

PROOF

STATE OF IOWA

House Journal

FRIDAY, JANUARY 15, 2010

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JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 15, 2010

The House met pursuant to adjournment at 8:00 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Ako Abdul-Samad, state representative from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by John Johnson, House Page from Stratford.

The Journal of Thursday, January 14, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Alons of Sioux, Baudler of Adair, Drake of Cass, Horbach of Tama, Lukan of Dubuque, L. Miller of Scott and Van Engelenhoven of Marion, on request of Paulsen of Linn.

INTRODUCTION OF BILL

[House File 2062](#), by Reichert, Soderberg, Helland, Windschitl, Kaufmann, Abdul-Samad, Wagner, Willems, Schueller, Koester, Struyk, Tymeson, Watts, Upmeyer, Running-Marquardt, Paulsen, Hagenow, Lukan, Schultz and Quirk, a bill for an act relating to the installation of certain fire suppression systems in residential construction and including effective date provisions.

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

CONSIDERATION OF BILLS

Regular Calendar

[House File 2031](#), a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning

July 1, 2011, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

SENATE FILE 2046 SUBSTITUTED FOR HOUSE FILE 2031

Wendt of Woodbury asked and received unanimous consent to substitute Senate File 2046 for House File 2031, placing out of order amendment H-8008 filed by Rants of Woodbury, May of Dickinson and Dolecheck of Ringgold, on January 13, 2010.

Senate File 2046, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

May of Dickinson offered the following amendment H-8015 filed by him and Dolecheck of Ringgold. Rants of Woodbury moved its adoption:

H-8015

1 Amend Senate File 2046, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 1 through 9 and
4 inserting:

5 <Section 1. Section 257.8, subsection 2, Code
6 Supplement 2009, is amended to read as follows:

7 2. Categorical state percent of growth. The
8 categorical state percent of growth for the budget
9 year beginning July 1, 2010, is two percent. The
10 categorical state percent of growth for ~~each a~~ budget
11 year shall be established by statute which shall
12 be enacted within thirty days of the submission in
13 ~~the year preceding~~ the base year of the governor's
14 budget under section 8.21. The establishment of the
15 categorical state percent of growth for a budget year
16 shall be the only subject matter of the bill which
17 enacts the categorical state percent of growth for a
18 budget year. The categorical state percent of growth
19 may include state percents of growth for the teacher
20 salary supplement, the professional development
21 supplement, and the early intervention supplement. >

22 2. Title page, by striking lines 1 through 4
23 and inserting: <An Act modifying the deadline for
24 establishment of the categorical state percent of
25 growth for purposes of the state school foundation
26 program and including effective date provisions.>

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8015](#) be adopted?" ([S.F. 2046](#))

The ayes were, 37:

Anderson	Arnold	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Forristall
Grassley	Hagenow	Heaton	Helland
Huseman	Kaufmann	Koester	May
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

The nays were, 54:

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

Absent or not voting, 9:

Alons	Baudler	Bell	Drake
Horbach	Lukan	Miller, H.	Miller, L.
Van Engelenhoven			

Amendment [H-8015](#) lost.

Wendt of Woodbury 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. 2046](#))

The ayes were, 91:

Abdul-Samad	Anderson	Arnold	Bailey
Beard	Berry	Bukta	Burt
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Hunter	Huseman
Huser	Isenhart	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
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 9:

Alons	Baudler	Bell	Drake
Horbach	Lukan	Miller, H.	Miller, L.
Van Engelenhoven			

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

[House File 2032](#), a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

[SENATE FILE 2045](#) SUBSTITUTED FOR [HOUSE FILE 2032](#)

Wendt of Woodbury asked and received unanimous consent to substitute [Senate File 2045](#) for [House File 2032](#), placing out of order

amendment [H-8005](#) filed by Rants of Woodbury, May of Dickinson and Dolecheck of Ringgold, on January 13, 2010.

