

PROOF

STATE OF IOWA

House Journal

TUESDAY, APRIL 12, 2011

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(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 12, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Alons of Sioux County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ariani Oehrlein, Page from DeWitt.

The Journal of Monday, April 11, 2011 was approved.

INTRODUCTION OF BILLS

[House File 680](#), by Hanson, Hager, Abdul-Samad, and Moore, a bill for an act eliminating the property tax exemption for forest and fruit-tree reservations.

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

[House File 681](#), by Hanson, Hager, Gaskill, Kearns, Wittneben, Abdul-Samad, and H. Miller, a bill for an act relating to areas established as fruit-tree or forest reservations for purposes of a property tax exemption and including effective date and applicability provisions.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Upmeyer of Hancock.

SENATE AMENDMENTS CONSIDERED

Iverson of Wright called up for consideration [House File 484](#), a bill for an act concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents, amended by the Senate, and moved that the House concur in Senate amendment [H-1559](#).

The motion prevailed and the House concurred in the Senate amendment [H-1559](#).

Iverson of Wright 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. 484](#))

The ayes were, 85:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Sweeney	Taylor, J.
Taylor, T.	Thede	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Wessel-Kroeschell
Winckler	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, 1:

Watts

Absent or not voting, 14:

Berry	Hall	Huseman	McCarthy
Miller, H.	Olson, R.	Petersen	Quirk
Running-Marquardt	Swaim	Thomas	Wenthe
Willems	Windschitl		

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

Alons of Sioux called up for consideration [House File 363](#), a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs, amended by the Senate, and moved that the House concur in Senate amendment [H-1533](#).

The motion prevailed and the House concurred in the Senate amendment [H-1533](#).

Alons of Sioux 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. 363](#))

The ayes were, 86:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Sweeney	Taylor, J.

Taylor, T.	Thede	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wessel-Kroeschell	Winckler	Wittneben	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, none.

Absent or not voting, 14:

Berry	Hall	Huseman	McCarthy
Miller, H.	Olson, R.	Petersen	Quirk
Running-Marquardt	Swaim	Thomas	Wenthe
Willems	Windschitl		

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

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 363** and **484**.

On motion by Upmeyer of Hancock, the House was recessed at 8:47 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:12 p.m., Kaufmann of Cedar in the chair.

QUORUM CALL

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

Speaker Paulsen in the chair at 1:20 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Helland of Polk on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS
Unfinished Business Calendar

[Senate File 462](#), a bill for an act making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Sands of Louisa offered amendment [H-1486](#) filed by the committee on public safety.

Sands of Louisa offered amendment [H-1587](#), to the committee amendment [H-1486](#), filed by Baudler of Adair and moved its adoption.

Amendment [H-1587](#), to the committee amendment [H-1486](#), was adopted.

Sands of Louisa moved the committee amendment [H-1486](#), as amended.

The committee amendment [H-1486](#), as amended, was adopted.

Sands of Louisa 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. 462](#))

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Horbach	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.

Miller, L.	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.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Willems	Windschitl
Wittneben	Worthan	Mr. Speaker Paulsen	

The nays were, 6:

Hunter	Lensing	Taylor, T.	Wessel-Kroeschell
Winckler	Wolfe		

Absent or not voting, 3:

Dolecheck	Helland	Huseman
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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 1:39 p.m., until the fall of the gavel.

The House resumed session at 1:56 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILL

[House File 682](#), by committee on state government, a bill for an act providing for congressional and legislative districts and providing an effective date.

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

Unfinished Business Calendar

[Senate File 456](#), a bill for an act relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Shaw of Pocahontas offered amendment [H-1645](#) filed by him from the floor and moved its adoption.

The Speaker ruled amendment [H-1645](#) not germane.

Shaw of Pocahontas asked for unanimous consent to suspend the rules to consider amendment [H-1645](#).

Objection was raised.

Shaw of Pocahontas moved to suspend the rules to consider amendment [H-1645](#).

Roll call was requested by Shaw of Pocahontas and McCarthy of Polk.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment [H-1645](#)?" ([S.F. 456](#))

The ayes were, 6:

Alons	Brandenburg	Massie	Pearson
Schultz	Shaw		

The nays were, 91:

Abdul-Samad	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Horbach	Hunter	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	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	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Schulte	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	

Absent or not voting, 3:

Helland	Huseman	Sands
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The motion to suspend the rules lost.

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. 456](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtaovic	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	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, 2:

Helland Huseman

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

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 456** and **462**.

