# **PROOF**

## STATE OF IOWA

# **House Journal**

TUESDAY, MARCH 28, 2017

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.)

## JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-second Session Day

Hall of the House of Representatives Des Moines, Iowa, Tuesday, March 28, 2017

The House met pursuant to adjournment at 8:32 a.m., Speaker Upmeyer in the chair.

Prayer was offered by Pastor David Loeschen, Our Savior Lutheran Church, Denison. He was the guest of Holt of Crawford.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Katherine Simpson, Majority Leader's Page from Spencer.

The Journal of Monday, March 27, 2017, was approved.

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Madam Speaker: I am directed to inform your honorable body that the Senate has on March 27, 2017, passed the following bill in which the concurrence of the Senate was asked:

<u>House File 518</u>, a bill for an act relating to workers' compensation and including applicability provisions.

W. CHARLES SMITHSON, Secretary

#### INTRODUCTION OF BILL

House File 616, by committee on Appropriations, a bill for an act relating to 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.

Read first time and placed on the Appropriations calendar.

## SENATE MESSAGES CONSIDERED

Senate File 399, by committee on State Government, a bill for an act relating to the conduct of elections, including general election ballot vacancies, voter registration, elections administration, absentee voting, and vacancies on school boards and merged area governing boards and including effective date and applicability provisions.

Read first time and referred to committee on State Government.

Senate File 419, by committee on Human Resources, a bill for an act relating to the nurse licensure compact, including provisions for assessments against party states, and including effective date provisions.

Read first time and passed on file.

### SPECIAL PRESENTATION

Forbes of Polk introduced to the House the 2017 Miss Iowa USA, Kelsey Weier.

The House rose and expressed its welcome.

The House stood at ease at 8:41 a.m., until the fall of the gavel.

The House resumed session at 10:08 a.m., Speaker Upmeyer in the chair.

## CONSIDERATION OF BILLS Regular Calendar

<u>House File 473</u>, a bill for an act relating to high school equivalency programs and assessments and including effective date provisions, was taken up for consideration.

Winckler of Scott asked and received unanimous consent to withdraw amendment H–1226 filed by her on March 21, 2017.

Gassman of Winnebago offered amendment  $\underline{H-1241}$  filed by him and moved its adoption.

Amendment H-1241 was adopted.

Gassman of Winnebago 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. 473)

The ayes were, 96:

Abdul-Samad Anderson Bacon Baltimore Baudler Baxter Bearinger Bennett Bergan Best Bloomingdale Breckenridge **Brown-Powers** Carlin Carlson Cohoon Finkenauer Cownie Deyoe Dolecheck Fisher Forbes Fry Gaines Gaskill Gustafson Gassman Grassley Hagenow Hager Hall Hanson Hanusa Heartsill Heaton Heddens Highfill Holt Hein Hinson Hunter Huseman Isenhart Holz Jacoby Jones Kacena Kaufmann Kearns Kerr Klein Koester Kressig Kurth Landon Lensing Lundgren Maxwell McConkey Mascher McKean Miller Mohr Mommsen Moore Nielsen Nunn Oldson Pettengill Olson Ourth Paustian Rizer Rogers Running-Marquardt Salmon Sexton Sheets Sieck Smith, M. Taylor, T. Smith, R. Taylor, R. Steckman Thede Vander Linden Watts Wessel-Kroeschell Windschitl Wheeler Wills Winckler Wolfe Worthan Zumbach Speaker Upmeyer

The nays were, none.

Absent or not voting, 4:

Forristall Meyer Prichard Staed

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

<u>House File 532</u>, a bill for an act relating to prescribing practitioner registration with the drug prescribing and dispensing information program, was taken up for consideration.

Forbes of Polk offered amendment  $\underline{H-1245}$  filed by Staed of Linn and moved its adoption.

Amendment H-1245 lost.

