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**STATE OF IOWA**

# **House Journal**

**TUESDAY, JANUARY 29, 2013**

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Produced daily by the State of Iowa during the sessions of the General Assembly.  
(The official bound copy will be available after a reasonable time upon adjournment.)

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# JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 29, 2013

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

Prayer was offered by Representative Rayhons of Hancock County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cole Button, Page from Indianola.

The Journal of Monday, January 28, 2013, was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution File 5**, by Isenhardt, Gaskill, Kelley, Anderson, Kearns, Wolfe, Steckman, Kajtazovic, Lensing, Hunter, Winckler, Mascher, Wessel-Kroeschell, Gaines, Hanson, R. Olson, Riding, Staed, Jacoby, Dawson, Forbes, and M. Smith, a joint resolution requesting the call of a constitutional convention in order to propose an amendment to the Constitution of the United States to allow Congress and the states to prohibit or otherwise regulate the expenditure of funds for political speech by any corporation, limited liability company, or other corporate entity.

Read first time and referred to committee on **State Government**.

**House File 80**, by Windschitl, Klein, Sands, Highfill, Worthan, Brandenburg, Huseman, Stanerson, Heartsill, Watts, Fisher, Salmon, Maxwell, Alons, and Sheets, a bill for an act mandating drug testing of applicants for and certain recipients of assistance under the family investment program.

Read first time and referred to committee on **Human Resources**.

[House File 81](#), by Windschitl, Klein, Sands, Highfill, Baltimore, Brandenburg, Worthan, Huseman, Stanerson, Heartsill, Watts, Fisher, Gassman, Salmon, Rogers, Maxwell, Hanusa, Alons, and Sheets, a bill for an act concerning the confidentiality of certain information relating to holders of nonprofessional permits to carry weapons and permits to acquire pistols and revolvers.

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

[House File 82](#), by Windschitl, a bill for an act establishing a lifetime fur harvester license for residents who are sixty-five years of age or older.

Read first time and referred to committee on **Natural Resources**.

[House File 83](#), by Heddens, Wessel-Kroeschell, Isenhart, Murphy, Berry, Gaskill, Hunter, Wood, Cohoon, Dawson, M. Smith, Bearinger, Kressig, T. Taylor, Staed, Mascher, Ourth, Winckler, Stutsman, Thede, H. Miller, Anderson, Steckman, Hanson, Lensing, Oldson, and Thomas, a bill for an act relating to integrated care models for the delivery of health care, including but not limited to required utilization of a medical home by individuals currently and newly eligible for coverage under the Medicaid program and including effective date provisions.

Read first time and referred to committee on **Human Resources**.

[House File 84](#), by Brandenburg, a bill for an act relating to and requiring the return of stolen merchandise in the possession of a pawn shop owner or operator, and providing penalties.

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

[House File 85](#), by Brandenburg, a bill for an act placing limitations on fees imposed for failure to redeem a gift certificate, and including an applicability date provision.

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

[House File 86](#), by Gaskill, a bill for an act relating to the validity of a power of attorney.

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

[House File 87](#), by Gaskill, a bill for an act requiring that certain intergovernmental agreements include a provision for mediation and arbitration.

Read first time and referred to committee on **Local Government**.

On motion by Upmeyer of Cerro Gordo, the House was recessed at 8:38 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:04 p.m., Speaker Paulsen in the chair.

#### INTRODUCTION OF BILLS

[House File 88](#), by Fisher, a bill for an act relating to a right of subrogation by an insurer in a criminal case.

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

[House File 89](#), by Abdul-Samad, a bill for an act relating to a foreign language requirement at the elementary school level and including effective date provisions.

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

[House File 90](#), by Alons, Rogers, Gassman, Shaw, Cownie, and Sheets, a bill for an act allowing the use of a trained dog to retrieve a wounded deer and providing a penalty.

Read first time and referred to committee on **Natural Resources**.

[House File 91](#), by Alons, Highfill, Schultz, Sheets, Dolecheck, Fry, Brandenburg, Gassman, Salmon, and Koester, a bill for an act relating to the exclusion from the computation of net income of the net capital gain from the sale of a business or of certain business property and including retroactive applicability provisions.

Read first time and referred to committee on **Ways and Means**.

[House File 92](#), by Isenhart, a bill for an act relating to the natural resources and outdoor recreation trust fund by increasing the sales and use tax rates and including effective date provisions.

Read first time and referred to committee on **Ways and Means**.