Kaufmann of Cedar in the chair at 2:11 p.m.

[Senate File 365](#), a bill for an act relating to the placement of a juvenile on youthful offender status in district court, with report of committee recommending passage, was taken up for consideration.

J. Taylor of Woodbury offered amendment [H-1543](#) filed by him.

J. Taylor of Woodbury offered amendment [H-1606](#), to amendment [H-1543](#), filed by him and Anderson of Page.

Amendment [H-1606](#), to amendment [H-1543](#), was adopted.

J. Taylor of Woodbury moved amendment [H-1543](#), as amended.

Amendment [H-1543](#), as amended, was adopted.

Garrett of Warren offered amendment [H-1642](#) filed by him from the floor.

Wolfe of Clinton offered amendment [H-1644](#), to amendment [H-1642](#), filed by her from the floor and moved its adoption.

Amendment [H-1644](#), to amendment [H-1642](#), was adopted.

Garrett of Warren moved amendment [H-1642](#), as amended.

Amendment [H-1642](#), as amended, was adopted.

Garrett of Warren 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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Paulsen on request of Upmeyer of Hancock.

On the question "Shall the bill pass?" ([S.F. 365](#))

The ayes were, 94:

Alons	Anderson	Arnold	Baltimore
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
Horbach	Hunter	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
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	Kaufmann, Presiding		

The nays were, none.

Absent or not voting, 6:

Abdul-Samad	Baudler	Helland	Huseman
Lykam	Paulsen, Spkr.		

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

[Senate File 407](#), a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

De Boef of Keokuk offered amendment [H-1462](#) filed by the committee on natural resources and moved its adoption.

Isenhart of Dubuque rose on a point of order that committee amendment [H-1462](#) was not germane.

The Speaker ruled the point well taken and committee amendment [H-1462](#) not germane.

De Boef of Keokuk asked for unanimous consent to suspend the rules to consider committee amendment [H-1462](#).

Objection was raised.

De Boef of Keokuk moved to suspend the rules to consider committee amendment [H-1462](#).

A non-record roll call was requested.

The ayes were 53, nays 35.

The motion prevailed and the rules were suspended.

The committee amendment [H-1462](#) was adopted.

De Boef of Keokuk 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. 407](#))

The ayes were, 70:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Hein	Horbach	Iverson	Jorgensen
Klein	Koester	Lofgren	Lukan
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Olson, S.	Paustian
Pearson	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Willems	Windschitl	Wittneben
Worthan	Kaufmann, Presiding		

The nays were, 26:

Cohoon	Gaines	Gaskill	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Murphy	Oldson
Olson, R.	Olson, T.	Petersen	Running-Marquardt
Smith, M.	Taylor, T.	Thede	Wessel-Kroeschell
Winckler	Wolfe		

Absent or not voting, 4:

Abdul-Samad	Helland	Huseman	Paulsen, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

[Senate File 424](#), a bill for an act establishing a district-to-community college program and facilities sharing pilot program, with report of committee recommending passage, was taken up for consideration.

Hanusa of Pottawattamie offered amendment [H-1627](#) filed by her.

Winckler of Scott offered amendment [H-1643](#), to amendment [H-1627](#), filed by her from the floor and moved its adoption.

Amendment [H-1643](#), to amendment [H-1627](#), was adopted.

Hanusa of Pottawattamie moved amendment [H-1627](#), as amended.

Amendment [H-1627](#), as amended, was adopted.

Hanusa of Pottawattamie 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. 424](#))

The ayes were, 95:

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	Horbach	Hunter	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
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	Quirk	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	Kaufmann, Presiding	

The nays were, 1:

Raecker

Absent or not voting, 4:

Abdul-Samad Helland Huseman Paulsen, Spkr.

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

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 365, 407 and 424.**

[Senate File 495](#), a bill for an act relating to the long-term care ombudsman program, with report of committee recommending amendment and passage, was taken up for consideration.

Fry of Clarke offered amendment [H-1479](#) filed by the committee on human resources and moved its adoption.

The committee amendment [H-1479](#) was adopted.

Fry of Clarke 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. 495](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtaovic	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
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	Kaufmann, Presiding

The nays were, none.

Absent or not voting, 4:

Helland	Huseman	Paulsen, Spkr.	Petersen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[House File 660](#), a bill for an act relating to certain fees assessed for activities regulated under the federal Clean Air Act, was taken up for consideration.

Lukan of Dubuque in the chair at 3:43 p.m.

Hager of Allamakee offered amendment [H-1622](#) filed by him and moved its adoption.