Lundgren of Dubuque 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. 532)

The ayes were, 95:

Abdul-Samad Anderson Bacon Baltimore Bearinger Bennett Baudler Baxter Bergan Best Bloomingdale Breckenridge Brown-Powers Carlin Carlson Cohoon Dolecheck Finkenauer Cownie Deyoe Fisher Forbes Gaines Fry Grassley Gaskill Gassman Gustafson Hagenow Hager Hall Hanson Hanusa Heartsill Heaton Heddens Hinson Holt HolzHein Hunter Huseman Isenhart Jacoby Jones Kacena Kaufmann Kearns  $\operatorname{Kerr}$ Klein Koester Kressig Lundgren Kurth Landon Lensing Mascher Maxwell McConkey McKean Mohr Moore Miller Mommsen Nielsen Nunn Oldson Olson Pettengill Ourth Paustian Rizer Rogers Running-Marquardt Salmon Sexton Sheets Smith, M. Smith, R. Sieck Taylor, R. Taylor, T. Thede Steckman Wessel-Kroeschell Vander Linden Watts Wheeler Wills Winckler Windschitl Wolfe Worthan Zumbach Speaker Upmeyer

The nays were, 1:

Highfill

Absent or not voting, 4:

Forristall Meyer Prichard Staed

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

<u>House File 553</u>, a bill for an act relating to insurers in possession of salvage motor vehicles, was taken up for consideration.

Landon of Polk offered amendment  $\underline{H-1224}$  filed by him and moved its adoption.

Amendment H-1224 was adopted.

## SENATE FILE 448 SUBSTITUTED FOR HOUSE FILE 553

Landon of Polk asked and received unanimous consent to substitute Senate File 448 for House File 553.

<u>Senate File 448</u>, a bill for an act relating to insurers in possession of salvage motor vehicles, was taken up for consideration.

Landon 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. 448)

The ayes were, 96:

Abdul-Samad Anderson Bacon Baltimore Baudler Bearinger Bennett Baxter Bergan Best Bloomingdale Breckenridge Brown-Powers Carlin Carlson Cohoon Finkenauer Cownie Devoe Dolecheck Fisher Forbes Gaines Fry Gaskill Grassley Gassman Gustafson Hall Hanson Hagenow Hager Hanusa Heartsill Heaton Heddens Highfill HoltHein Hinson Isenhart Hunter Huseman Holz Jacoby Jones Kacena Kaufmann Kearns Kerr Klein Koester Kurth Kressig Landon Lensing

McConkey Lundgren Mascher Maxwell McKean Miller Mohr Mommsen Oldson Moore Nielsen Nunn Pettengill Olson Ourth Paustian Rizer Rogers Running-Marquardt Salmon Smith, M. Sexton Sheets Sieck Smith, R. Steckman Taylor, R. Taylor, T. Wessel-Kroeschell Thede Vander Linden Watts Wheeler Wills Winckler Windschitl Wolfe Worthan Zumbach Speaker Upmeyer

The nays were, none.

Absent or not voting, 4:

Forristall Meyer Prichard Staed

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

<u>House File 569</u>, a bill for an act concerning authorized investment vehicles in a tax-sheltered investment program established by the department of administrative services, was taken up for consideration.

Pettengill of Benton offered amendment <u>H-1205</u> filed by her.

Pettengill of Benton offered amendment  $\underline{H-1242}$ , to amendment  $\underline{H-1205}$ , filed by her and moved its adoption.

Amendment H-1242, to amendment H-1205, was adopted.

Pettengill of Benton moved the adoption of amendment  $\underline{H-1205}$ , as amended.

Amendment H-1205, as amended, was adopted.

Pettengill of Benton 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. 569)

The ayes were, 65:

Bacon Baxter Baltimore Baudler Bergan Bloomingdale Bearinger Best Carlin Carlson Deyoe Dolecheck Finkenauer Fisher FryGassman Grassley Gustafson Hagenow Hager Heartsill Hall Hanusa Heaton Highfill Hinson Holt Hein Holz Hunter Huseman Isenhart Jacoby Kaufmann Kerr Jones Klein Koester Kressig Landon Lundgren Maxwell McKean Mohr Mommsen Olson Moore Nunn Pettengill Rogers Paustian Rizer Salmon Sexton Sheets Sieck Vander Linden Taylor, R. Watts Wheeler Wills Windschitl Worthan Zumbach Speaker Upmeyer