[Senate File 2045](#), a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

Rants of Woodbury offered the following amendment [H-8014](#) filed by May of Dickinson and Dolecheck of Ringgold and moved its adoption:

[H-8014](#)

1 Amend [Senate File 2045](#), as passed by the Senate,
2 as follows:

3 1. Page 1, by striking lines 1 through 8 and
4 inserting:

5 <Sec. ___.Section 257.8, subsection 1, Code

6 Supplement 2009, is amended to read as follows:

7 1. State percent of growth. The state percent
8 of growth for the budget year beginning July 1,
9 2009, is four percent. The state percent of growth
10 for the budget year beginning July 1, 2010, is
11 two percent. The state percent of growth for ~~each~~
12 ~~subsequent a~~ budget year shall be established by
13 statute which shall be enacted within thirty days of
14 the submission in ~~the year preceding~~ the base year
15 of the governor's budget under section 8.21. The
16 establishment of the state percent of growth for a
17 budget year shall be the only subject matter of the
18 bill which enacts the state percent of growth for a
19 budget year. >

20 2. Title page, by striking lines 1 through 4
21 and inserting: <An Act modifying the deadline for
22 establishment of the state percent of growth for
23 purposes of the state school foundation program and
24 including effective date provisions.>

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8014](#) be adopted?" ([S.F. 2045](#))

The ayes were, 37:

Anderson
De Boef

Arnold
Deyoe

Chambers
Dolecheck

Cownie
Forristall

Grassley	Hagenow	Heaton	Helland
Huseman	Kaufmann	Koester	May
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

The nays were, 52:

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

Absent or not voting, 11:

Alons	Baudler	Bell	Drake
Horbach	Lukan	Miller, H.	Miller, L.
Olson, D.	Quirk	Van Engelenhoven	

Amendment [H-8014](#) lost.

Wendt of Woodbury 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. 2045](#))

The ayes were, 91:

Abdul-Samad	Anderson	Arnold	Bailey
Beard	Berry	Bukta	Burt
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
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
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 9:

Alons	Baudler	Bell	Drake
Horbach	Lukan	Miller, H.	Miller, L.
Van Engelenhoven			

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

HOUSE FILES 2031 and 2032 WITHDRAWN

Wendt of Woodbury asked and received unanimous consent to withdraw House Files 2031 and 2032 from further consideration by the House.

House File 2030, a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances, was taken up for consideration.

Wendt of Woodbury offered the following amendment H-8009 filed by him, Dolecheck of Ringgold and Raecker of Polk and moved its adoption:

H-8009

- 1 Amend House File 2030 as follows:
- 2 1. Page 1, by striking lines 4 through 7
- 3 and inserting <school district's unreserved and

4 undesignated fund balances.>
5 2. Page 3, by striking lines 23 through 31
6 and inserting <July 1, 2009, if the school budget
7 review committee determines that a school district's
8 unexpended fund balance is in excess of the amount
9 necessary for operations, the school budget review
10 committee shall direct the school district to use the
11 unexpended fund balance in lieu of levying property
12 taxes and shall direct the department of management to
13 do one of the following:
14 a. For the fiscal period beginning July 1, 2009,
15 and ending June 30, 2012, limit the school district's
16 cash reserve levy to a level that is not excessive as
17 determined by the school budget review committee.
18 b. For fiscal years beginning on or after July 1,
19 2012, limit the school district's cash reserve levy
20 to a level that is not excessive as determined by the
21 school budget review committee and does not exceed the
22 cash reserve limitation in subsection 2.>
23 3. Page 4, after line 4 by inserting:
24 <Sec. ____EMERGENCY RULES. The department of
25 education may adopt emergency rules under section
26 17A.4, subsection 3, and section 17A.5, subsection 2,
27 paragraph "b", to implement the provisions of this
28 Act, and the rules shall be effective immediately upon
29 filing unless a later date is specified in the rules.
30 Any rules adopted in accordance with this section shall
31 also be published as a notice of intended action as
32 provided in section 17A.4.
33 Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
34 being deemed of immediate importance, takes effect upon
35 enactment. "
36 4. Title page, line 4, after "circumstances" by
37 inserting "and including effective date provisions">

Amendment [H-8009](#) was adopted.

