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**STATE OF IOWA**

**House Journal**

**MONDAY, APRIL 6, 2009**

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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

Eighty-fifth Calendar Day – Fifty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 6, 2009

The House met pursuant to adjournment at 10:31 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Eric Schumacher, pastor of the Northbrook Baptist Church, Cedar Rapids. He was the guest of Representative Nick Wagner of Linn County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chad Ratashack, House Page from Mitchellville.

The Journal of Thursday, April 2, 2009 was approved.

On motion by McCarthy of Polk, the House was recessed at 10:37 a.m., until 3:30 p.m.

### AFTERNOON SESSION

The House reconvened at 3:45 p.m., Speaker Murphy in the chair.

### SPECIAL PRESENTATION

Soderberg of Plymouth introduced to the House Queen Juliana Pennings and her court visiting from Orange City and invited all to the Orange City Tulip Festival.

The House rose and expressed its welcome.

The House stood at ease at 3:50 p.m., until the fall of the gavel.

The House resumed session at 4:24 p.m., Speaker Murphy in the chair.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 788**, a bill for an act prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable, was taken up for consideration.

Alons of Sioux offered the following amendment [H-1409](#) filed by Alons et al., and moved its adoption:

[H-1409](#)

1 Amend [House File 788](#) as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 123.46, subsection 4, Code  
5 2009, is amended to read as follows:

6 4. a. A peace officer shall make a reasonable  
7 effort to identify a person under the age of eighteen  
8 who violates this section and, ~~if the person is not~~  
9 ~~referred to juvenile court, the law enforcement agency~~  
10 ~~of which the peace officer is an employee shall make a~~  
11 ~~reasonable attempt to notify the person's custodial~~  
12 ~~parent or legal guardian of the violation, whether or~~  
13 ~~not the person is taken into custody, unless the~~  
14 ~~officer has reasonable grounds to believe that~~  
15 ~~notification is not in the best interests of the~~  
16 ~~person or will endanger that person refer the person~~  
17 ~~to juvenile court.~~

18 b. ~~The peace officer shall also make a reasonable~~  
19 ~~effort to identify the elementary or secondary school~~  
20 ~~which the person attends if the person is enrolled in~~  
21 ~~elementary or secondary school and to notify the~~  
22 ~~superintendent or the superintendent's designee of the~~  
23 ~~school which the person attends, or the authorities in~~  
24 ~~charge of the nonpublic school which the person~~  
25 ~~attends, of the violation. If the person is taken~~  
26 ~~into custody, the peace officer shall notify a~~  
27 ~~juvenile court officer who~~ A juvenile court officer  
28 shall notify the person's custodial parent, legal  
29 guardian, or custodian of the violation. In addition,  
30 the juvenile court officer shall make a reasonable  
31 effort to identify the elementary or secondary school  
32 the person attends, if any, and to notify the  
33 superintendent of the school district or the  
34 superintendent's designee, or the authorities in  
35 charge of the nonpublic school, of the violation. A

36 reasonable attempt to notify the person includes, but  
37 is not limited to, a telephone call or notice by  
38 first-class mail.

39 Sec. 2. Section 123.47, Code 2009, is amended to  
40 read as follows:

41 123.47 PERSONS UNDER ~~LEGAL AGE~~—PENALTY EIGHTEEN  
42 YEARS OF AGE, PERSONS EIGHTEEN, NINETEEN, OR TWENTY  
43 YEARS OF AGE, AND PERSONS TWENTY-ONE YEARS OF AGE AND  
44 OLDER.

45 1. A person shall not sell, give, or otherwise  
46 supply alcoholic liquor, wine, or beer to any person  
47 knowing or having reasonable cause to believe that  
48 person to be under legal age.

49 2. A person or persons under legal age shall not  
50 purchase or attempt to purchase, or individually or

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1 jointly have alcoholic liquor, wine, or beer in their  
2 possession or control; except in the case of liquor,  
3 wine, or beer given or dispensed to a person under  
4 legal age within a private home and with the  
5 knowledge, presence, and consent of the parent or  
6 guardian, for beverage or medicinal purposes or as  
7 administered to the person by either a physician or  
8 dentist for medicinal purposes and except to the  
9 extent that a person under legal age may handle  
10 alcoholic beverages, wine, and beer during the regular  
11 course of the person's employment by a liquor control  
12 licensee, or wine or beer permittee under this  
13 chapter.

14 3. a. A person who is under legal age ~~eighteen,~~  
15 ~~nineteen, or twenty years of age,~~ other than a  
16 licensee or permittee, who violates this section  
17 regarding the purchase of or attempt to purchase  
18 alcoholic liquor, wine, or beer, or possessing or  
19 having control of alcoholic liquor, wine, or beer,  
20 commits the following:

21 (1) A simple misdemeanor punishable as a scheduled  
22 violation under section 805.8C, subsection 7.

23 (2) A second offense shall be a simple misdemeanor  
24 punishable by a fine of five hundred dollars. In  
25 addition to any other applicable penalty, the person  
26 in violation of this section shall choose between  
27 either completing a substance abuse evaluation or the  
28 suspension of the person's motor vehicle operating  
29 privileges for a period not to exceed one year.

30 (3) A third or subsequent offense shall be a  
31 simple misdemeanor punishable by a fine of five  
32 hundred dollars and the suspension of the person's  
33 motor vehicle operating privileges for a period not to  
34 exceed one year.

35 b. The court may, in its discretion, order the  
36 person who is under legal age to perform community  
37 service work under section 909.3A, of an equivalent  
38 value to the fine imposed under this section.

39 c. If the person who commits a violation of this  
40 section is under the age of eighteen, the matter shall  
41 be disposed of in the manner provided in chapter 232.

42 4. Except as otherwise provided in subsections 5  
43 and 6, a person who is of legal age, other than a  
44 licensee or permittee, who sells, gives, or otherwise  
45 supplies alcoholic liquor, wine, or beer to a person  
46 who is under legal age in violation of this section  
47 commits a serious misdemeanor punishable by a minimum  
48 fine of five hundred dollars.

49 5. A person who is of legal age, other than a  
50 licensee or permittee, who sells, gives, or otherwise

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1 supplies alcoholic liquor, wine, or beer to a person  
2 who is under legal age in violation of this section  
3 which results in serious injury to any person commits  
4 an aggravated misdemeanor.

5 6. A person who is of legal age, other than a  
6 licensee or permittee, who sells, gives, or otherwise  
7 supplies alcoholic liquor, wine, or beer to a person  
8 who is under legal age in violation of this section  
9 which results in the death of any person commits a  
10 class "D" felony.

11 Sec. 3. Section 123.47B, Code 2009, is amended to  
12 read as follows:

13 123.47B PARENTAL AND SCHOOL NOTIFICATION –  
14 PERSONS UNDER EIGHTEEN YEARS OF AGE.

