

State of Iowa

**JOURNAL
OF THE HOUSE**

**2023
EXTRAORDINARY SESSION
NINETIETH
GENERAL ASSEMBLY**

**Convened – July 11, 2023
Adjourned – July 11, 2023**

**KIM REYNOLDS, Governor
PAT GRASSLEY, Speaker of the House
AMY SINCLAIR, President of the Senate**

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JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, July 11, 2023

Pursuant to the proclamation of the Governor, the Honorable Kim Reynolds convened the Ninetieth General Assembly in an Extraordinary Session. The House was called to order at 8:35 a.m. by the Honorable Pat Grassley, Speaker of the House.

Prayer was offered by Dunwell of Jasper.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Henry Mussig from Gladbrook.

The Journal of Thursday, May 4, 2023, was approved.

COMMUNICATION FROM THE GOVERNOR

Pursuant to Article IV, section 11 of the Constitution of the State of Iowa, the following communication was received from Governor Kim Reynolds.

State of Iowa
Executive Department
IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION

WHEREAS, the Iowa General Assembly adjourned its 2023 regular session *sine die* on May 4, 2023, the 116th day of said regular session.

WHEREAS, based upon the extraordinary occasion in question, and in accordance with Article IV, Section 11, and Article III, Section 2, of the Constitution of the State of Iowa, work remains to be done protecting unborn children.

WHEREAS, the legislative authority of Iowa shall be vested in a general assembly pursuant to Article III, Section 1, of the Constitution of the State of Iowa.

WHEREAS, no bill shall be passed by the general assembly unless approved by a majority of all members elected to each branch of the general assembly pursuant to Article III, Section 17, of the Constitution of the State of Iowa.

WHEREAS, in 2018 the Iowa General Assembly passed legislation that prohibits abortions “when it has been determined that the unborn child has a detectable fetal heartbeat, unless, in the physician’s reasonable medical judgment,” one of several exceptions applies (“fetal heartbeat bill”).

WHEREAS, before a bill can become “law” after passing the general assembly, it must be presented to the governor for approval pursuant to Article III, Section 16, of the Constitution of the State of Iowa.

WHEREAS, the fetal heartbeat bill was approved by the Governor of Iowa in 2018 as reflected in Iowa Acts, Ch. 1132, § 4 (codified at Iowa Code § 146C).

WHEREAS, with the fetal heartbeat bill becoming the “fetal heartbeat *law*”, it was enjoined by a single district court judge from being enforced based on prior legal precedent that was unsound at the time and subsequently overruled.

WHEREAS, on June 16, 2023, the Iowa Supreme Court, by a 3-3 tie, failed to exercise its discretionary authority to dissolve the lower court's injunction of the Iowa fetal heartbeat law.

WHEREAS, in the opinion of three justices, the Iowa Supreme Court “fail[ed] the parties, the public, and the rule of law in our refusal today to apply the law and decide this case.” Those same justices would have dissolved the injunction and further recognized that “[u]nder the rational basis standard, it is inequitable to continue to enjoin the State from enforcing a law that is now presumptively constitutional.”

WHEREAS, the other three justices, who voted to affirm the district court and did not feel that an exercise of their discretionary authority to act was warranted, “politely” declared that when the General Assembly passed, and the Governor signed, the fetal heartbeat law, that law was no law at all but only a “hypothetical law.”

WHEREAS, those same three justices stated their belief that “uncertainty exists about whether a fetal heartbeat bill would be passed today,” given turnover in membership of the General Assembly through three intervening election cycles.

WHEREAS, Iowans deserve to have their legislative body address the issue of abortion expeditiously and all unborn children deserve to have their lives protected by their government as the fetal heartbeat law did.

WHEREAS, the Speaker of the House, the House Majority Leader, the House Minority Leader, the Senate President, the Senate Majority Leader, the Senate Minority Leader, and other members of the Iowa General Assembly, should work together with the Governor to seek a solution to address the aforementioned issues in a timely and expeditious manner.