The nays were, 31:

Abdul-Samad Anderson Bennett Breckenridge Cohoon Forbes Brown-Powers Cownie Gaines Gaskill Hanson HeddensKacena Kearns Kurth Lensing Mascher McConkey Miller Nielsen Oldson Ourth Running-Marquardt Smith, M. Smith, R. Steckman Taylor, T. Thede Wessel-Kroeschell Winckler Wolfe

Absent or not voting, 4:

Forristall Meyer Prichard Staed

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

## HOUSE FILES WITHDRAWN

Hagenow of Polk asked and received unanimous consent to withdraw House Files 322 and 553 from further consideration by the House.

## IMMEDIATE MESSAGES

Hagenow of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 473, 532, 569** and **Senate File 448.** 

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker: I am directed to inform your honorable body that the Senate has on March 28, 2017, passed the following bill in which the concurrence of the House is asked:

Senate File 360, a bill for an act relating to the newborn safe haven Act.

Also: That the Senate has on March 28, 2017, passed the following bill in which the concurrence of the House is asked:

<u>Senate File 408</u>, a bill for an act requiring licensure rather than registration of architects practicing in this state.

Also: That the Senate has on March 28, 2017, passed the following bill in which the concurrence of the House is asked:

Senate File 446, a bill for an act relating to asset forfeiture by prohibiting civil asset forfeiture for property valued at less than a minimum amount, raising the standard of proof for asset forfeiture, requiring a proportionality review for property to be forfeited, and requiring law enforcement agencies to retain certain records related to asset forfeiture and including applicability provisions.

Also: That the Senate has on March 28, 2017, passed the following bill in which the concurrence of the House is asked:

<u>Senate File 493</u>, a bill for an act relating to the authority of combined benefited recreational lake and water quality districts when issuing bonds.

W. CHARLES SMITHSON, Secretary

On motion by Hagenow of Polk, the House was recessed at 11:04 a.m., until 4:00 p.m.

## AFTERNOON SESSION

The House reconvened at 4:12 p.m., Speaker Upmeyer in the chair.

## QUORUM CALL

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

#### INTRODUCTION OF BILLS

House File 617, by committee on Ways and Means, a bill for an act providing for the department of agriculture and land stewardship's administration of certain functions, relating to forest and fruit tree reservation requirements, the name of the state soil conservation committee, financing of soil conservation and water quality practices, the health of agricultural animals, issuance of two-year licenses and the collection of related fees imposed upon persons engaged in the marketing of agricultural animals and mining operations, license fees imposed upon pesticide dealers, tickets for delivering commodities in bulk, labeling of motor fuel pumps dispensing certain ethanol blended gasoline, the use of scales, providing for penalties, making penalties applicable, and including effective date provisions.

Read first time and placed on the Ways and Means calendar.

House File 618, by Isenhart, Brown-Powers, and Forbes, a bill for an act relating to opioid abuse prevention and treatment by creating an opioid abuse prevention and treatment workgroup and excise tax on the gross receipts of certain controlled substances sold at wholesale and providing for the transfer of the excise tax revenues to a newly created fund.

Read first time and referred to committee on Human Resources.

#### SENATE MESSAGES CONSIDERED

<u>Senate File 360</u>, by committee on Human Resources, a bill for an act relating to the newborn safe haven Act.

Read first time and referred to committee on Human Resources.

Senate File 446, by committee on Judiciary, a bill for an act relating to asset forfeiture by prohibiting civil asset forfeiture for property valued at less than a minimum amount, raising the standard of proof for asset forfeiture, requiring a proportionality review for property to be forfeited, and requiring law enforcement agencies to retain certain records related to asset forfeiture and including applicability provisions.

Read first time and referred to committee on Judiciary.

<u>Senate File 493</u>, by committee on Ways and Means, a bill for an act relating to the authority of combined benefited recreational lake and water quality districts when issuing bonds.

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

## CONSIDERATION OF BILLS Regular Calendar

House File 603, a bill for an act relating to eminent domain and condemnation, including the authority of acquiring agencies to use eminent domain, the procedures required for the use of eminent domain, and compensation paid to certain property owners and including effective date and applicability provisions, was taken up for consideration.