15 1. A peace officer shall make a reasonable effort  
16 to identify a person under the age of eighteen  
17 discovered to be in possession of alcoholic liquor,  
18 wine, or beer in violation of section 123.47 and if  
19 ~~the person is not referred to juvenile court, the law~~  
20 ~~enforcement agency of which the peace officer is an~~  
21 ~~employee shall make a reasonable attempt to notify the~~  
22 ~~person's custodial parent or legal guardian of such~~  
23 ~~possession, whether or not the person is arrested or a~~  
24 ~~citation is issued pursuant to section 805.16, unless~~  
25 ~~the officer has reasonable grounds to believe that~~  
26 ~~such notification is not in the best interests of the~~  
27 ~~person or will endanger that person refer the person~~  
28 to juvenile court.

29 2. ~~The peace officer~~ juvenile court officer shall  
30 notify the person's custodial parent, legal guardian,  
31 or custodian of the violation. In addition, the  
32 juvenile court shall also make a reasonable effort to  
33 identify the elementary or secondary school which the

34 person attends if the person is enrolled in elementary  
 35 or secondary school and to notify the superintendent  
 36 or the superintendent's designee of the school which  
 37 the person attends, or the authorities in charge of  
 38 the nonpublic school which the person attends, of the  
 39 possession. ~~If the person is taken into custody, the~~  
 40 ~~peace officer shall notify a juvenile court officer~~  
 41 ~~who shall make a reasonable effort to identify the~~  
 42 ~~elementary or secondary school the person attends, if~~  
 43 ~~any, and to notify the superintendent of the school~~  
 44 ~~district or the superintendent's designee, or the~~  
 45 ~~authorities in charge of the nonpublic school, of the~~  
 46 ~~taking into custody.~~ A reasonable attempt to notify  
 47 the person includes but is not limited to a telephone  
 48 call or notice by first-class mail."

49 2. Page 1, by inserting after line 7 the  
 50 following:

Page 4

1 "Sec. \_\_\_\_ Section 321.284, Code 2009, is amended  
 2 to read as follows:  
 3 321.284 OPEN CONTAINERS IN MOTOR VEHICLES –  
 4 DRIVERS.

5 1. A driver of a motor vehicle upon a public  
 6 street or highway shall not possess in the passenger  
 7 area of the motor vehicle an open or unsealed bottle,  
 8 can, jar, or other receptacle containing an alcoholic  
 9 beverage. "Passenger area" means the area designed to  
 10 seat the driver and passengers while the motor vehicle  
 11 is in operation and any area that is readily  
 12 accessible to the driver or a passenger while in their  
 13 seating positions, including the glove compartment.  
 14 An open or unsealed receptacle containing an alcoholic  
 15 beverage may be transported in the trunk of the motor  
 16 vehicle. An unsealed receptacle containing an  
 17 alcoholic beverage may be transported behind the last  
 18 upright seat of the motor vehicle if the motor vehicle  
 19 does not have a trunk. A person convicted of a  
 20 violation of this section is guilty of a simple  
 21 misdemeanor punishable as a scheduled violation under  
 22 section 805.8A, subsection 14, paragraph "e".

23 2. ~~A person under the age of twenty-one who~~  
 24 ~~violates this section is guilty of a violation of~~  
 25 ~~section 123.47.~~

26 Sec. \_\_\_\_ Section 321.284A, Code 2009, is amended  
 27 by adding the following new subsection:  
 28 NEW SUBSECTION. 3A. A person under the age of  
 29 twenty-one years who violates this section is guilty  
 30 of a violation of section 123.47.

31 Sec. \_\_\_\_ Section 805.8C, subsection 7, Code 2009,  
 32 is amended to read as follows:

33 7. ALCOHOLIC BEVERAGE VIOLATIONS BY PERSONS ~~UNDER~~  
 34 ~~LEGAL~~ EIGHTEEN, NINETEEN, OR TWENTY YEARS OF AGE. For  
 35 first offense violations of section 123.47, subsection  
 36 3, the scheduled fine is two hundred dollars."  
 37 3. Title page, line 1, by inserting before the  
 38 word "prohibiting" the following: "concerning alcohol  
 39 beverage control, relating to minors and public  
 40 intoxication or possession of alcohol and".  
 41 4. By renumbering as necessary.

Amendment [H-1409](#) was adopted.

Lensing of Johnson 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. 788](#))

The ayes were, 85:

|             |            |                  |                   |
|-------------|------------|------------------|-------------------|
| Abdul-Samad | Alons      | Anderson         | Bailey            |
| Baudler     | Beard      | Bell             | Berry             |
| Bukta       | Burt       | Cphoon           | Cownie            |
| De Boef     | Dolecheck  | Drake            | Ficken            |
| Ford        | Forristall | Frevert          | Gaskill           |
| Gayman      | Grassley   | Hagenow          | Heddens           |
| Helland     | Hunter     | Huseman          | Huser             |
| Isenhardt   | Jacoby     | Kaufmann         | Kearns            |
| Kelley      | Koester    | Kressig          | Kuhn              |
| Lensing     | Lykam      | Marek            | Mascher           |
| May         | McCarthy   | Mertz            | Oldson            |
| Olson, D.   | Olson, R.  | Olson, S.        | Olson, T.         |
| Palmer      | Paulsen    | Petersen         | Pettengill        |
| Quirk       | Raecker    | Rants            | Rayhons           |
| Reasoner    | Reichert   | Roberts          | Schueller         |
| Schulte     | Shomshor   | Smith            | Soderberg         |
| Sorenson    | Steckman   | Struyk           | Swaim             |
| Taylor, D.  | Taylor, T. | Thede            | Thomas            |
| Tymeson     | Upmeyer    | Van Engelenhoven | Wagner            |
| Watts       | Wendt      | Wenthe           | Wessel-Kroeschell |
| Whitaker    | Whitead    | Winckler         | Worthan           |
| Mr. Speaker |            |                  |                   |
| Murphy      |            |                  |                   |

The nays were, 12:

|         |            |            |            |
|---------|------------|------------|------------|
| Arnold  | Deyoe      | Heaton     | Horbach    |
| Lukan   | Miller, L. | Sands      | Schultz    |
| Sweeney | Willems    | Windschitl | Zirkelbach |

Absent or not voting, 3:

Chambers            Miller, H.            Tjepkes

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tjepkes of Webster on request of Lukan of Dubuque.

**Senate File 152**, a bill for an act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law, with report of committee recommending passage, was taken up for consideration.

Berry of Black Hawk asked and received unanimous consent to withdraw amendment H-1298 filed by H. Miller of Webster on March 25, 2009.