NOW, THEREFORE, I, Kim Reynolds, Governor of the State of Iowa, by virtue of the authority vested in me by Article IV, Section 11, and Article III, Section 2, of the Constitution of the State of Iowa, do hereby convene the General Assembly of the State

of Iowa in Special Session in the Capitol at Des Moines on July 11, 2023, at 8:30 a.m. for the sole and single purpose of enacting legislation as described above.

(Seal)

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF IOWA TO BE AFFIXED. DONE ON THE 5TH DAY OF JULY, IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY-THREE.

KIM REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE

ORGANIZATION OF THE HOUSE

Windschitl of Harrison moved that all organization matters not specifically provided for in Joint Rule 3 be the same for this First Extraordinary Session as for the 2023 Regular Session of the Ninetieth General Assembly.

The motion prevailed.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 10

Windschitl of Harrison asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 10**, a concurrent resolution to provide for the business of the first extraordinary session of the 2023 legislative session, and moved its adoption.

Roll call was requested by Konfrst of Polk and Matson of Polk.

On the question “Shall House Concurrent Resolution 10 be adopted?”

The ayes were, 54:

| | | | |
|---------|---------|--------|-----------|
| Andrews | Best | Boden | Bossmann |
| Bradley | Collins | Deyoe | Dieken |
| Dunwell | Fisher | Fry | Gehlbach |
| Gerhold | Golding | Graber | Gustafson |
| Gustoff | Harris | Hayes | Henderson |
| Holt | Hora | Ingels | Jeneary |

| | | | |
|-------------|------------|--------------|--------------|
| Johnson | Jones | Latham | Lundgren |
| Meggers | Meyer, A. | Mohr | Mommsen |
| Moore | Nordman | Osmundson | Sherman |
| Shipley | Sieck | Siegrist | Sorensen |
| Stoltenberg | Stone | Thompson, M. | Thompson, P. |
| Thomson | Vondran | Wheeler | Wills |
| Wilz | Windschitl | Wood | Wulf |
| Young | Speaker | | |
| | Grassley | | |

The nays were, 33:

| | | | |
|--------------|-------------------|-----------|------------|
| Abdul-Samad | Amos Jr. | Baeth | Bagniewski |
| Brown-Powers | Buck | Cahill | Cisneros |
| Cooling | Croken | Ehlert | Forbes |
| Gjerde | Isenhart | Jacoby | Judge |
| Konfrst | Kressig | Kurth | Levin |
| Madison | Matson | Meyer, B. | Nielsen |
| Olson | Rinker | Scheetz | Srinivas |
| Staed | Wessel-Kroeschell | Wilburn | Wilson |
| Zabner | | | |

Absent or not voting, 13:

| | | | |
|--------|-----------------|----------|---------------|
| Bergan | Bloomingtondale | Carlson | Determann |
| Gaines | James | Kaufmann | Kniff McCulla |
| Lohse | Scholten | Sexton | Steckman |
| Turek | | | |

House Concurrent Resolution 10 was adopted.

IMMEDIATE MESSAGE

Windschitl of Harrison asked and received unanimous consent that **House Concurrent Resolution 10** be immediately messaged to the Senate.

IMMEDIATE MESSAGE

Windschitl of Harrison moved that the Chief Clerk of the House be directed to send a written message to the Governor and the Senate informing them the House is duly organized and is ready to receive any communications they might desire to transmit.

The motion prevailed.

RULE 57 SUSPENDED

Windschitl of Harrison asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on Health and Human Services to meet at 9:15 a.m.

COMMITTEE REVISIONS

The Speaker announced the following committee changes effective July 10, 2023:

Health and Human Services
Harris replaced Bergan
Holt replaced Lohse
Hora replaced Kniff McCulla

On motion by Windschitl of Harrison, the House was recessed at 8:41 a.m., until the conclusion of the committee on Health and Human Services.