The House stood at ease at 8:51 a.m., until the fall of the gavel.

The House resumed session at 8:53 a.m., Speaker Murphy in the chair.

Rants of Woodbury offered the following amendment [H-8004](#) filed by him as follows:

[H-8004](#)

1 Amend [House File 2030](#) as follows:
2 1. Page 2, after line 35 by inserting:
3 <Sec. ____Section 257.31, Code Supplement 2009,

4 is amended by adding the following new subsection:
 5 NEW SUBSECTION. 7A. A school district may annually
 6 request that the school budget review committee
 7 approve the cash sale of up to the value of one million
 8 dollars of unused spending authority to a second
 9 school district, and the purchasing school district
 10 may use the equivalent value of the purchased spending
 11 authority in its school district.>

Mascher of Johnson rose on a point of order that amendment [H-8004](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8004](#) not germane.

Wenthe of Fayette in the chair at 9:46 a.m.

Mascher 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. 2030](#))

The ayes were, 85:

Abdul-Samad	Arnold	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Hanson
Heaton	Heddens	Helland	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	May	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Wagner	Wendt	Wessel-Kroeschell
Whitead	Winckler	Worthan	Zirkelbach
Wenthe,			
Presiding			

The nays were, 8.

Anderson Schultz	Kaufmann Watts	Rants Willems	Sands Windschitl.
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Absent or not voting, 7:

Alons Miller, H.	Drake Miller, L.	Horbach Van Engelenhoven	Lukan
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

[House File 2033](#), a bill for an act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools, was taken up for consideration.

Speaker Murphy in the chair at 10:14 a.m.

McCarthy of Polk in the chair at 10:16 a.m.

Speaker Murphy in the chair at 10:19 a.m.

Ford of Polk asked and received unanimous consent to withdraw amendment [H-8002](#) filed by him on January 13, 2010.

Wendt of Woodbury offered the following amendment [H-8001](#) filed by him and moved its adoption:

[H-8001](#)

- 1 Amend [House File 2033](#) as follows:
- 2 1. Page 1, line 33, after "Secondary" by
- 3 inserting "Education"

Amendment [H-8001](#) was adopted.

[SENATE FILE 2033](#) SUBSTITUTED FOR [HOUSE FILE 2033](#)

Wendt of Woodbury asked and received unanimous consent to substitute [Senate File 2033](#) for [House File 2033](#), placing out of order the following amendments filed on January 13, 2010:

Amendment [H-8003](#) filed by Ford of Polk.
Amendment [H-8006](#) filed by Koester of Polk.
Amendment [H-8007](#) filed by Dolecheck of Ringgold.

[Senate File 2033](#), a bill for an act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools, was taken up for consideration.

Ford of Polk asked unanimous consent to withdraw amendment [H-8020](#) filed by him on January 14, 2010.

Objection was raised.

Ford of Polk moved to withdraw his amendment [H-8020](#).

The motion prevailed and amendment [H-8020](#) was withdrawn.

Koester of Polk asked and received unanimous consent that amendment [H-8012](#) be deferred.

Ford of Polk asked and received unanimous consent to withdraw amendment [H-8022](#) filed by him on January 14, 2010.

Chambers of O'Brien offered the following amendment [H-8011](#) filed by him and moved its adoption:

[H-8011](#)

1 Amend [Senate File 2033](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 35, after <chapter.> by
4 inserting <Any plan which is a component of the
5 application the state board submits to the United
6 States department of education to compete for a grant
7 under the race to the top funds available pursuant
8 to the federal American Recovery and Reinvestment Act
9 of 2009, Pub.L.No.111?5, shall include parent and
10 guardian involvement measures in efforts to extend
11 state reforms by using college-ready and career-ready
12 standards and assessments, building a workforce of
13 highly effective educators, creating educational data
14 systems to support student achievement, and turning
15 around lowest-performing schools. The measures shall