Heaton of Henry offered amendment H-1322 filed by Heaton, et al., as follows:

#### H-1322

1 Amend Senate File 152, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 5, by inserting after line 13 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 237A.3, subsection 2, Code  
 6 2009, is amended to read as follows:  
 7 2. a. A person shall not provide child care as a  
 8 child care home provider unless the person and any  
 9 person who resides or will reside in the child care  
 10 home have been subject to a fingerprint-based national  
 11 criminal history record check in accordance with  
 12 section 237A.5.  
 13 b. If a person or program does not comply with  
 14 paragraph "a" or has been prohibited by the department  
 15 from involvement with child care, the person or  
 16 program shall not provide child care as a child care  
 17 home provider and is subject to penalty under section  
 18 237A.19 or injunction under section 237A.20 for doing  
 19 so.

20 Sec. \_\_\_\_\_. Section 237A.5, subsection 2, paragraph  
21 a, subparagraph (1), subparagraph subdivision (e),  
22 Code 2009, is amended to read as follows:

23 (e) The person will provide or is providing child  
24 care as a child care home provider or will reside or  
25 resides in a child care home that is not registered  
26 under this chapter ~~but that receives public funding~~  
27 ~~for providing child care.~~

28 Sec. \_\_\_\_\_. Section 237A.5, subsection 2, paragraphs  
29 b and c, Code 2009, are amended to read as follows:

30 b. If an individual person subject to a record  
31 check is being considered for employment by a child  
32 care facility or child care home, ~~in lieu of prior to~~  
33 requesting a fingerprint-based record check to be  
34 conducted by the department under paragraph "c", the  
35 child care facility or child care home may access the  
36 single contact repository established pursuant to  
37 section 135C.33 as necessary to conduct a criminal and  
38 child abuse record check of the individual in this  
39 state. A copy of the results of the record check  
40 conducted through the single contact repository shall  
41 also be provided to the department. If the record  
42 check indicates the individual is a person subject to  
43 an evaluation, the child care facility or child care  
44 home may request that the department perform an  
45 evaluation as provided in this subsection. Otherwise,  
46 the individual shall not be employed by the child care  
47 facility or child care home. The cost of accessing  
48 the single contact repository is the responsibility of  
49 the child care facility or home.

50 c. ~~(1) Unless a record check has already been~~

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1 ~~conducted in accordance with paragraph "b".~~ For a  
2 person subject to a record check, in addition to any  
3 record check conducted pursuant to paragraph "b" and  
4 the record checks conducted under subparagraph (2),  
5 the person's fingerprints shall be provided to the  
6 department of public safety for submission through the  
7 state criminal history repository to the United States  
8 department of justice, federal bureau of investigation  
9 for a national criminal history record check. For a  
10 child care home that is not registered under this  
11 chapter, the cost of the national criminal history  
12 record check for a person who will provide or is  
13 providing child care or will reside or resides in that  
14 child care home shall be paid by the person.  
15 Otherwise, the cost of the national criminal history  
16 record check and any other record checks conducted  
17 under this lettered paragraph is the responsibility of  
18 the department.

19 (2) In addition to the national criminal history  
 20 record check, the department shall conduct a criminal  
 21 and child abuse record check in this state for a  
 22 person who is subject to a record check and may  
 23 conduct ~~such a~~ child abuse record check in other  
 24 states. In addition, the department may conduct a  
 25 dependent adult abuse, sex offender registry, or other  
 26 public or civil offense record check in this state or  
 27 in other states for a person who is subject to a  
 28 record check. If record checks of a person who is  
 29 subject to a record check have been conducted through  
 30 the single contact repository as described in  
 31 paragraph "b", the department may forego the record  
 32 checks addressed by this subparagraph.  
 33 (3) If a record check performed pursuant to this  
 34 paragraph identifies an individual as a person subject  
 35 to an evaluation, an evaluation shall be performed to  
 36 determine whether prohibition of the person's  
 37 involvement with child care is warranted. The  
 38 evaluation shall be performed in accordance with  
 39 procedures adopted for this purpose by the department.  
 40 (4) Prior to performing an evaluation, the  
 41 department shall notify the affected person, licensee,  
 42 registrant, or child care home applying for or  
 43 receiving public funding for providing child care,  
 44 that an evaluation will be conducted to determine  
 45 whether prohibition of the person's involvement with  
 46 child care is warranted."  
 47 2. By renumbering as necessary.

Hunter of Polk rose on a point of order that amendment [H-1322](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1322](#) not germane.

Heaton of Henry moved to suspend the rules to consider amendment [H-1322](#).

Roll call was requested by Heaton of Henry and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment [H-1322](#)?" ([S.F. 152](#))

The ayes were, 42:

|        |          |        |           |
|--------|----------|--------|-----------|
| Alons  | Anderson | Arnold | Baudler   |
| Cownie | De Boef  | Deyoe  | Dolecheck |

|            |                  |          |            |
|------------|------------------|----------|------------|
| Drake      | Forristall       | Grassley | Hagenow    |
| Heaton     | Helland          | Horbach  | Huseman    |
| Kaufmann   | Koester          | Lukan    | May        |
| Miller, L. | Olson, S.        | Paulsen  | Pettengill |
| Raecker    | Rants            | Rayhons  | Roberts    |
| Sands      | Schulte          | Schultz  | Soderberg  |
| Sorenson   | Struyk           | Sweeney  | Tymeson    |
| Upmeyer    | Van Engelenhoven | Wagner   | Watts      |
| Windschitl | Worthan          |          |            |

The nays were, 55:

|                   |            |             |            |
|-------------------|------------|-------------|------------|
| Abdul-Samad       | Bailey     | Beard       | Bell       |
| Berry             | Bukta      | Burt        | Cohoon     |
| Ficken            | Ford       | Frevert     | Gaskill    |
| Gayman            | Heddens    | Hunter      | Huser      |
| Isenhardt         | Jacoby     | Kearns      | Kelley     |
| Kressig           | Kuhn       | Lensing     | Lykam      |
| Marek             | Mascher    | McCarthy    | Mertz      |
| Oldson            | Olson, D.  | Olson, R.   | Olson, T.  |
| Palmer            | Petersen   | Quirk       | Reasoner   |
| Reichert          | Schueller  | Shomshor    | Smith      |
| Steckman          | Swaim      | Taylor, D.  | Taylor, T. |
| Thede             | Thomas     | Wendt       | Wenthe     |
| Wessel-Kroeschell | Whitaker   | Whitead     | Willems    |
| Winckler          | Zirkelbach | Mr. Speaker |            |
|                   |            | Murphy      |            |

Absent or not voting, 3:

|          |            |         |
|----------|------------|---------|
| Chambers | Miller, H. | Tjepkes |
|----------|------------|---------|

The motion to suspend the rules lost.