**House File 93**, by Murphy, Hall, Kajtazovic, Ruff, T. Olson, Stutsman, Wessel-Kroeschell, Muhlbauer, Kressig, Jacoby, Isenhardt, Gaskill, Berry, Kearns, Kelley, Staed, Steckman, Bearinger, M. Smith, Dawson, Hanson, Cohoon, H. Miller, Ourth, Lykam, Lensing, Winckler, Wolfe, Thede, Anderson, Running-Marquardt, Forbes, Heddens, T. Taylor, Mascher, McCarthy, Dunkel, Thomas, Wood, Gaines, Hunter, Lundby, Riding, R. Olson, Oldson, and Abdul-Samad, a bill for an act relating to bidding for purchases through a competitive bidding process by the state or political subdivisions.

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

**House File 94**, by H. Miller, Berry, Gaines, Hunter, Kelley, Lensing, Winckler, Wessel-Kroeschell, Dawson, Wolfe, Thede, Anderson, Kearns, Running-Marquardt, Thomas, Bearinger, Ourth, Dunkel, Heddens, Mascher, M. Smith, Heaton, Murphy, and Gaskill, a bill for an act establishing a notification requirement for mammogram reports.

Read first time and referred to committee on **Human Resources**.

Worthan of Buena Vista moved that a committee of five on credentials be appointed and that the accredited list of the Secretary of State be accepted.

#### SUPPLEMENTAL REPORT OF THE COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named person duly elected to and entitled to a seat in the House of Representatives of the Eighty-fifth General Assembly as shown by duplicate copies of the certificate of election on file in the office of the Secretary of State:

#### Office of the Secretary of State CERTIFICATION

To the Honorable Chief Clerk of the House:

**I, MATT SCHULTZ, Secretary of State of the State of Iowa**, custodian of the files and records pertaining to elections in the State, do hereby certify that the State Canvassing Board has declared that at a Special Election held on January 22, 2013, the

following named person was duly elected to the office of State Representative to represent the designated district\* for the residue of the term ending on December 31, 2014:

**Fifty-Second**      Todd Prichard

\*District number beginning with the 85<sup>th</sup> General Assembly.

(Seal)                      In testimony whereof, I have hereunto set my hand and affixed the seal of the Secretary of State at the Statehouse in Des Moines this twenty-eighth day of January, 2013.

**MATT SCHULTZ, Secretary of State**

I hereby acknowledge receipt of the original copy of this document on this twenty-eighth day of January, 2013.

**CARMINE BOAL, Chief Clerk of the House**

In accordance with Iowa Code Section 2.5, the Committee on Credentials has reviewed the certification of the January 22, 2013 election from Iowa Secretary of State Matt Schultz, which is attached hereto and incorporated by this reference.

Gary Worthan, Chair  
Mark Lofgren  
Joel Fry  
Sharon Steckman  
Patti Ruff

Worthan of Buena Vista moved that the supplemental report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

The following oath of office was administered to Representative-elect Prichard on January 29, 2013 by the Chief Clerk:

“I do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Representative, according to the best of my ability, so help me God.”

**TODD PRICHARD**

#### COMMITTEE REVISIONS

The Speaker announced the following appointments and changes to the House committee assignments due to the election of Todd Prichard to District 52, effective January 29, 2013:

R. Olson of Polk was removed from the Justice System Appropriation Subcommittee.

Prichard, Todd  
Agriculture  
State Government  
Ways and Means  
Justice System Appropriations Subcommittee

#### [HOUSE STUDY BILL 72](#) REREFERRED

The Speaker announced that [House Study Bill 72](#), previously referred to committee on **Natural Resources** was rereferred to committee on **Environmental Protection**.

#### [HOUSE STUDY BILL 73](#) REREFERRED

The Speaker announced that [House Study Bill 73](#), previously referred to committee on **Natural Resources** was rereferred to committee on **Environment Protection**.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

#### [H.S.B. 78](#) **Transportation**

Relating to matters under the purview of the department of transportation, including the use of information contained in electronic driver and nonoperator identification records, grounds for disqualification of commercial vehicle operators, provisions for the issuance of temporary restricted licenses for persons convicted of operating while intoxicated, registration fees for electric vehicles, and the administration of highway contracts, and including applicability date provisions.

#### [H.S.B. 79](#) **Veterans Affairs**

Relating to the veterans trust fund by making a transfer to the fund and making certain changes to transfers made to the fund from a special account in the Iowa lottery fund and including effective date provisions.

**H.S.B. 80 Judiciary**

Relating to the transfer of real estate and the filing of a mortgage release certificate, providing for a fee, and making remedies applicable.

**H.S.B. 81 Education**

Relating to vehicular transportation for students and making penalties applicable.

**H.S.B. 82 Commerce**

Relating to matters under the purview of the banking division of the department of commerce, and providing for fees.

**H.S.B. 83 Commerce**

Relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including applicability and effective date provisions.

**H.S.B. 84 Education**

Relating to school instructional hours and school instructional days and including effective date provisions.