- 16 be intended to do the following:
 17 a. Ensure that communication between home and
 18 school is regular, two-way, and meaningful.
 19 b. Promote and support parenting skills.
 20 c. Recognize and support the integral role parents
 21 and guardians play in assisting student learning.
 22 d. Welcome parents and guardians into the school
 23 and seek their support and assistance.
 24 e. Make parents and guardians partners in the
 25 decisions that affect children and families.
 26 f. Utilize community collaborations productively
 27 and community resources prolifically to strengthen
 28 schools, families, and student learning. >

Roll call was requested by Chambers of O'Brien and Tymeson of Madison.

On the question "Shall amendment [H-8011](#) be adopted?" ([S.F. 2033](#))

The ayes were, 38:

Anderson	Arnold	Baudler	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Forristall	Grassley	Hagenow	Heaton
Helland	Huseman	Kaufmann	Koester
May	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Windschitl	Worthan		

The nays were, 56:

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

Absent or not voting, 6:

Alons	Drake	Horbach	Lukan
Miller, L.	Van Engelenhoven		

Amendment [H-8011](#) lost.

Schultz of Crawford offered the following amendment [H-8019](#) filed by him and moved its adoption:

[H-8019](#)

1 Amend [Senate File 2033](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 7, lines 14 and 15, by striking <sexual
 4 orientation, gender identity.>

Wenthe of Fayette in the chair at 10:49 a.m.

Roll call was requested by Schultz of Crawford and Windschitl of Harrison.

On the question "Shall amendment [H-8019](#) be adopted?" ([S.F. 2033](#))

The ayes were, 37:

Anderson	Arnold	Baudler	Chambers
Cownie	De Boef	Dolecheck	Forristall
Grassley	Hagenow	Heaton	Helland
Huseman	Kaufmann	Koester	May
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson

Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor	Thede
Thomas	Wendt	Wessel-Kroeschell	Whitead
Willems	Winckler	Wenthe,	
		Presiding	

Absent or not voting, 8:

Alons	Deyoe	Drake	Horbach
Lukan	Miller, L.	Van Engelenhoven	Zirkelbach

Amendment [H-8019](#) lost.

Ford of Polk asked and received unanimous consent to withdraw amendment [H-8021](#) filed by him on January 14, 2010.

Sweeney of Hardin offered the following amendment [H-8010](#) filed by May of Dickinson and moved its adoption:

[H-8010](#)

1 Amend [Senate File 2033](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 14, after line 33 by inserting:
 4 <Sec. ____CONDITIONAL REPEAL AND CODE EDITOR
 5 NOTIFICATION. In the event that the state fails
 6 to receive federal moneys allocated in the federal
 7 American Recovery and Reinvestment Act of 2009, Pub.L.
 8 No.111-5, for the federal race to the top competitive
 9 grant administered by the United States department of
 10 education, as determined by the director of the state
 11 department of education, this Act is repealed and the
 12 director of the state department of education shall
 13 notify the Code editor of the denial of the state's
 14 grant application. The Code editor may include any
 15 necessary changes in the next Code editor's bill to
 16 effect the repeal of this Act.>
 17 2. Title page, line 5, after <schools> by
 18 inserting <, and providing for a conditional repeal>
 19 3. By renumbering as necessary.

Roll call was requested by Sweeney of Hardin and Paulsen of Linn.

On the question "Shall amendment [H-8010](#) be adopted?" ([S.F. 2033](#))

The ayes were, 38:

Anderson	Arnold	Baudler	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Forristall	Grassley	Hagenow	Heaton
Helland	Huseman	Kaufmann	Koester
May	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Windschitl	Worthan		

The nays were, 56:

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

Absent or not voting, 6:

Alons	Drake	Horbach	Lukan
Miller, L.	Van Engelenhoven		

Amendment [H-8010](#) lost.

