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**STATE OF IOWA**

**House Journal**

**TUESDAY, MAY 8, 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 Hundred Twenty-first Calendar Day - Eighty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, May 8, 2012

The House met pursuant to adjournment at 8:37 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Lofgren of Muscatine County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rebecca Greenway, Page from Van Meter.

The Journal of Monday, May 7, 2012, was approved.

The House stood at ease at 8:39 a.m., until the fall of the gavel.

The House resumed session at 12:25 p.m., Speaker Paulsen in the chair.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 8, 2012, adopted the Conference Committee report and passed [House File 2335](#), a bill for an act relating to appropriations to the justice system, and providing effective dates.

Also: That the Senate has on May 8, 2012, adopted the Conference Committee report and passed [House File 2336](#), a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 12:25 p.m., until the fall of the gavel.

The House resumed session at 2:02 p.m., Speaker Paulsen in the chair.

## QUORUM CALL

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

## 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 PUBLIC SAFETY

[Senate File 2343](#), a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** May 8, 2012.

Upmeyer of Hancock asked and received unanimous consent to consider [Senate File 2343](#).

CONSIDERATION OF BILLS  
Regular Calendar

[Senate File 2343](#), a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

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. 2343](#))

The ayes were, 96:

Abdul-Samad	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
Kajtaovic	Kaufmann	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	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, 4:

Alons	Anderson	Kearns	Murphy
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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 2343](#) be immediately messaged to the Senate.

The House stood at ease at 2:18 p.m., until the fall of the gavel.

The House resumed session at 2:35 p.m., Speaker Paulsen in the chair.

## Ways and Means Calendar

[House File 2473](#), a bill for an act relating to economic development and the use of funds by establishing programs and funds, affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by diverting withholding tax payments for such programs, incentives, and assistance, by abolishing the film tax credit program, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive and other applicability provisions, was taken up for consideration.

Kaufmann of Cedar in the chair at 2:39 p.m.

Byrnes of Mitchell offered amendment [H-8516](#) filed by him from the floor and moved its adoption.

Amendment [H-8516](#) was adopted.

Thomas of Clayton asked and received unanimous consent to withdraw amendment [H-8515](#) filed by Kearns of Lee on May 7, 2012.

Hager of Allamakee offered amendment [H-8514](#) filed by him and moved its adoption.

Amendment [H-8514](#) was adopted.

Byrnes of Mitchell 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. 2473](#))

The ayes were, 92:

Abdul-Samad	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	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	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	Kaufmann, Presiding

The nays were, 2:

Pearson                Shaw

Absent or not voting, 6:

Alons                    Anderson                Kearns                Murphy  
Paulsen, Spkr.        Petersen

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

#### [HOUSE FILE 2418](#) WITHDRAWN

Byrnes of Mitchell asked and received unanimous consent to withdraw [House File 2418](#) from further consideration by the House.

#### IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that [House File 2473](#) be immediately messaged to the Senate.

The House stood at ease at 2:50 p.m., until the fall of the gavel.

The House resumed session at 3:01 p.m., Speaker Paulsen in the chair.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 8, 2012, failed to pass the following bill in which the concurrence of the Senate was asked:

[House File 2392](#), a bill for an act to 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.

Also: That the Senate has on May 8, 2012, adopted the Conference Committee report and passed [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.

MICHAEL E. MARSHALL, Secretary

### CONFERENCE COMMITTEE REPORT FILED ([Senate File 2284](#))

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

W. CHARLES SMITHSON  
Chief Clerk of the House

[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.

ON THE PART OF THE HOUSE:

ROYD CHAMBERS, Chair  
CECIL DOLECHECK  
GREG FORRISTALL  
MARY MASCHER  
SHARON STECKMAN

ON THE PART OF THE SENATE:

HERMAN C. QUIRMBACH, Chair  
NANCY J. BOETTGER  
TOD BOWMAN  
SHAWN HAMERLINCK  
BRIAN SCHOENJAHN

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
([Senate File 2284](#))

Chambers of O'Brien called up for consideration the report of the conference committee on [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, and moved the adoption of the conference committee report and the amendments contained therein.