AFTERNOON SESSION

The House reconvened at 2:18 p.m., Speaker Grassley in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, pursuant to the July 5, 2023, proclamation of the Governor, duly organized for the 2023 Extraordinary Session of the Ninetieth General Assembly and is ready to transact business and receive communications from the House.

Also: That the Senate has on July 11, 2023, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 10, a concurrent resolution to provide for the business of the first extraordinary session of the 2023 legislative session.

W. CHARLES SMITHSON, Secretary

INTRODUCTION OF BILL

House File 732, by committee on Health and Human Services, a bill for an act prohibiting and requiring certain actions relating to abortion involving the detection of a fetal heartbeat, and including effective date provisions.

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

RULE 67 INVOKED
(Time Certain)

Windschitl of Harrison moved that a time certain be set for the close of debate and that the House act on the following question and all amendments filed to the question no later than 10:00 p.m. on Tuesday, July 11, 2023, and then immediately proceed to closing remarks and final passage on House File 732.

Roll call was requested by Windschitl of Harrison and Konfrst of Polk.

On the question "Shall time certain be set at no later than 10:00 p.m. on Tuesday, July 11, 2023?" (H.F. 732)

The ayes were, 58:

| | | | |
|-------------|------------|--------------|--------------|
| Andrews | Best | Boden | Bossman |
| Bradley | Collins | Deyoe | Dieken |
| Dunwell | Fisher | Fry | Gaines |
| Gehlbach | Gerhold | Golding | Graber |
| Gustafson | Gustoff | Harris | Hayes |
| Henderson | Holt | Hora | Ingels |
| Jeneary | Johnson | Jones | Kaufmann |
| Latham | Lundgren | Meggers | Meyer, A. |
| Mohr | Mommsen | Moore | Nordman |
| Osmundson | Rinker | Sexton | Sherman |
| Shipley | Sieck | Siegrist | Sorensen |
| Stoltenberg | Stone | Thompson, M. | Thompson, P. |
| Thomson | Vondran | Wheeler | Wills |
| Wilz | Windschitl | Wood | Wulf |
| Young | Speaker | | |
| | Grassley | | |

The nays were, 26:

| | | | |
|----------|---------|------------|--------|
| Amos Jr. | Baeth | Bagniewski | Cahill |
| Cisneros | Cooling | Croken | Ehlert |

| | | | |
|---------|----------|-----------|-------------------|
| Forbes | Isenhart | Jacoby | Judge |
| Konfrst | Kressig | Kurth | Levin |
| Madison | Matson | Meyer, B. | Nielsen |
| Scheetz | Srinivas | Staed | Wessel-Kroeschell |
| Wilson | Zabner | | |

Absent or not voting, 16:

| | | | |
|-------------|---------------|-----------------|--------------|
| Abdul-Samad | Bergan | Bloomingtondale | Brown-Powers |
| Buck | Carlson | Determann | Gjerde |
| James | Kniff McCulla | Lohse | Olson |
| Scholten | Steckman | Turek | Wilburn |

The motion prevailed.

The House stood at ease at 2:20 p.m., until the fall of the gavel.

The House resumed session at 4:09 p.m., Speaker Grassley in the chair.

CONSIDERATION OF BILL Regular Calendar

House File 732, a bill for an act prohibiting and requiring certain actions relating to abortion involving the detection of a fetal heartbeat, and including effective date provisions, was taken up for consideration.

Pursuant to House Concurrent Resolution 10, amendment H-1369, filed by Brown-Powers of Black Hawk from the floor, amendment H-1372, filed by Wessel-Kroeschell from the floor, amendment H-1373, filed by Matson of Polk from the floor and amendment H-1374 filed by Madison of Polk from the floor, were ruled out of order.

Baeth of Polk offered amendment H-1375 filed by him from the floor and moved its adoption.

Roll call was requested by Konfrst of Polk and Matson of Polk.