Dolecheck of Ringgold offered amendment [H-8016](#) filed by him as follows:

[H-8016](#)

- 1 Amend [Senate File 2033](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, after line 33 by inserting:
- 4 <Sec. ____ NEW SECTION. 256F.14 Frontier schools.
- 5 1. The board of directors of a school district, an
- 6 accredited nonpublic school, the board of directors of
- 7 a community college, the state board of regents, an
- 8 accredited private institution as defined in section

9 261.9, or a private nonprofit corporation organized
10 under chapter 504 may submit an application to the
11 state board to establish a frontier school. The state
12 board shall adopt rules specifying the criteria for
13 approval of frontier schools. The department shall
14 develop an application process. The applicant shall
15 specify in its application all of the following:
16 a. Mission and instructional focus of the school.
17 b. Organizational structure and management of the
18 school.
19 c. Impact of labor agreements and contracts on the
20 success of the school.
21 d. Roles and responsibilities of all involved
22 constituencies.
23 e. Arrangements for special needs students.
24 f. Connection of the school to the school district.
25 g. Facility and operation costs.
26 h. Methods for measuring results, including but not
27 limited to student achievement results.
28 2. For purposes of this section, "frontier school"
29 means a school that is nonsectarian in its program,
30 admission policies, employment practices, and all
31 other operations. The school is a public school and is
32 part of the state's system of public education. The
33 primary focus of a frontier school shall be to provide
34 a comprehensive program of instruction for at least one
35 grade or age group from five through eighteen years
36 of age. Frontier schools may be designed to allow
37 significant autonomy to the schools. However, frontier
38 schools shall be accountable for significant results.
39 3. Except as provided in this subsection, frontier
40 schools are exempt from all statutes and rules
41 applicable to a school, a school board, or a school
42 district, although a frontier school may elect to
43 comply with one or more provisions of statute or rule.
44 However, a frontier school shall meet all applicable
45 state and local health and safety requirements; a
46 frontier school shall be organized and operated as a
47 nonprofit corporation under chapter 504; the provisions
48 of chapters 21 and 22 shall apply to meetings and
49 records of a frontier school board; and a frontier
50 school is subject to and shall comply with chapters

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1 216 and 216A relating to civil and human rights, and
2 sections 275.55A, 279.9A, 280.17B, 280.21B, and 282.4,
3 relating to suspension and expulsion of a student. The
4 frontier school shall employ or contract with necessary
5 teachers, as defined in section 272.1, who hold a valid
6 license with an endorsement for the type of service for
7 which the teacher is employed. Frontier schools are

8 subject to the same financial audits, audit procedures,
9 and audit requirements as a school district. The
10 audits shall be consistent with the requirements of
11 sections 11.6, 11.14, 11.19, 256.9, subsection 19,
12 and section 279.29, except to the extent deviations
13 are necessary because of the program at the school.
14 The department, auditor of state, or the legislative
15 services agency may conduct financial, program, or
16 compliance audits. The provisions of chapter 20 shall
17 not apply to the board of directors of a frontier
18 school or its employees.
19 4. A student enrolled in a frontier school shall
20 be counted, for state school foundation aid purposes,
21 in the student's district of residence. A student's
22 residence, for purposes of this section, means a
23 residence under section 282.1. The board of directors
24 of the district of residence shall pay to the frontier
25 school the state cost per pupil for the previous school
26 year, plus any moneys received for the student as a
27 result of the non-English speaking weighting under
28 section 280.4, subsection 3, for the previous school
29 year multiplied by the state cost per pupil for the
30 previous year. >
31 2. Title page, line 2, after <schools,> by
32 inserting <the establishment of a frontier school,>
33 3. By renumbering as necessary.

Dolecheck of Ringgold offered the following amendment [H-8023](#), to amendment [H-8016](#), filed by him from the floor and moved its adoption:

[H-8023](#)

1 Amend the amendment, [H-8016](#), to [Senate File 2033](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, after line 2 by inserting:
5 <__. Page 3, line 7, before <operated> by
6 inserting <including a frontier school.>>
7 2. Page 2, by striking lines 31 and 32.
8 3. By renumbering as necessary.