Cownie of Polk in the chair at 3:17 p.m.

Speaker Paulsen in the chair at 3:22 p.m.

The motion prevailed and the conference committee report 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, 87:

Abdul-Samad	Arnold	Baltimore	Baudler
Berry	Brandenburg	Byrnes	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Hein	Helland	Horbach
Hunter	Huseman	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kelley	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	Miller, H.	Miller, L.	Moore
Muhlbauer	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Smith, J.	Smith, M.	Soderberg	Steckman



Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 9:

Alons	De Boef	Heddens	Klein
Pearson	Schultz	Shaw	Thomas
Wessel-Kroeschell			

Absent or not voting, 4:

Anderson	Kearns	McCarthy	Murphy
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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 2284](#) be immediately messaged to the Senate.

#### RESIGNATION OF SPEAKER PRO TEMPORE

The Speaker announced the resignation of Jeff Kaufmann of Cedar as Speaker Pro Tempore.

#### ELECTION OF SPEAKER PRO TEMPORE

Sands of Louisa placed in nomination the Honorable Steve Olson of Clinton County as candidate for Speaker Pro Tempore.

Cownie of Polk and Lykam of Scott seconded the nomination of Steve Olson of Clinton County for Speaker Pro Tempore.

In accordance with the foregoing motion, the votes were cast and Steve Olson of Clinton County was declared duly elected to that office.

Steve Olson of Clinton was escorted to the Speaker's station and being duly sworn, offered his remarks.

The House stood at ease at 3:38 p.m., until the fall of the gavel.

The House resumed session at 7:15 p.m., Speaker Paulsen in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 8, 2012, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2470](#), a bill for an act providing for sales and use taxes collected on farm machinery and equipment.

Also: That the Senate has on May 8, 2012, passed the following bill in which the concurrence of the Senate was asked:

[House File 2473](#), a bill for an act relating to economic development and the use of funds by establishing programs and funds, affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive applicability provisions.

Also: That the Senate has on May 8, 2012, adopted the Conference Committee report and passed [Senate File 466](#), a bill for an act relating to residential contractors and providing a penalty.

Also: That the Senate has on May 8, 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 2315](#), a bill for an act 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.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 7:15 p.m., until the fall of the gavel.

The House resumed session at 7:21 p.m., Speaker Paulsen in the chair.

CONFERENCE COMMITTEE REPORT FILED  
([House File 2465](#))

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

W. CHARLES SMITHSON  
Chief Clerk of the House

[House File 2465](#), a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

ON THE PART OF THE HOUSE:

J. SCOTT RAECKER, Chair  
MARK LOFGREN  
TYLER OLSON  
KIRSTEN RUNNING-MARQUARDT  
NICK WAGNER

ON THE PART OF THE SENATE:

ROBERT E. DVORSKY, Chair  
MICHAEL E. GRONSTAL  
JOHN P. KIBBIE

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
([House File 2465](#))

Wagner of Linn called up for consideration the report of the conference committee on [House File 2465](#), a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Wagner of Linn 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. 2465](#))

The ayes were, 90:

Abdul-Samad	Arnold	Baudler	Berry
Brandenburg	Byrnes	Chambers	Cohoon
Cownie	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Petersen	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	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, 7:

Alons	De Boef	Massie	Pearson
Pettengill	Shaw	Watts	

Absent or not voting, 3:

Anderson	Baltimore	Kearns
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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 [House File 2465](#) be immediately messaged to the Senate.

The House stood at ease at 7:34 p.m., until the fall of the gavel.

The House resumed session at 9:24 p.m., Speaker Paulsen in the chair.