On the question "Shall amendment H-1375 be adopted?" (H.F. 732)

The ayes were, 33:

| | | | |
|--------------|----------|--------|------------|
| Abdul-Samad | Amos Jr. | Baeth | Bagniewski |
| Brown-Powers | Buck | Cahill | Cooling |
| Croken | Ehlert | Forbes | Gaines |

| | | | |
|---------|-------------------|-----------|----------|
| Gjerde | Isenhart | Jacoby | Judge |
| Konfrst | Kressig | Kurth | Levin |
| Madison | Matson | Meyer, B. | Nielsen |
| Olson | Rinker | Scheetz | Srinivas |
| Staed | Wessel-Kroeschell | Wilburn | Wilson |
| Zabner | | | |

The nays were, 57:

| | | | |
|---------------------|--------------|--------------|-------------|
| Andrews | Best | Boden | Bossman |
| Bradley | Cisneros | Collins | Deyoe |
| Dieken | Dunwell | Fisher | Fry |
| Gehlbach | Gerhold | Golding | Graber |
| Gustafson | Gustoff | Harris | Hayes |
| Henderson | Holt | Hora | Ingels |
| Jeneary | Johnson | Jones | Kaufmann |
| Latham | Lundgren | Meggers | Meyer, A. |
| Mohr | Mommsen | Moore | Nordman |
| Osmundson | Sexton | Sherman | Shipley |
| Sieck | Siegrist | Sorensen | Stoltenberg |
| Stone | Thompson, M. | Thompson, P. | Thomson |
| Vondran | Wheeler | Wills | Wilz |
| Windschitl | Wood | Wulf | Young |
| Speaker Grassley | | | |

Absent or not voting, 10:

| | | | |
|----------|-----------------|---------|-----------|
| Bergan | Bloomingtondale | Carlson | Determann |
| James | Kniff McCulla | Lohse | Scholten |
| Steckman | Turek | | |

Amendment H-1375 lost.

Brown-Powers of Black Hawk offered amendment H-1371 filed by her from the floor and moved its adoption.

Roll call was requested by Konfrst of Polk and Matson of Polk.

On the question "Shall amendment H-1371 be adopted?" (H.F. 732)

The ayes were, 33:

| | | | |
|--------------|----------|-----------|------------|
| Abdul-Samad | Amos Jr. | Baeth | Bagniewski |
| Brown-Powers | Buck | Cahill | Cooling |
| Croken | Ehlert | Forbes | Gaines |
| Gjerde | Isenhart | Jacoby | Judge |
| Konfrst | Kressig | Kurth | Levin |
| Madison | Matson | Meyer, B. | Nielsen |

| | | | |
|--------|-------------------|---------|----------|
| Olson | Rinker | Scheetz | Srinivas |
| Staed | Wessel-Kroeschell | Wilburn | Wilson |
| Zabner | | | |

The nays were, 57:

| | | | |
|------------|--------------|--------------|-------------|
| Andrews | Best | Boden | Bossman |
| Bradley | Cisneros | Collins | Deyoe |
| Dieken | Dunwell | Fisher | Fry |
| Gehlbach | Gerhold | Golding | Graber |
| Gustafson | Gustoff | Harris | Hayes |
| Henderson | Holt | Hora | Ingels |
| Jeneary | Johnson | Jones | Kaufmann |
| Latham | Lundgren | Meggors | Meyer, A. |
| Mohr | Mommsen | Moore | Nordman |
| Osmundson | Sexton | Sherman | Shipley |
| Sieck | Siegrist | Sorensen | Stoltenberg |
| Stone | Thompson, M. | Thompson, P. | Thomson |
| Vondran | Wheeler | Wills | Witz |
| Windschitl | Wood | Wulf | Young |
| Speaker | | | |
| Grassley | | | |

Absent or not voting, 10:

| | | | |
|----------|-----------------|---------|-----------|
| Bergan | Bloomingtondale | Carlson | Determann |
| James | Kniff McCulla | Lohse | Scholten |
| Steckman | Turek | | |

Amendment H-1371 lost.