Amendment [H-8023](#) was adopted.

Dolecheck of Ringgold moved the adoption of amendment [H-8016](#), as amended.

McCarthy of Polk rose on a point of order to question whether a member may be recognized to speak for a third time.

The Speaker ruled the point well taken.

Roll call was requested by Dolecheck of Ringgold and Paulsen of Linn.

On the question "Shall amendment [H-8016](#), as amended, be adopted?" ([S.F. 2033](#))

The ayes were, 37:

Anderson	Arnold	Baudler	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Forristall	Grassley	Hagenow	Heaton
Huseman	Kaufmann	Koester	May
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

The nays were, 57:

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

Absent or not voting, 6:

Alons	Drake	Horbach	Lukan
Miller, L.	Van Engelenhoven		

Amendment [H-8016](#), as amended, lost.

Heaton of Henry asked and received unanimous consent to withdraw amendment [H-8017](#) filed by him on January 14, 2010.

Heaton of Henry offered the following amendment [H-8018](#) filed by him and moved its adoption:

[H-8018](#)

1 Amend [Senate File 2033](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 14, after line 33 by inserting:
 4 Sec. ____ DEPARTMENT OF EDUCATION – FEDERAL RACE
 5 TO THE TOP GRANT FUNDS RESTRICTION. Federal race to
 6 the top competitive grant funds that the department of
 7 education receives from the United States department
 8 of education under the federal American Recovery and
 9 Reinvestment Act of 2009, Pub.L. No.111-5, shall
 10 supplement and not supplant moneys appropriated or
 11 allocated by the general assembly. >
 12 2. By renumbering as necessary.

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

On the question "Shall amendment [H-8018](#) be adopted?" ([S.F. 2033](#))

The ayes were, 37:

Anderson	Arnold	Baudler	Chambers
Cownie	De Boef	Dolecheck	Forristall
Grassley	Hagenow	Heaton	Helland
Huseman	Kaufmann	Koester	May
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas

Wendt	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker
			Murphy

Absent or not voting, 7:

Alons	Deyoe	Drake	Horbach
Lukan	Miller, L.	Van Engelenhoven	

Amendment [H-8018](#) lost.

Koester of Polk offered the following amendment [H-8012](#), previously deferred, filed by him and moved its adoption:

[H-8012](#)

- 1 Amend [Senate File 2033](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking <a. >
- 4 2. By striking page 1, line 11, through page 2,
- 5 line 4.

Roll call was requested by Koester of Polk and Paulsen of Linn.

On the question "Shall amendment [H-8012](#) be adopted?" ([S.F. 2033](#))

The ayes were, 39:

Anderson	Arnold	Baudler	Chambers
Cownie	De Boef	Deyoe	Forristall
Grassley	Hagenow	Heaton	Helland
Huseman	Kaufmann	Kelley	Koester
May	Mertz	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Windschitl	Worthan	

The nays were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevort	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.

Oldson	Olson, D.	Olson, T.	Palmer
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker
			Murphy

Absent or not voting, 9:

Alons	Dolecheck	Drake	Horbach
Lukan	Miller, L.	Olson, R.	Petersen
Van Engelenhoven			

Amendment [H-8012](#) lost.

Schueller of Jackson in the chair at 12:54 p.m.

Speaker Murphy in the chair at 1:15 p.m.

Wendt of Woodbury 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. 2033](#))

The ayes were, 56:

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

The nays were, 37:

Anderson	Arnold	Baudler	Chambers
Cownie	De Boef	Deyoe	Forristall
Grassley	Hagenow	Heaton	Helland

Huseman	Kaufmann	Koester	May
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 7:

Alons	Dolecheck	Drake	Horbach
Lukan	Miller, L.	Van Engelenhoven	

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 2030](#) and **Senate Files 2033, 2045 and 2046.**

SUBCOMMITTEE ASSIGNMENTS

[House File 12](#) Reassigned

Natural Resources: Beard, Chair; Baudler and Steckman.

