absent or not voting, 1:

Byrnes

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

Hager of Allamakee called up for consideration [Senate File 2283](#), a bill for an act relating to various recreation and conservation activities under the purview of the department of natural resources, providing for repeals, and making penalties applicable, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment [H-8456](#) to the House amendment.

The motion prevailed and the House concurred in the Senate amendment [H-8456](#), to the House amendment.



Hager of Allamakee 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. 2283](#))

The ayes were, 97:

Abdul-Samad	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	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	Mascher
Massie	McCarthy	Miller, H.	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
Swaim	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, none.

Absent or not voting, 3:

Alons	Byrnes	Miller, L.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## Ways and Means Calendar

[Senate File 2328](#), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, notification of annexation or severance by cities, and cigarette and tobacco taxes, and including retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Helland of Polk 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. 2328](#))

The ayes were, 75:

Abdul-Samad	Anderson	Arnold	Baltimore
Baudler	Cohoon	Deyoe	Dolecheck
Drake	Forristall	Gaines	Garrett
Gaskill	Hagenow	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Huseman	Isenhardt
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Running-Marquardt
Sands	Schulte	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 24:

Alons	Berry	Brandenburg	Chambers
Cownie	De Boef	Fry	Grassley
Hager	Hunter	Iverson	Klein
Massie	Olson, R.	Paustian	Pearson
Pettengill	Rogers	Schultz	Shaw
Smith, J.	Thomas	Watts	Windschitl

Absent or not voting, 1:

Byrnes

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

The House stood at ease at 2:35 p.m., until the fall of the gavel.

The House resumed session at 3:00 p.m., Speaker Paulsen in the chair.

#### IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 675](#) and [Senate Files 2283, 2284 and 2328](#).

#### Unfinished Business Calendar

[Senate File 430](#), a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and including fee and effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Rogers of Black Hawk offered amendment [H-8270](#) filed by the committee on state government.

Rogers of Black Hawk offered amendment [H-8460](#), to the committee amendment [H-8270](#), filed by him from the floor and requested a division as follows:

Division A: Page 1, line 4.

Division B: Page 1, lines 5 through 14.

Rogers of Black Hawk asked and received unanimous consent to withdraw amendment [H-8460A](#), to the committee amendment [H-8270](#), filed by him from the floor.

Rogers of Black Hawk moved the adoption of amendment [H-8460B](#), to the committee amendment [H-8270](#).

Amendment [H-8460B](#), to the committee amendment [H-8270](#), was adopted.

Rogers of Black Hawk offered amendment [H-8374](#), to the committee amendment [H-8270](#), filed by him and moved its adoption.

Amendment [H-8374](#), to the committee amendment [H-8270](#), was adopted.

Rogers of Black Hawk offered amendment [H-8405](#), to the committee amendment [H-8270](#), filed by him and moved its adoption.

Amendment [H-8405](#), to the committee amendment [H-8270](#), was adopted.

Rogers of Black Hawk asked and received unanimous consent to withdraw amendment [H-8454](#), to the committee amendment [H-8270](#), filed by him on April 11, 2012.

Lensing of Johnson asked and received unanimous consent to withdraw amendment [H-8304](#), to the committee amendment [H-8270](#), filed by her on March 20, 2012.

Rogers of Black Hawk moved the adoption of the committee amendment [H-8270](#), as amended.

The committee amendment [H-8270](#), as amended, was adopted.

Rogers of Black Hawk offered amendment [H-8316](#) filed by the committee on ways and means and moved its adoption.

The committee amendment [H-8316](#) was adopted.

Rogers of Black Hawk offered amendment [H-8463](#) filed by him from the floor and moved its adoption.

Amendment [H-8463](#) was adopted.

Rogers of Black Hawk 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. 430](#))

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paustian
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	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	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker Paulsen

The nays were, 7:

Gaskill	Jacoby	Massie	McCarthy
Olson, R.	Pearson	Shaw	

Absent or not voting, 1:

Byrnes

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

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that [Senate File 430](#) be immediately messaged to the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Alons of Sioux  
Horbach of Tama

Byrnes of Mitchell  
Miller, L. of Scott

## EXPLANATION OF VOTE

On April 17, 2012, I inadvertently voted "aye" on [Senate File 2284](#), I meant to vote "nay".

RUNNING-MARQUARDT of Linn

## COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk:

W. CHARLES SMITHSON  
Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

[Senate File 2332](#), a bill for an act relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected from such surcharges and replacing the existing surcharge on prepaid wireless service with a new surcharge collected at the point of retail sale, and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 17, 2012.

## AMENDMENT FILED

[H-8459](#)      [H.F. 2435](#)      Heaton of Henry

On motion by Upmeyer of Hancock the House adjourned at 3:20 p.m., until 8:30 a.m., Wednesday, April 18, 2012.