Hunter 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. 152](#))

The ayes were, 97:

|             |         |          |            |
|-------------|---------|----------|------------|
| Abdul-Samad | Alons   | Anderson | Arnold     |
| Bailey      | Baudler | Beard    | Bell       |
| Berry       | Bukta   | Burt     | Cohoon     |
| Cownie      | De Boef | Deyoe    | Dolecheck  |
| Drake       | Ficken  | Ford     | Forristall |
| Frevert     | Gaskill | Gayman   | Grassley   |
| Hagenow     | Heaton  | Heddens  | Helland    |
| Horbach     | Hunter  | Huseman  | Huser      |

|                   |            |            |                  |
|-------------------|------------|------------|------------------|
| Isenhart          | Jacoby     | Kaufmann   | Kearns           |
| Kelley            | Koester    | Kressig    | Kuhn             |
| Lensing           | Lukan      | Lykam      | Marek            |
| Mascher           | May        | McCarthy   | Mertz            |
| Miller, L.        | Oldson     | Olson, D.  | Olson, R.        |
| Olson, S.         | Olson, T.  | Palmer     | Paulsen          |
| Petersen          | Pettengill | Quirk      | Raecker          |
| Rants             | Rayhons    | Reasoner   | Reichert         |
| Roberts           | Sands      | Schueller  | Schulte          |
| Schultz           | Shomshor   | Smith      | Soderberg        |
| Sorenson          | Steckman   | Struyk     | Swaim            |
| Sweeney           | Taylor, D. | Taylor, T. | Thede            |
| Thomas            | Tymeson    | Upmeyer    | Van Engelenhoven |
| Wagner            | Watts      | Wendt      | Wenthe           |
| Wessel-Kroeschell | Whitaker   | Whitead    | Willems          |
| Winckler          | Windschitl | Worthan    | Zirkelbach       |
| Mr. Speaker       |            |            |                  |
| Murphy            |            |            |                  |

The nays were, none.

Absent or not voting, 3:

|          |            |         |
|----------|------------|---------|
| Chambers | Miller, H. | Tjepkes |
|----------|------------|---------|

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

#### Ways and Means Calendar

[Senate File 322](#), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Willems 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. 322](#))

The ayes were, 97:

|             |         |          |        |
|-------------|---------|----------|--------|
| Abdul-Samad | Alons   | Anderson | Arnold |
| Bailey      | Baudler | Beard    | Bell   |

|                   |            |            |                  |
|-------------------|------------|------------|------------------|
| Berry             | Bukta      | Burt       | Cohoon           |
| Cownie            | De Boef    | Deyoe      | Dolecheck        |
| Drake             | Ficken     | Ford       | Forristall       |
| Frevert           | Gaskill    | Gayman     | Grassley         |
| Hagenow           | Heaton     | Heddens    | Helland          |
| Horbach           | Hunter     | Huseman    | Huser            |
| Isenhart          | Jacoby     | Kaufmann   | Kearns           |
| Kelley            | Koester    | Kressig    | Kuhn             |
| Lensing           | Lukan      | Lykam      | Marek            |
| Mascher           | May        | McCarthy   | Mertz            |
| Miller, L.        | Oldson     | Olson, D.  | Olson, R.        |
| Olson, S.         | Olson, T.  | Palmer     | Paulsen          |
| Petersen          | Pettengill | Quirk      | Raecker          |
| Rants             | Rayhons    | Reasoner   | Reichert         |
| Roberts           | Sands      | Schueller  | Schulte          |
| Schultz           | Shomshor   | Smith      | Soderberg        |
| Sorenson          | Steckman   | Struyk     | Swaim            |
| Sweeney           | Taylor, D. | Taylor, T. | Thede            |
| Thomas            | Tymeson    | Upmeyer    | Van Engelenhoven |
| Wagner            | Watts      | Wendt      | Wenthe           |
| Wessel-Kroeschell | Whitaker   | Whitead    | Willems          |
| Winckler          | Windschitl | Worthan    | Zirkelbach       |
| Mr. Speaker       |            |            |                  |
| Murphy            |            |            |                  |

The nays were, none.

Absent or not voting, 3:

Chambers            Miller, H.            Tjepkes

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

### Regular Calendar

[Senate File 323](#), a bill for an act relating to the provision of certain information regarding a child in foster care to the foster care provider, with report of committee recommending amendment and passage, was taken up for consideration.

Wessel-Kroeschell of Story offered amendment [H-1327](#) filed by the committee on human resources as follows:

#### [H-1327](#)

- 1 Amend [Senate File 323](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 27 and inserting the

4 following: "child would be required to register under  
5 chapter 692A but for the exemption under section  
6 692A.2, subsection 6, while the child is in foster  
7 care."

Heaton of Henry offered the following amendment [H-1373](#), to the committee amendment [H-1327](#), filed by him and Wessel-Kroeschell of Story and moved its adoption:

[H-1373](#)

1 Amend the amendment, H-1327, to [Senate File 323](#), as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 7 the  
5 following:  
6 "Sec. \_\_\_\_\_. DEPARTMENT REPORT. The department of  
7 human services shall track the amount of time taken to  
8 supply child health records to foster care providers,  
9 including but not limited to instances when the  
10 records are incomplete and when the provider requests  
11 additional information, in accordance with section  
12 237.3, subsection 2, paragraph "f", subparagraph (2),  
13 as amended by this Act. The department shall report  
14 to the general assembly on or before January 15, 2010,  
15 regarding the results of the tracking.""

Amendment [H-1373](#) was adopted.

On motion by Wessel-Kroeschell of Story the committee amendment [H-1327](#), as amended, was adopted.

Van Engelenhoven of Marion offered the following amendment [H-1376](#) filed by him and moved its adoption:

[H-1376](#)

1 Amend [Senate File 323](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 27 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 237.3, Code 2009, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 11. The department shall adopt  
8 rules prohibiting an individual foster parent licensee  
9 from providing child care to children as a child care  
10 home or child development home provider registered  
11 under chapter 237A at times when a child is present

12 who is receiving foster care from the licensee and who  
 13 has been found by the department to have committed  
 14 abuse of another child."  
 15 2. By renumbering as necessary.

Amendment [H-1376](#) was adopted.