Baeth of Polk offered amendment H-1370 filed by him from the floor and moved its adoption.

Roll call was requested by Konfrst of Polk and Matson of Polk.

On the question "Shall amendment H-1370 be adopted?" (H.F. 732)

The ayes were, 33:

| | | | |
|--------------|-------------------|-----------|------------|
| Abdul-Samad | Amos Jr. | Baeth | Bagniewski |
| Brown-Powers | Buck | Cahill | Cooling |
| Croken | Ehlert | Forbes | Gaines |
| Gjerde | Isenhardt | Jacoby | Judge |
| Konfrst | Kressig | Kurth | Levin |
| Madison | Matson | Meyer, B. | Nielsen |
| Olson | Rinker | Scheetz | Srinivas |
| Staed | Wessel-Kroeschell | Wilburn | Wilson |
| Zabner | | | |

The nays were, 57:

| | | | |
|------------|--------------|--------------|-------------|
| Andrews | Best | Boden | Bossmann |
| Bradley | Cisneros | Collins | Deyoe |
| Dieken | Dunwell | Fisher | Fry |
| Gehlbach | Gerhold | Golding | Graber |
| Gustafson | Gustoff | Harris | Hayes |
| Henderson | Holt | Hora | Ingels |
| Jeneary | Johnson | Jones | Kaufmann |
| Latham | Lundgren | Meggers | Meyer, A. |
| Mohr | Mommsen | Moore | Nordman |
| Osmundson | Sexton | Sherman | Shiple |
| Sieck | Siegrist | Sorensen | Stoltenberg |
| Stone | Thompson, M. | Thompson, P. | Thomson |
| Vondran | Wheeler | Wills | Wilz |
| Windschitl | Wood | Wulf | Young |
| Speaker | | | |
| Grassley | | | |

Absent or not voting, 10:

| | | | |
|----------|-----------------|---------|-----------|
| Bergan | Bloomingtondale | Carlson | Determann |
| James | Kniff McCulla | Lohse | Scholten |
| Steckman | Turek | | |

Amendment H-1370 lost.

Windschitl of Harrison rose on a point of order under Rule 10, decorum in debate.

The Speaker ruled the point well taken.

Windschitl of Harrison rose on a point of order under Rule 10, decorum in debate.

The Speaker ruled the point well taken.

Konfrst of Polk rose on a point of order under Rule 10, decorum in debate.

The Speaker resolved the point of order.

Windschitl of Harrison rose on a point of order under Rule 10, decorum in debate.

The Speaker resolved the point of order.

Windschitl of Harrison rose on a point of order under Rule 10, decorum in debate.

The Speaker ruled the point well taken.

Windschitl of Harrison rose on a point of order under Rule 10, decorum in debate.

The Speaker resolved the point of order.

Windschitl of Harrison rose on a point of order under Rule 10, decorum in debate.

The Speaker ruled the point well taken.

Windschitl of Harrison rose on a point of order under Rule 10, decorum in debate.

The Speaker ruled the point well taken.

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. 732)

Rule 75 was invoked.

The ayes were, 56:

| | | | |
|--------------|--------------|-------------|------------|
| Andrews | Best | Boden | Bossmann |
| Bradley | Collins | Deyoe | Dunwell |
| Fisher | Fry | Gehlbach | Gerhold |
| Golding | Graber | Gustafson | Gustoff |
| Harris | Hayes | Henderson | Holt |
| Hora | Ingels | Jeneary | Johnson |
| Jones | Kaufmann | Latham | Lundgren |
| Meggers | Meyer, A. | Mohr | Mommsen |
| Moore | Nordman | Osmundson | Rinker |
| Sexton | Sherman | Shipley | Sieck |
| Siegrist | Sorensen | Stoltenberg | Stone |
| Thompson, M. | Thompson, P. | Thomson | Vondran |
| Wheeler | Wills | Wilz | Windschitl |
| Wood | Wulf | Young | Speaker |
| | | | Grassley |