**H.S.B. 85 Public Safety**

Relating to granting authority to the board of pharmacy to temporarily designate a substance a controlled substance, classifying certain synthetic cannabinoids as schedule I controlled substances, and providing penalties and making penalties applicable.

**H.S.B. 86 State Government**

Relating to public employee human resources management and making an appropriation.



**H.S.B. 87 Agriculture**

Providing for certification requirements by persons involved in the management of manure.

## SUBCOMMITTEE ASSIGNMENTS

**House Joint Resolution 4**

Judiciary: Windschitl, Chair; Brandenburg and R. Olson.

**House Joint Resolution 5**

State Government: Watts, Chair; Cohoon and Grassley.

**House File 22 Reassigned**

Public Safety: Baudler, Chair; Berry and Fry.

**House File 23 Reassigned**

Public Safety: S. Olson, Chair; Anderson and Sands.

**House File 57**

Judiciary: Windschitl, Chair; Dawson and Wolfe.

**House File 67**

Judiciary: Kaufmann, Chair; Baltimore and Dawson.

**House File 68**

Natural Resources: J. Smith, Chair; Byrnes and Hanson.

**House File 69**

Education: Koester, Chair; Abdul-Samad and Gassman.

**House File 71**

Commerce: Cownie, Chair; Lykam and Soderberg.

**House File 78**

Transportation: Landon, Chair; Forbes and Heartsill.

**House File 80**

Human Resources: Heaton, Chair; Abdul-Samad and Forristall.

[House File 83](#)

Human Resources: Forristall, Chair; Bacon and Heddens.

[House File 84](#)

Commerce: Brandenburg, Chair; Dawson and R. Taylor.

[House File 85](#)

Commerce: Brandenburg, Chair; Kajtazovic and R. Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 14](#)

Judiciary: Hess, Chair; Dawson and Hagenow.

[House Study Bill 15](#)

Judiciary: Hess, Chair; Lensing and Worthan.

[House Study Bill 24](#)

Veterans Affairs: Shaw, Chair; Kearns and Salmon.

[House Study Bill 25](#)

Judiciary: Hess, Chair; Anderson and Baltimore.

[House Study Bill 29](#)

Veterans Affairs: Brandenburg, Chair; Bacon and Staed.

[House Study Bill 30](#)

Veterans Affairs: Worthan, Chair; Jacoby and L. Miller.

[House Study Bill 61](#)

Economic Growth: Deyoe, Chair; Bearinger and Sheets.

[House Study Bill 62](#)

Economic Growth: Lofgren, Chair; Ourth and R. Taylor.

[House Study Bill 63](#)

Economic Growth: Rogers, Chair; Dunkel and Kaufmann.

[House Study Bill 64](#)

Veterans Affairs: Alons, Chair; Gaines and Stanerson.

[House Study Bill 67](#)

Public Safety: Klein, Chair; Dawson and Heartsill.

[House Study Bill 68](#)

Public Safety: Fry, Chair; Abdul-Samad and Klein.

[House Study Bill 77](#)

Transportation: Landon, Chair; Heartsill and H. Miller.

[House Study Bill 79](#)

Veterans Affairs: Alons, Chair; Muhlbauer and Windschitl.

[House Study Bill 81](#)

Education: Koester, Chair; Hanusa and Ruff.

[House Study Bill 82](#)

Commerce: J. Smith, Chair; Fisher and Hall.

[House Study Bill 83](#)

Commerce: Pettengill, Chair; Landon and Oldson.

[House Study Bill 84](#)

Education: Fry, Chair; Hess and Ruff.

[House Study Bill 85](#)

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

[House Study Bill 86](#)

State Government: Drake, Chair; Hagenow and Hunter.

## 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:

CARMINE BOAL  
Chief Clerk of the House

## COMMITTEE ON LABOR

**Committee Bill** (Formerly [House Study Bill 18](#)), relating to unemployment insurance employer charges and claimant misrepresentation regarding benefit overpayments, providing a penalty, and including applicability provisions.

Fiscal Note: **No**

Recommendation: **Amend and Do Pass** January 29, 2013.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly [House Study Bill 38](#)), updating the Code references to the Internal Revenue Code and decoupling from certain federal bonus depreciation provisions, providing certain taxpayers additional time to file a claim for refund or credit of individual income tax, and including effective date and retroactive applicability provisions.

Fiscal Note: **No**

Recommendation: **Amend and Do Pass** January 28, 2013.

## RESOLUTION FILED

**H.C.R. 5**, by committee on Administration and Rules, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-fifth General Assembly.

Placed on the **calendar**.

On motion by Upmeyer of Cerro Gordo, the House adjourned at 4:10 p.m., until 8:30 a.m., Wednesday, January 30, 2013.