Wessel-Kroeschell of Story 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. 323](#))

The ayes were, 97:

|                   |            |            |                  |
|-------------------|------------|------------|------------------|
| Abdul-Samad       | Alons      | Anderson   | Arnold           |
| Bailey            | Baudler    | Beard      | Bell             |
| Berry             | Bukta      | Burt       | Cohoon           |
| Cownie            | De Boef    | Deyoe      | Dolecheck        |
| Drake             | Ficken     | Ford       | Forristall       |
| Frevert           | Gaskill    | Gayman     | Grassley         |
| Hagenow           | Heaton     | Heddens    | Helland          |
| Horbach           | Hunter     | Huseman    | Huser            |
| Isenhart          | Jacoby     | Kaufmann   | Kearns           |
| Kelley            | Koester    | Kressig    | Kuhn             |
| Lensing           | Lukan      | Lykam      | Marek            |
| Mascher           | May        | McCarthy   | Mertz            |
| Miller, L.        | Oldson     | Olson, D.  | Olson, R.        |
| Olson, S.         | Olson, T.  | Palmer     | Paulsen          |
| Petersen          | Pettengill | Quirk      | Raecker          |
| Rants             | Rayhons    | Reasoner   | Reichert         |
| Roberts           | Sands      | Schueller  | Schulte          |
| Schultz           | Shomshor   | Smith      | Soderberg        |
| Sorenson          | Steckman   | Struyk     | Swaim            |
| Sweeney           | Taylor, D. | Taylor, T. | Thede            |
| Thomas            | Tymeson    | Upmeyer    | Van Engelenhoven |
| Wagner            | Watts      | Wendt      | Wenthe           |
| Wessel-Kroeschell | Whitaker   | Whitead    | Willems          |
| Winckler          | Windschitl | Worthan    | Zirkelbach       |
| Mr. Speaker       |            |            |                  |
| Murphy            |            |            |                  |

The nays were, none.

Absent or not voting, 3:

|          |            |         |
|----------|------------|---------|
| Chambers | Miller, H. | Tjepkes |
|----------|------------|---------|

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

**Senate File 372**, a bill for an act requesting the establishment of a statewide broadband policy development interim study committee, with report of committee recommending passage, was taken up for consideration.

Kelley of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 372](#))

The ayes were, 97:

|                   |            |            |                  |
|-------------------|------------|------------|------------------|
| Abdul-Samad       | Alons      | Anderson   | Arnold           |
| Bailey            | Baudler    | Beard      | Bell             |
| Berry             | Bukta      | Burt       | Cohoon           |
| Cownie            | De Boef    | Deyoe      | Dolecheck        |
| Drake             | Ficken     | Ford       | Forristall       |
| Frevert           | Gaskill    | Gayman     | Grassley         |
| Hagenow           | Heaton     | Heddens    | Helland          |
| Horbach           | Hunter     | Huseman    | Huser            |
| Isenhardt         | Jacoby     | Kaufmann   | Kearns           |
| Kelley            | Koester    | Kressig    | Kuhn             |
| Lensing           | Lukan      | Lykam      | Marek            |
| Mascher           | May        | McCarthy   | Mertz            |
| Miller, L.        | Oldson     | Olson, D.  | Olson, R.        |
| Olson, S.         | Olson, T.  | Palmer     | Paulsen          |
| Petersen          | Pettengill | Quirk      | Raecker          |
| Rants             | Rayhons    | Reasoner   | Reichert         |
| Roberts           | Sands      | Schueller  | Schulte          |
| Schultz           | Shomshor   | Smith      | Soderberg        |
| Sorenson          | Steckman   | Struyk     | Swaim            |
| Sweeney           | Taylor, D. | Taylor, T. | Thede            |
| Thomas            | Tymeson    | Upmeyer    | Van Engelenhoven |
| Wagner            | Watts      | Wendt      | Wenthe           |
| Wessel-Kroeschell | Whitaker   | Whitead    | Willems          |
| Winckler          | Windschitl | Worthan    | Zirkelbach       |
| Mr. Speaker       |            |            |                  |
| Murphy            |            |            |                  |

The nays were, none.

Absent or not voting, 3:

|          |            |         |
|----------|------------|---------|
| Chambers | Miller, H. | Tjepkes |
|----------|------------|---------|

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

#### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 788](#) and [Senate Files 152, 322, 323 and 372](#).

[Senate File 374](#), a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Reasoner of Union offered amendment [H-1328](#) filed by the committee on commerce as follows:

#### [H-1328](#)

1 Amend [Senate File 374](#), as passed by the Senate, as  
2 follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 321A.3, subsection 8, Code  
6 2009, is amended to read as follows:  
7 8. a. (1) A person ~~making a request for a record~~  
8 ~~or an abstract who purchases a certified abstract of~~  
9 ~~an operating record directly from the department~~ under  
10 this section ~~that is subject to a fee~~ shall only use  
11 ~~the record or abstract requested, sell, disclose, or~~  
12 ~~distribute the abstract or any portion of the abstract~~  
13 one time, for one purpose, and ~~if the person~~ shall not  
14 supply that ~~record abstract or any portion of that~~  
15 ~~abstract~~ to more than one other person. ~~Any~~  
16 ~~subsequent use of the same record or abstract shall~~  
17 ~~require that the~~ The person shall make a subsequent  
18 request for the record or abstract and pay an  
19 additional fee for the request in the same manner as  
20 provided for the initial request ~~for any subsequent~~  
21 ~~use, sale, disclosure, or distribution of the same~~  
22 ~~certified abstract or any portion of the abstract or~~  
23 ~~to supply the same certified abstract or any portion~~  
24 ~~of the abstract to another person, except as provided~~  
25 ~~in subparagraph (2).~~  
26 (2) Notwithstanding the limitation on use, sale,  
27 disclosure, and distribution of a certified abstract

28 under subparagraph (1), a person who purchases a  
29 certified abstract under this section may provide a  
30 copy of the previously purchased certified abstract to  
31 the person who is an insurer who was originally  
32 supplied the certified abstract by the person who  
33 purchased the certified abstract.  
34 b. A person who is supplied a certified abstract  
35 or any portion of the abstract by a person who  
36 purchases the certified abstract under paragraph "a"  
37 shall only use the abstract one time, for one purpose,  
38 and shall not reuse, sell, disclose, or distribute the  
39 abstract or any portion of the abstract except as  
40 provided in paragraph "c".  
41 c. A person who is an insurer or an insurance  
42 producer licensed under chapter 522B who purchases a  
43 certified abstract under this section or a person who  
44 is supplied a certified abstract or any portion of the  
45 abstract pursuant to paragraph "b" may use the  
46 certified abstract pursuant to this paragraph "c" for  
47 more than one use for the following purposes:  
48 (1) Consumer disclosure purposes, as defined by  
49 rule of the department,  
50 (2) Internal auditing purposes, or similar