Amendment [H-1622](#) was adopted.

Hager of Allamakee 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. 660](#))

The ayes were, 65:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Gaskill	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Horbach	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Massie
Miller, H.	Miller, L.	Moore	Muhlbauer

Olson, S.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Swaim
Sweeney	Taylor, J.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Windschitl	Worthan
Lukan, Presiding			

The nays were, 32:

Abdul-Samad	Cohoon	Gaines	Hall
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kajtazovic	Kearns	Kelley
Kressig	Lensing	Lykam	Mascher
McCarthy	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thede	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

Absent or not voting, 3:

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

[HOUSE FILE 402](#) WITHDRAWN

Hager of Allamakee asked and received unanimous consent to withdraw [House File 402](#) from further consideration by the House.

Kaufmann of Cedar in the chair at 4:27 p.m.

[Senate File 482](#), a bill for an act relating to requirements of the department of human services involving individuals and families, with report of committee recommending passage, was taken up for consideration.

Schulte of Linn asked and received unanimous consent to withdraw amendment [H-1648](#) filed by her from the floor.

Heddens of Story offered amendment [H-1560](#) filed by her and Heaton of Henry.

Amendment [H-1560](#) was adopted.

Heaton of Henry offered amendment [H-1641](#) filed by him from the floor and moved its adoption.

Amendment [H-1641](#) was adopted.

Schulte of Linn offered amendment [H-1647](#) filed by her from the floor and moved its adoption.

Amendment [H-1647](#) was adopted.

Schulte 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?" ([S.F. 482](#))

The ayes were, 96:

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	Hunter	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
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	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	Kaufmann, Presiding

The nays were, none.

Absent or not voting, 4:

Helland Horbach Huseman Paulsen, Spkr.

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

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 660](#) and **Senate Files 482 and 495**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of April, 2011: House Files 299, 389, 390, 404, 454, 516, 565 and 593.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

GOVERNOR'S VETO MESSAGE

April 12, 2011

The Honorable Kraig Paulsen
Speaker of the House of Representatives
State Capitol
Des Moines, Iowa 50319

Dear Mr. Speaker:

[House File 642](#), an Act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

[House File 642](#) is hereby disapproved on this date.

I am unable to approve [House File 642](#) for the following reasons:

When I announced my intention to once again seek the Governor's office I made a pledge to Iowans to end the past budgeting practices that were sending shockwaves

throughout our state. I promised to restore predictability and stability to the state budgeting process.

As I began preparation of my proposed budget for Fiscal Years 2012 and 2013 I found a current state budget with 89 programs that had been funded by revenue sources that would no longer be available. Nearly \$900 million of on-going state expenditures that rightfully belonged in the general fund had been moved and paid for with one-time money.

Some of the most egregious practices included using one-time money for on-going expenditures, purposely appropriating funds at levels that are grossly insufficient to pay the reasonably estimated costs of entitlement programs, starting programs mid-year, and adopting budgets that direct the Governor to order unspecified budget cuts that must be made mid-year, at the discretion of the Governor.

The results of these practices have been an unprecedented period of unpredictability in the provision of state funds that has caused service disruptions, furloughs, and layoffs throughout state government and for many of our local school districts.

As a first step toward restoring predictability and stability to state budgeting I have submitted to the legislature a proposed biennial state budget that includes funding for both Fiscal Years 2012 and 2013 and have also submitted legislation to require the General Assembly and Governor to adopt a biennial budget.

It is my full expectation that the General Assembly will adopt budgets for all of state government for both Fiscal Years 2012 and 2013.

[House File 642](#) provides for making transportation appropriations and other infrastructure-related appropriations to the Department of Transportation for Fiscal Year 2012, only, in direct violation of the sound budgeting principles upon which my proposed budget is based.

As originally adopted by the Iowa House of Representatives, [House File 642](#) provided appropriations for both Fiscal Years 2012 and 2013. Unfortunately, the Iowa Senate stripped the appropriations for Fiscal Year 2013 and it is in this form [House File 642](#) is currently before me for action.

As such, I cannot approve [House File 642](#). I encourage the General Assembly to reconsider the appropriations made in this legislation so as to include appropriations for both Fiscal Years 2012 and 2013.

Iowans have every right to demand the Governor and General Assembly restore the sound budgeting practices and long-range planning tools that are necessary to ensure predictability and stability in state budgeting and I will continue to work with the General Assembly to make this a reality before adjourning for the year.