The nays were, 34:

| | | | |
|--------------|----------|-------------------|------------|
| Abdul-Samad | Amos Jr. | Baeth | Bagniewski |
| Brown-Powers | Buck | Cahill | Cisneros |
| Cooling | Croken | Dieken | Ehlert |
| Forbes | Gaines | Gjerde | Isenhart |
| Jacoby | Judge | Konfrst | Kressig |
| Kurth | Levin | Madison | Matson |
| Meyer, B. | Nielsen | Olson | Scheetz |
| Srinivas | Staed | Wessel-Kroeschell | Wilburn |
| Wilson | Zabner | | |

Absent or not voting, 10:

| | | | |
|----------|-----------------|---------|-----------|
| Bergan | Bloomingtondale | Carlson | Determann |
| James | Kniff McCulla | Lohse | Scholten |
| Steckman | Turek | | |

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

IMMEDIATE MESSAGE

Windschitl of Harrison asked and received unanimous consent that **House File 732** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

| | |
|-------------------------|--------------------------|
| Bergan of Winneshiek | Bloomingtondale of Worth |
| Carlson of Monona | Determann of Clinton |
| Gaines of Polk | James of Dubuque |
| Kniff McCulla of Marion | Lohse of Polk |
| Scholten of Woodbury | Sexton of Calhoun |
| Steckman of Cerro Gordo | Turek of Pottawattamie |

ADOPTION OF HOUSE CONCURRENT RESOLUTION 11

Windschitl of Harrison asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 11**, a concurrent resolution to provide for adjournment sine die, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Windschitl of Harrison asked and received unanimous consent that **House Concurrent Resolution 11** be immediately messaged to the Senate.

STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 255 Health and Human Services

Prohibiting and requiring certain actions relating to abortion involving the detection of a fetal heartbeat, and including effective date provisions.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 255
(Committee of the Whole)**

Health and Human Services: A. Meyer, Chair; Andrews, Baeth, Bergan, Best, Boden, Bradley, Brown-Powers, Forbes, Fry, Jeneary, Kniff McCulla, Lohse, Lundgren, Madison, Matson, Moore, Turek, Wessel-Kroeschell, Wilz and Wood.

**House Study Bill 255 Reassigned
(Committee of the Whole)**

Health and Human Services: Lundgren, Chair; Andrews, Baeth, Best, Boden, Bradley, Brown-Powers, Forbes, Fry, Harris, Holt, Hora, Jeneary, Madison, Matson, A. Meyer, Moore, Turek, Wessel-Kroeschell, Wilz and Wood.

COMMITTEE RECOMMENDATION

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

MEGHAN NELSON
Chief Clerk of the House

COMMITTEE ON HEALTH AND HUMAN SERVICES

Committee Bill (Formerly House Study Bill 255), prohibiting and requiring certain actions relating to abortion involving the detection of a fetal heartbeat, and including effective date provisions.

Fiscal Note: **No**

Recommendation: **Do Pass** July 11, 2023.

AMENDMENTS FILED

| | | | |
|--------|------|-----|----------------------------|
| H-1369 | H.F. | 732 | Brown-Powers of Black Hawk |
| H-1370 | H.F. | 732 | Baeth of Polk |
| H-1371 | H.F. | 732 | Brown-Powers of Black Hawk |
| H-1372 | H.F. | 732 | Wessel-Kroeschell of Story |
| H-1373 | H.F. | 732 | Matson of Polk |
| H-1374 | H.F. | 732 | Madison of Polk |
| H-1375 | H.F. | 732 | Baeth of Polk |

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 11, duly adopted, the day of Tuesday, July 11, 2023, having arrived, the Speaker of the House of Representatives declared the 2023 Extraordinary Session of the Ninetieth General Assembly adjourned sine die at 9:11 p.m.