Page 2

1 internal purposes as defined by rule of the  
2 department.  
3 (3) Internal purposes in a manner consistent with  
4 the federal Driver's Privacy Protection Act, 18 U.S.C.  
5 § 2721-2725, by a person who is an insurer.  
6 (4) To show compliance with the retention  
7 requirements imposed under this section or other  
8 applicable law.  
9 (5) By an insurer, to provide a copy to an  
10 insurance producer licensed under chapter 522B and  
11 appointed by the insurer for purposes of a specific  
12 application for coverage. However, a producer who is  
13 provided a certified abstract pursuant to this  
14 subparagraph shall not reuse, sell, disclose, or  
15 distribute the abstract with respect to any  
16 transaction not associated with the insurer who  
17 appointed the producer.  
18 (6) To provide a copy to an insurer for purposes  
19 of a specific application for coverage if the person  
20 requesting the certified abstract is an insurance  
21 producer licensed under chapter 522B and appointed by  
22 the insurer for purposes of the specific application  
23 for coverage.  
24 (7) To provide a copy to an affiliate of the  
25 person who is an insurer who originally purchased or  
26 was supplied the certified abstract. An affiliate who

27 receives a copy of a certified abstract pursuant to  
28 this subparagraph shall only use the copy of the  
29 abstract one time and shall not reuse, sell, disclose,  
30 or distribute the copy to any other person, except as  
31 provided under subparagraphs (1) through (5) in the  
32 same manner as permitted for a person who is an  
33 insurer.  
34 d. For purposes of this subsection, "affiliate"  
35 means a person who directly or indirectly, through one  
36 or more intermediaries, controls, is controlled by, or  
37 is under common control with the person who is an  
38 insurer.  
39 e. A person requesting a record or an abstract who  
40 purchases a certified abstract directly from the  
41 department pursuant to this section shall keep records  
42 for a period of five years identifying who the record  
43 or the persons to whom the abstract is provided to,  
44 and the use of the record or abstract, for a period of  
45 five years. Records maintained pursuant to this  
46 subsection shall be made available to the department  
47 upon request. A person who is otherwise supplied a  
48 certified abstract and who then provides that abstract  
49 to another person for a purpose other than the  
50 purposes identified under paragraph "c" shall also be

Page 3

1 subject to the recordkeeping requirements under this  
2 paragraph.  
3 f. A person shall not sell, retain, distribute,  
4 provide, or transfer any record or use, sell,  
5 disclose, or distribute any abstract information or  
6 portion of the record or abstract information acquired  
7 under this agreement section except as authorized by  
8 this section and any applicable rules of the  
9 department, and consistent with the federal Driver's  
10 Privacy Protection Act, 18 U.S.C. 2721-2725."

Reasoner of Union offered the following amendment [H-1396](#), to the committee amendment [H-1328](#), filed by him and moved its adoption:

[H-1396](#)

1 Amend the amendment, [H-1328](#), to [Senate File 374](#), as  
2 passed by the Senate, as follows:  
3 1. Page 1, by striking line 48 and inserting the  
4 following:  
5 "(1) To provide a copy to a consumer with respect  
6 to a specific decision impacting the consumer and made  
7 in whole or in part based upon information contained

8 in the certified abstract, as defined by".

9 2. Page 2, line 24, by inserting after the word  
10 "copy" the following: ", for the purpose of a  
11 specific application for coverage or for a purpose as  
12 provided under subparagraphs (1) through (4).".

13 3. Page 2, line 35, by striking the words "a  
14 person" and inserting the following: "an insurer".

15 4. Page 3, by striking line 9 and inserting the  
16 following: "department and. Nothing in this section  
17 shall be construed to authorize the use, sale,  
18 disclosure, or distribution of personal information,  
19 protected personal information, or highly protected  
20 personal information as prohibited under section  
21 321.11 or the federal Driver's".

Amendment [H-1396](#) was adopted.

On motion by Reasoner of Union the committee amendment [H-1328](#), as amended, was adopted.

Reasoner of Union 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. 374](#))

The ayes were, 97:

|             |            |            |                  |
|-------------|------------|------------|------------------|
| Abdul-Samad | Alons      | Anderson   | Arnold           |
| Bailey      | Baudler    | Beard      | Bell             |
| Berry       | Bukta      | Burt       | Cohoon           |
| Cownie      | De Boef    | Deyoe      | Dolecheck        |
| Drake       | Ficken     | Ford       | Forristall       |
| Frevert     | Gaskill    | Gayman     | Grassley         |
| Hagenow     | Heaton     | Heddens    | Helland          |
| Horbach     | Hunter     | Huseman    | Huser            |
| Isenhardt   | Jacoby     | Kaufmann   | Kearns           |
| Kelley      | Koester    | Kressig    | Kuhn             |
| Lensing     | Lukan      | Lykam      | Marek            |
| Mascher     | May        | McCarthy   | Mertz            |
| Miller, L.  | Oldson     | Olson, D.  | Olson, R.        |
| Olson, S.   | Olson, T.  | Palmer     | Paulsen          |
| Petersen    | Pettengill | Quirk      | Raecker          |
| Rants       | Rayhons    | Reasoner   | Reichert         |
| Roberts     | Sands      | Schueller  | Schulte          |
| Schultz     | Shomshor   | Smith      | Soderberg        |
| Sorenson    | Steckman   | Struyk     | Swaim            |
| Sweeney     | Taylor, D. | Taylor, T. | Thede            |
| Thomas      | Tymeson    | Upmeyer    | Van Engelenhoven |

|                       |            |         |            |
|-----------------------|------------|---------|------------|
| Wagner                | Watts      | Wendt   | Wenthe     |
| Wessel-Kroeschell     | Whitaker   | Whitead | Willems    |
| Winckler              | Windschitl | Worthan | Zirkelbach |
| Mr. Speaker<br>Murphy |            |         |            |

The nays were, none.

Absent or not voting, 3:

|          |            |         |
|----------|------------|---------|
| Chambers | Miller, H. | Tjepkes |
|----------|------------|---------|

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

#### 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 April 6, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 710](#), a bill for an act relating to the agricultural development authority, by providing for the reporting of its operations.

Also: That the Senate has on April 6, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 720](#), a bill for an act relating to boiler and pressure vessel inspections and the boiler and pressure vessel board that oversees the inspections.

Also: That the Senate has on April 6, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 723](#), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; articles of incorporation filing requirements; viatical settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation, merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and providing for an immediate effective date and retroactive applicability.

Also: That the Senate has on April 6, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 186](#), a bill for an act concerning preferential hiring treatment by government for veterans.

MICHAEL E. MARSHALL, Secretary

[Senate File 437](#), a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, with report of committee recommending passage, was taken up for consideration.