## SENATE AMENDMENT CONSIDERED

Schulte of Linn called up for consideration [Senate File 2315](#), a bill for an act 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, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment [H-8518](#) to the House amendment.

The motion lost and the House refused to concur in the Senate amendment [H-8518](#), to the House amendment.

## IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that [Senate File 2315](#) be immediately messaged to the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Alons of Sioux	Anderson of Page
Baltimore of Boone	Kearns of Lee
Murphy of Dubuque	Paulsen, Spkr.

The House stood at ease at 9:27 p.m., until the fall of the gavel.

The House resumed session at 10:03 p.m., Speaker Paulsen in the chair.

## 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 May 8, 2012, insisted on its amendment to [Senate File 2315](#), a bill for an act 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, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Hatch, Chair; the Senator from Johnson, Senator Bolkcom; the Senator from Cerro Gordo, Senator Ragan; the Senator from Osceola, Senator Johnson; the Senator from Montgomery, Senator Ernst.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE APPOINTED  
([Senate File 2315](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [Senate File 2315](#): Schulte of Linn, Upmeyer of Hancock, Wagner of Linn, Heddens of Story and M. Smith of Marshall.

[SENATE FILE 2326](#) REREFERRED

The Speaker announced that [Senate File 2326](#), previously referred to committee on **commerce** was rereferred to committee on **ways and means**.

EXPLANATIONS OF VOTE

On May 7, 2012, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

[House File 609](#) – “aye”  
[House File 2335](#) – “aye”  
[House File 2336](#) – “aye”  
[House File 2337](#) – “nay”  
[House File 2338](#) – “nay”  
[House File 2460](#) – “aye”  
[House File 2475](#) – “aye”  
[Senate File 2313](#) – “aye”  
[Senate File 2316](#) – “nay”  
[Senate File 2321](#) – “nay”  
[Senate File 2342](#) – “aye”

Also: On May 8, 2012, I would have voted as follows:

[House File 2473](#) – “aye”  
[Senate File 2343](#) – “aye”

ALONS of Sioux

On May 8, 2012, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

[House File 2473](#) – “aye”

PAULSEN, SPKR.

CONFERENCE COMMITTEE REPORT FILED  
([Senate File 466](#))

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

W. CHARLES SMITHSON  
Chief Clerk of the House

[Senate File 466](#), a bill for an act relating to residential contractors and providing a penalty.

ON THE PART OF THE HOUSE:

STEWART IVERSON, Chair  
JEFF KAUFMANN  
DAN MUHLBAUER  
JO OLDSON

ON THE PART OF THE SENATE:

MATT McCOY, Chair  
BILL ANDERSON  
RICK BERTRAND  
THOMAS G. COURTNEY  
PAM JOCHUM

RESOLUTION FILED

[H.R. 149](#), by Isenhardt, Abdul-Samad, Berry, Cohoon, Gaines, Hanson, Heddens, Hunter, Kajtazovic, Kearns, Kelley, Kressig, Lensing, Lykam, Murphy, Petersen, M. Smith, T. Taylor, Thede, Thomas, Wessel-Kroeschell, Winckler, Wittneben, Wolfe, Gaskill, Hall, Jacoby, Mascher, H. Miller, Muhlbauer, Oldson, R. Olson, T. Olson, Quirk, Running-Marquardt, Steckman, Swaim, Wenthe, and Willems, a resolution to recognize local farms and foods and to recognize the week of October 14 through 20 as World Food Prize Week in Iowa.

Laid over under **Rule 25**.

## AMENDMENT FILED

[H-8517](#)      [H.F. 2470](#)      Senate Amendment

## LEADERSHIP REVISIONS

The Speaker announced the following leadership changes effective May 8, 2012:

Rogers of Black Hawk and J. Smith of Dickinson were named **assistant majority leaders**.

On motion by Upmeyer of Hancock the House adjourned at 10:03 p.m., until 9:30 a.m., Wednesday, May 9, 2012.