Kaufmann of Cedar offered amendment  $\underline{H-1244}$  filed by him and moved its adoption.

Amendment H-1244 was adopted.

Kaufmann of Cedar 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. 603)

The ayes were, 93:

Abdul-Samad Baltimore Anderson Bacon Baudler Baxter Bearinger Bennett Bergan Best Bloomingdale Breckenridge **Brown-Powers** Carlin Carlson Cohoon

Rule 76 invoked, 2:

Fry

Dolecheck Finkenauer Cownie Deyoe Fisher Forbes Gaskill Gassman Hager Grassley Gustafson Hagenow Hanson Heartsill Hall Hanusa Heaton Heddens Hein Highfill Holt Holz Hunter Hinson Isenhart Jacoby Kacena Huseman Kaufmann Kearns Kerr Klein Kressig Landon Kurth Koester Lensing Lundgren Mascher Maxwell McKean Meyer Miller Mohr Mommsen Moore Nielsen Nunn Oldson Olson Ourth Paustian Pettengill Rogers Rizer Running-Marquardt Salmon Sexton Sheets Sieck Smith, M. Smith, R. Steckman Taylor, R. Taylor, T. Watts Thede Vander Linden Wessel-Kroeschell Wheeler Wills Winckler Windschitl Wolfe Worthan Zumbach Speaker Upmeyer The nays were, none. Absent or not voting, 5: Forristall Gaines McConkey Prichard Staed

The bill having received a constitutional majority was declared to

## Ways and Means Calendar

<u>House File 607</u>, a bill for an act relating to alcoholic beverage control and matters under the purview of the alcoholic beverages division of the department of commerce, was taken up for consideration.

Sexton of Calhoun 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. 607)

have passed the House and the title was agreed to.

The ayes were, 93:

Baltimore Abdul-Samad Anderson Bacon Bennett Baudler Baxter Bearinger Bergan Best Bloomingdale Breckenridge Brown-Powers Carlin Cohoon Carlson Cownie Dolecheck Finkenauer Devoe Fisher Forbes Fry Gaskill Grassley Gustafson Hagenow Gassman Hager Hall Hanson Hanusa Heddens Heartsill Hein Heaton Highfill Hinson Holt HolzHunter Huseman Isenhart Jacoby Kaufmann Kearns Jones Kacena Kerr Klein Koester Kressig Kurth Landon Lensing Lundgren Mascher Maxwell McKean Meyer Miller Mohr Mommsen Moore Nielsen Nunn Oldson Olson Pettengill Ourth Paustian Rizer Rogers Running-Marquardt Salmon Sexton Smith, R. Sheets Sieck Smith, M. Steckman Taylor, T. Thede Vander Linden Watts Wessel-Kroeschell Wills Winckler Windschitl Wolfe Zumbach Worthan Speaker Upmeyer

The nays were, 1:

Wheeler

Absent or not voting, 5:

Forristall Gaines McConkey Prichard

Staed

Rule 76 invoked, 1:

Taylor, R.

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

## Regular Calendar

<u>House File 410</u>, a bill for an act classifying Palmer amaranth as a primary noxious weed and an invasive plant and making penalties applicable, was taken up for consideration.

Sexton of Calhoun asked and received unanimous consent to withdraw amendment  $\underline{H-1240}$  filed by him on March 27, 2017.

Fisher of Tama 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. 410)

The ayes were, 95:

Abdul-Samad Bacon Baltimore Anderson Baudler Baxter Bearinger Bennett Bergan Best Bloomingdale Breckenridge Carlin **Brown-Powers** Carlson Cohoon Cownie Deyoe Dolecheck Finkenauer Gaskill Fisher Forbes Fry Gassman Grassley Gustafson Hagenow Hager Hall Hanson Hanusa Heartsill Heddens Heaton Hein Highfill Hinson Holt Holz Hunter Huseman Isenhart Jacoby Jones Kacena Kaufmann Kearns Kerr Klein Koester Kressig Kurth Landon Lensing Lundgren Maxwell Mascher McKean Meyer Moore Miller Mohr Mommsen Nielsen Nunn Oldson Olson Paustian Pettengill Rizer Ourth Rogers Running-Marquardt Salmon Sexton Smith, M. Smith, R. Sheets Sieck Taylor, R. Taylor, T. Steckman Thede Vander Linden Watts Wessel-Kroeschell Wheeler Wills Winckler Windschitl Wolfe Worthan Zumbach Speaker Upmeyer

The nays were, none.