Huser of Polk offered the following amendment [H-1276](#) filed by her and moved its adoption:

[H-1276](#)

1 Amend [Senate File 437](#), as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 2, by striking the word  
4 "paragraph" and inserting the following:  
5 "paragraphs".  
6 2. Page 1, by inserting after line 6 the  
7 following:  
8 "**NEW PARAGRAPH.** j. An advisory board, advisory  
9 commission, advisory committee, task force, or other  
10 body created by an entity organized under chapter 28E,  
11 or by the administrator or joint board specified in a  
12 chapter 28E agreement, to develop and make  
13 recommendations on public policy issues.  
14 Sec. \_\_\_\_ Section 21.4, subsection 1, Code 2009,  
15 is amended to read as follows:  
16 1. A governmental body, ~~except township trustees,~~  
17 shall give notice of the time, date, and place of each  
18 meeting, and its tentative agenda, in a manner  
19 reasonably calculated to apprise the public of that  
20 information. Reasonable notice shall include advising  
21 the news media who have filed a request for notice  
22 with the governmental body and posting the notice on  
23 a bulletin board or other prominent place which is  
24 easily accessible to the public and clearly designated  
25 for that purpose at the principal office of the body  
26 holding the meeting, or if no such office exists, at  
27 the building in which the meeting is to be held."  
28 3. Page 1, by inserting after line 23 the  
29 following:  
30 "Sec. \_\_\_\_ Section 359.17, subsection 2, Code  
31 2009, is amended to read as follows:  
32 2. A board of township trustees shall give prior  
33 notice of a meeting to discuss, deliberate, or act  
34 upon a matter relating to the budget or a tax levy of  
35 the township or relating to the trustees' duty to  
36 provide fire protection service and, if provided,  
37 emergency medical service, pursuant to section 359.42.  
38 The trustees shall give notice of such meeting at  
39 least ~~forty-eight~~ twenty-four hours preceding the  
40 commencement of the meeting. However, a notice is not

41 required pursuant to this subsection when the trustees  
 42 gather for ~~minor or~~ purely ministerial matters  
 43 relating to the trustees' duty for providing such fire  
 44 protection service or emergency medical service. The  
 45 notice shall state the time, date, and place of the  
 46 meeting and the proposed agenda. The notice shall be  
 47 provided to the county auditor who shall post the  
 48 notice in an area of the courthouse where notices to  
 49 the public are commonly posted."  
 50 4. Title page, by striking lines 1 and 2 and

Page 2

1 inserting the following: "An Act relating to the  
 2 affairs of governmental entities by providing for  
 3 public access to meetings".  
 4 5. By renumbering as necessary.

Amendment [H-1276](#) was adopted.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment [H-1405](#) filed by him on April 2, 2009.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment [H-1406](#) filed by him on April 2, 2009.

Kressig of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 437](#))

The ayes were, 88:

|             |            |          |           |
|-------------|------------|----------|-----------|
| Abdul-Samad | Alons      | Anderson | Arnold    |
| Bailey      | Beard      | Bell     | Berry     |
| Bukta       | Burt       | Cohoon   | Cownie    |
| Deyoe       | Dolecheck  | Drake    | Ficken    |
| Ford        | Forristall | Frevert  | Gaskill   |
| Gayman      | Grassley   | Hagenow  | Heaton    |
| Heddens     | Helland    | Horbach  | Hunter    |
| Huseman     | Huser      | Isenhart | Jacoby    |
| Kaufmann    | Kearns     | Kelley   | Koester   |
| Kressig     | Kuhn       | Lensing  | Lukan     |
| Lykam       | Marek      | Mascher  | May       |
| McCarthy    | Miller, L. | Oldson   | Olson, D. |
| Olson, R.   | Olson, T.  | Palmer   | Paulsen   |
| Petersen    | Pettengill | Quirk    | Raecker   |

|            |            |            |                   |
|------------|------------|------------|-------------------|
| Rants      | Reasoner   | Reichert   | Roberts           |
| Sands      | Schueller  | Schulte    | Smith             |
| Soderberg  | Sorenson   | Steckman   | Struyk            |
| Swaim      | Taylor, D. | Taylor, T. | Thede             |
| Thomas     | Tymeson    | Upmeyer    | Van Engelenhoven  |
| Wagner     | Wendt      | Wenthe     | Wessel-Kroeschell |
| Whitaker   | Whitead    | Willems    | Winckler          |
| Windschitl | Worthan    | Zirkelbach | Mr. Speaker       |
|            |            |            | Murphy            |

The nays were, 8:

|         |         |         |           |
|---------|---------|---------|-----------|
| Baudler | De Boef | Mertz   | Olson, S. |
| Rayhons | Schultz | Sweeney | Watts     |

Absent or not voting, 4:

|          |            |          |         |
|----------|------------|----------|---------|
| Chambers | Miller, H. | Shomshor | Tjepkes |
|----------|------------|----------|---------|

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

[Senate File 81](#), a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property, with report of committee recommending amendment and passage, was taken up for consideration.

Willems of Linn offered the following amendment [H-1129](#) filed by the committee on education and moved its adoption:

[H-1129](#)

- 1 Amend [Senate File 81](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 16, by striking the words
- 4 "[attendance center](#)" and inserting the following:
- 5 "[school facility](#)".
- 6 2. Page 4, line 21, by striking the words
- 7 "[attendance center](#)" and inserting the following:
- 8 "[school facility](#)".
- 9 3. Page 4, line 24, by striking the words
- 10 "[attendance center](#)" and inserting the following:
- 11 "[school facility](#)".

The committee amendment [H-1129](#) was adopted.

Tymeson of Madison offered the following amendment [H-1137](#) filed by her and moved its adoption:

[H-1137](#)

- 1 Amend [Senate File 81](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 26.
- 4 2. Title page, by striking lines 2 and 3 and
- 5 inserting the following: "modifying certain funding
- 6 provisions to relate to".
- 7 3. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Tymeson of Madison.

On the question "Shall amendment [H-1137](#) be adopted?" ([S.F. 81](#))

The ayes were, 42:

|            |                  |          |            |
|------------|------------------|----------|------------|
| Alons      | Anderson         | Arnold   | Baudler    |
| Cownie     | De Boef          | Deyoe    | Dolecheck  |
| Drake      | Forristall       | Grassley | Hagenow    |
| Heaton     | Helland          | Horbach  | Huseman    |
| Kaufmann   | Koester          | Lukan    | May        |
| Miller, L. | Olson, S.        | Paulsen  | Pettengill |
| Raecker    | Rants            | Rayhons  | Roberts    |
| Sands      | Schulte          | Schultz  | Soderberg  |
| Sorenson   | Struyk           | Sweeney  | Tymeson    |
| Upmeyer    | Van Engelenhoven | Wagner   | Watts      |
| Windschitl | Worthan          |          |            |