[House File 33](#) Reassigned

Natural Resources: Mertz, Chair; Lykam and Sweeney.

[House File 42](#) Reassigned

Natural Resources: Beard, Chair; Baudler and Steckman.

[House File 137](#) Reassigned

Natural Resources: Bell, Chair; Steckman and Upmeyer.

[House File 190](#) Reassigned

Natural Resources: Beard, Chair; Arnold and Palmer.

[House File 203](#) Reassigned

Natural Resources: Palmer, Chair; Deyoe and Running-Marquardt.

House File 207 Reassigned

Natural Resources: Beard, Chair; Schultz and Steckman.

House File 275 Reassigned

Natural Resources: Marek, Chair; Hanson and Sweeney.

House File 343 Reassigned

Natural Resources: Lykam, Chair; Ficken and Huseman.

House File 390 Reassigned

Natural Resources: Beard, Chair; Ficken and Rayhons.

House File 466 Reassigned

Natural Resources: Beard, Chair; Hanson and Rayhons.

House File 721

Natural Resources: Beard, Chair; Baudler and Hanson.

House File 2008

Natural Resources: Thede, Chair; Hanson and Sweeney.

House File 2009

Natural Resources: Hanson, Chair; Arnold and Mertz.

House File 2017

Natural Resources: Lykam, Chair; May and Whitead.

House File 2043

State Government: Cohoon, Chair; Frevert and Pettengill.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 125 Reassigned**

Natural Resources: Bell, Chair; Arnold, Deyoe, Palmer and Steckman.

House Study Bill 553

Judiciary: Willems, Chair; Schultz and Wessel-Kroeschell.

House Study Bill 554

Judiciary: R. Olson, Chair; Baudler and T. Olson.

House Study Bill 555

Judiciary: Lensing, Chair; Baudler and R. Olson.

House Study Bill 556

Judiciary: Ford, Chair; Heaton and Lensing.

House Study Bill 557

Judiciary: T. Olson, Chair; Helland and Mertz.

House Study Bill 558

Judiciary: Swaim, Chair; Anderson and Huser.

House Study Bill 559

Judiciary: Palmer, Chair; Struyk and Willems.

House Study Bill 560

Veterans Affairs: Thomas, Chair; Bailey and Chambers.

House Study Bill 561

Education: Winckler, Chair; Ficken and Forristall.

House Study Bill 562

State Government: Quirk, Chair; Struyk and Taylor.

House Study Bill 563

State Government: Beard, Chair; Cohoon and Schulte.

House Study Bill 564

State Government: Quirk, Chair; Koester and Taylor.

House Study Bill 565

State Government: Mascher, Chair; Gaskill, Kaufmann, Struyk and Taylor.

House Study Bill 566

State Government: Frevert, Chair; Drake, Mascher, Pettengill and Running-Marquardt.

[House Study Bill 567](#)

Human Resources: Abdul-Samad, Chair; Koester and Wendt.

[House Study Bill 568](#)

Human Resources: Wendt, Chair; Abdul-Samad and Soderberg.

[House Study Bill 569](#)

Human Resources: Abdul-Samad, Chair; Schulte and Wendt.

[House Study Bill 570](#)

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

[House Study Bill 571](#)

Human Resources: Thede, Chair; Forristall and Wessel-Kroeschell.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 572](#) **Human Resources**

Relating to the field services organization for the department of human services and including effective date provisions.

[H.S.B. 573](#) **Rebuild Iowa and Disaster Recovery**

Relating to flood plain management.

[H.S.B. 574](#) **Judiciary**

Relating to the wearing of an alcohol monitoring device as a condition of probation for certain operating-while-intoxicated and related offenses.

On motion by McCarthy of Polk the House adjourned at 2:06 p.m., until 10:00 a.m., Tuesday, January 19, 2010.