For the above reasons, I respectfully disapprove [House File 642](#), in its entirety, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely,
TERRY E. BRANSTAD
Governor

GOVERNOR'S ITEM VETO MESSAGE

April 12, 2011

The Honorable John P. Kibbie
President of the Senate
State Capitol
Des Moines, Iowa 50319

Dear Mr. President:

I hereby transmit [Senate File 512](#), an Act relating to public funding matters by updating the code references to the internal revenue code and by decoupling from certain federal bonus depreciation provisions, authorizing appropriation transfers, and including effective date and retroactive applicability provisions.

[Senate File 512](#) is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division IV, which includes Sections 26 and 27. This language would have provided the Governor with the specific authority to transfer funds to the office of the public defender for payment of court-appointed attorneys for indigent defense purposes. As I have made clear, I strongly support an appropriate supplemental appropriation to pay these court-appointed indigent defense attorneys the money that is owed to them and will continue to work with the General Assembly to resolve this matter.

The language I disapprove attempts to end the current legislative stalemate over supplemental appropriations for the provision of indigent defense services administered through the State Public Defender's office.

This current shortfall in the funds available to pay the state's indigent defense bills is the result of actions taken during the 2010 Session of the General Assembly wherein the Governor and General Assembly approved a budget for indigent defense that purposely underfunded this program by nearly \$20 million. This decision was made with the full knowledge the 2011 General Assembly would be forced to take action to provide supplemental funds to the State Public Defender's office for this purpose.

The method provided in [Senate File 512](#) provides the Governor with the specific authority to transfer funds to the State Public Defender for payment of court-appointed attorneys for indigent defense purposes. The funds transferred must come from any department, institution, or agency of the state and will reduce the funds available to those entities by a like amount.

In other words, in order to comply with the provisions of [Senate File 512](#) I would be asked to reduce by nearly \$20 million the current appropriations in other state agencies to secure the resources necessary to transfer to the State Public Defender's office. As there remain less than three months in the current fiscal year, any spending reduction in any agency has an effect nearly four times greater than if the reduction were made at the beginning of a fiscal year.

In [Senate File 512](#) the General Assembly provides the Governor with no guidance regarding which state agencies must be reduced to make this transfer possible.

This method is totally unacceptable and is a continuation of the numerous bad budgeting practices that has created the fiscal mess our state currently faces. It is this fiscal mess that I am committed to correct and I will not participate in a process that both continues those practices and undermines the constitutional responsibility of the General Assembly to make appropriations.

A Governor's transfer authority should be extremely limited during those time periods when the General Assembly is in session. The Iowa Constitution provides a clear method for the appropriation of state funds and I intend to honor that process and the General Assembly's role in spending state funds.

I specifically call on the members of the General Assembly to resume negotiations on legislation to provide a supplemental appropriation for indigent defense and other critical areas of state government that have been left critically short due to past bad budgeting practices.

I strongly support an appropriate supplemental appropriation to pay our indigent defense costs and will continue to work with the General Assembly to resolve this matter.

For the above reasons, I respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in [Senate File 512](#) are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

SUBCOMMITTEE ASSIGNMENTS

[House File 611](#)

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

[Senate File 285](#)

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

[Senate File 516](#)

Ways and Means: Byrnes, Chair; Kajtazovic and Paustian.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 234](#)

Ways and Means: Helland, Chair; Thomas and Vander Linden.

[House Study Bill 235](#)

State Government: Cownie, Chair; Helland, Hunter, Iverson and Lensing.

[House Study Bill 236](#)

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 237](#) **Appropriations**

Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

[H.S.B. 238](#) **Appropriations**

Relating to a state marketing and advertising expenditure plan 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 APPROPRIATIONS

Committee Bill (Formerly [House Study Bill 237](#)), relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 2011.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly [House Study Bill 235](#)), providing for congressional and legislative districts and providing an effective date.

Fiscal Note is not required.

Recommended **Without Recommendation** April 11, 2011.

COMMITTEE ON WAYS AND MEANS

[Senate File 515](#), a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 2011.

Committee Bill (Formerly [House File 240](#)), relating to the property tax exemptions for cemetery associations and religious institutions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 2011.

Committee Bill (Formerly [House Study Bill 231](#)), relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 2011.

AMENDMENTS FILED

H-1646	H.F. 595	Iverson of Wright
H-1649	H.F. 682	Cownie of Polk

On motion by Upmeyer of Hancock the House adjourned at 4:37 p.m., until 8:30 a.m., Wednesday, April 13, 2011.