The nays were, 54:

|             |             |            |                   |
|-------------|-------------|------------|-------------------|
| Abdul-Samad | Bailey      | Beard      | Bell              |
| Berry       | Bukta       | Burt       | Cohoon            |
| Ficken      | Ford        | Frevert    | Gaskill           |
| Gayman      | Heddens     | Hunter     | Huser             |
| Isenhardt   | Jacoby      | Kearns     | Kelley            |
| Kressig     | Kuhn        | Lensing    | Lykam             |
| Marek       | Mascher     | McCarthy   | Mertz             |
| Oldson      | Olson, D.   | Olson, R.  | Olson, T.         |
| Palmer      | Petersen    | Reasoner   | Reichert          |
| Schueller   | Shomshor    | Smith      | Steckman          |
| Swaim       | Taylor, D.  | Taylor, T. | Thede             |
| Thomas      | Wendt       | Wenthe     | Wessel-Kroeschell |
| Whitaker    | Whitead     | Willems    | Winckler          |
| Zirkelbach  | Mr. Speaker |            |                   |
|             | Murphy      |            |                   |

Absent or not voting, 4:

Chambers            Miller, H.            Quirk            Tjepkes

Amendment [H-1137](#) lost.

Sands of Louisa rose on a point of order and invoked Rule 32, and requested [Senate File 81](#) be sent to the committee on ways and means.

The Speaker ruled the point well taken and referred [Senate File 81](#) to the committee on ways and means.

#### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 374 and 437.**

#### 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 6<sup>th</sup> day of April, 2009: House Files 180 and 618.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 3, 2009, he approved and transmitted to the Secretary of State the following bills:

[Senate File 159](#), an Act relating to electrician licensure by modifying existing provisions and specifying new classifications.

[Senate File 280](#), an Act relating to disaster emergency assistance immunity.

[Senate File 446](#), an Act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Also: the Governor announced that on April 6, 2009 he approved and transmitted to the Secretary of State the following bills:

[Senate File 49](#), an Act relating to the administration of campaign disclosure laws.

[Senate File 207](#), an Act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

[Senate File 268](#), an Act providing for the award of local watershed improvement grants.

#### CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD  
Chief Clerk of the House

- 2009\3513 Hilda Crabtree, Des Moines – For celebrating her 100<sup>th</sup> birthday.
- 2009\3514 Richard and Marga Wood, Sioux City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3515 LeRoy and Janice Deuhr, Sioux City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3516 Cynthia Clevering, Sioux Center – For celebrating her 95<sup>th</sup> birthday.
- 2009\3517 Tillie Nyhuis, Rock Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\3518 Arnold and Reatha “Sue” Kruger, Wellsburg – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3519 Linus and Louise Amling, Colesburg – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3520 Bryce Althoff, Farley – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3521 Kenneth Johnson, Orient – For celebrating his 85<sup>th</sup> birthday.

- 2009\3522 Earl Vandewater, Orient – For celebrating his 80<sup>th</sup> birthday.
- 2009\3523 Allan and Blanche Jacobsen, Audubon – For celebrating their 85<sup>th</sup> birthdays.
- 2009\3524 Richard and Ardith Evenson, Archer – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3525 Lila Brower, Rock Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\3526 Wilbert Vangelder, Rock Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\3527 Viola Van Schepen, Hull – For celebrating her 80<sup>th</sup> birthday.
- 2009\3528 Joye Weber, Alvord – For celebrating her 80<sup>th</sup> birthday.
- 2009\3529 Lyle Heyden, Larchwood – For celebrating his 80<sup>th</sup> birthday.
- 2009\3530 Cornelius De Haan, Inwood – For celebrating his 80<sup>th</sup> birthday.
- 2009\3531 Eileen Pottebaum, Rock Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\3532 Arthur Gerritson, Rock Valley – For celebrating his 75<sup>th</sup> birthday.
- 2009\3533 John Ver Beek, Rock Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\3534 Clarence Stubbe, George – For celebrating his 85<sup>th</sup> birthday.
- 2009\3535 Marvin Vander Wilt, Hull – For celebrating his 85<sup>th</sup> birthday.
- 2009\3536 Grace Voetberg, Rock Valley – For celebrating her 90<sup>th</sup> birthday.

#### 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.

MARK W. BRANDSGARD  
Chief Clerk of the House

#### COMMITTEE ON APPROPRIATIONS

[Senate File 452](#), a bill for an act directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-1429](#)** April 6, 2009.

[Senate File 467](#), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 2009.

[Senate File 469](#), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 2009.

#### AMENDMENTS FILED

|                        |                      |                     |                             |
|------------------------|----------------------|---------------------|-----------------------------|
| <a href="#">H-1426</a> | <a href="#">S.F.</a> | <a href="#">432</a> | Whitaker of Van Buren       |
|                        |                      |                     | Kuhn of Floyd               |
| <a href="#">H-1427</a> | <a href="#">S.F.</a> | <a href="#">451</a> | Mascher of Johnson          |
| <a href="#">H-1428</a> | <a href="#">H.F.</a> | <a href="#">520</a> | Mascher of Johnson          |
| <a href="#">H-1429</a> | <a href="#">S.F.</a> | <a href="#">452</a> | Committee on Appropriations |
| <a href="#">H-1430</a> | <a href="#">H.F.</a> | <a href="#">743</a> | Palmer of Mahaska           |
| <a href="#">H-1431</a> | <a href="#">S.F.</a> | <a href="#">435</a> | Palmer of Mahaska           |
| <a href="#">H-1432</a> | <a href="#">H.F.</a> | <a href="#">809</a> | Pettengill of Benton        |
| <a href="#">H-1433</a> | <a href="#">S.F.</a> | <a href="#">283</a> | Kaufmann of Cedar           |
|                        |                      |                     | Swaim of Davis              |
|                        |                      |                     | Palmer of Mahaska           |
|                        |                      |                     | Baudler of Adair            |
|                        |                      |                     | Schueller of Jackson        |
|                        |                      |                     | T. Taylor of Linn           |
| <a href="#">H-1434</a> | <a href="#">H.F.</a> | <a href="#">809</a> | Hunter of Polk              |
| <a href="#">H-1435</a> | <a href="#">H.F.</a> | <a href="#">809</a> | Hunter of Polk              |
| <a href="#">H-1436</a> | <a href="#">H.F.</a> | <a href="#">809</a> | Raecker of Polk             |
| <a href="#">H-1437</a> | <a href="#">S.F.</a> | <a href="#">415</a> | T. Taylor of Linn           |
| <a href="#">H-1438</a> | <a href="#">S.F.</a> | <a href="#">432</a> | Wenthe of Fayette           |
|                        |                      |                     | Zirkelbach of Jones         |
|                        |                      |                     | S. Olson of Clinton         |

On motion by McCarthy of Polk the House adjourned at 6:10 p.m., until 9:00 a.m., Tuesday, April 7, 2009.