Absent or not voting, 5:

Forristall Gaines McConkey Prichard

Staed

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

## LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Forristall of Pottawattamie Gaines of Polk McConkey of Pottawattamie Meyer of Polk Prichard of Floyd Staed of Linn

#### HOUSE FILES WITHDRAWN

Hagenow of Polk asked and received unanimous consent to withdraw House Files 175 and 521 from further consideration by the House.

#### IMMEDIATE MESSAGES

Hagenow of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 410, 603** and **607.** 

### EXPLANATIONS OF VOTE

On March 27, 2017, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

House File 161 – "aye"	House File 233 – "aye"
House File 263 – "aye"	House File 463 – "aye"
House File 526 – "aye"	<u>House File 528</u> – "nay"
House File 541 – "aye"	<u>House File 562</u> – "nay"
House File 601 – "aye"	<u>House File 602</u> – "nay"

Hanson of Jefferson

On March 28, 2017, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

House File 410 – "aye" House File 603 – "aye" House File 607 – "aye"

McConkey of Pottawattamie

On March 28, 2017, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

House File 473 – "aye"
House File 569 – "nay"

House File 548 – "aye"
Senate File 448 – "aye"

Prichard of Floyd

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Madam 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 28th day of March, 2017: House Files 215, 289, 445, 462, 531, 544 and 548.

CARMINE BOAL Chief Clerk of the House

#### SUBCOMMITTEE ASSIGNMENTS

**House File 216** 

Ways and Means: Pettengill, Chair; Cownie and Forbes.

Senate File 361

Judiciary: McKean, Chair; Nunn and Wessel-Kroeschell.

Senate File 399

State Government: Koester, Chair; Hein and Winckler.

Senate File 446

Judiciary: Heartsill, Chair; Baltimore and Wolfe.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 193** 

Appropriations: Hinson, Chair; Rogers and Running-Marquardt.

## COMMITTEE RECOMMENDATIONS

MADAM 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 APPROPRIATIONS

Committee Bill (Formerly House Study Bill 192), relating to 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: No

Recommendation: Do Pass March 27, 2017.

#### COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 510), authorizing the department of natural resources to establish certain fees at state parks and recreation areas.

Fiscal Note: No

Recommendation: Amend and Do Pass March 27, 2017.

Committee Bill (Formerly House File 550), providing for the department of agriculture and land stewardship's administration of certain functions, relating to forest and fruit tree reservation requirements, the name of the state soil conservation committee, financing of soil conservation and water quality practices, the health of agricultural animals, issuance of two-year licenses and the collection of related fees imposed upon persons engaged in the marketing of agricultural animals and mining operations, license fees imposed upon pesticide dealers, tickets for delivering commodities in bulk, labeling of motor fuel pumps dispensing certain ethanol blended gasoline, the use of scales, providing for penalties, making penalties applicable, and including effective date provisions.

Fiscal Note: No

Recommendation: Do Pass March 27, 2017.

Committee Bill (Formerly House Study Bill 190), providing for the establishment of first-time homebuyer savings accounts in Iowa, including related individual income tax exemptions, and including applicability provisions.

Fiscal Note: No

Recommendation: Amend and Do Pass March 27, 2017.

## RESOLUTION FILED

<u>H.C.R. 7</u>, by Gassman, a concurrent resolution specifying a minimum number of days for legislative secretary salary payments for the eighty-seventh general assembly.

Laid over under Rule 25.

## AMENDMENT FILED

<u>H-1246</u> <u>H.F. 600</u> Rizer of Linn

On motion by Hagenow of Polk, the House adjourned at 4:45 p.m., until 8:30 a.m., Wednesday, March 29, 2017.