

PROOF

STATE OF IOWA

House Journal

THURSDAY, APRIL 2, 2009

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JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 2, 2009

The House met pursuant to adjournment at 9:13 a.m., Speaker pro tempore Bukta in the chair.

Prayer was offered by Reverend Michael Mudlaff, pastor of Westkirk Presbyterian Church, Urbandale. He was the guest of Representative Chris Hagenow of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Isabella Nixon, House Page from Des Moines.

The Memorial Choir sang "Precious Lord", a song they sung at the Memorial Service last evening.

The Journal of Wednesday, April 1, 2009 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rants of Woodbury on request of Struyk of Pottawattamie.

On motion by McCarthy of Polk, the House was recessed at 9:24 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:14 p.m., Kressig of Black Hawk in the chair.

Speaker Murphy in the chair at 1:32 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schultz of Crawford on request of Lukan of Dubuque; Raecker of Polk, until his return, on request of Kaufmann of Cedar.

QUORUM CALL

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

ADOPTION OF [HOUSE RESOLUTION 39](#)

Alons of Sioux and Jacoby of Johnson called up for consideration [House Resolution 39](#), a resolution honoring those Iowans who volunteered their time and efforts providing aid and assistance during the June 2008 flood, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

[Senate File 151](#), a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund, with report of committee recommending amendment and passage, was taken up for consideration.

Bell of Jasper offered the following amendment [H-1310](#) filed by the committee on transportation and moved its adoption:

[H-1310](#)

- 1 Amend [Senate File 151](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by striking lines 29 through 31 and
- 4 inserting the following: "expenditure under this
- 5 section."

- 6 2. Page 5, by striking lines 25 through 27 and
7 inserting the following:
8 "Sec.____. Section 327J.2, subsections 1 and 2,
9 Code 2009, are amended to read as follows:"
10 3. Page 6, by striking lines 8 through 12.
11 4. By renumbering as necessary.

The committee amendment [H-1310](#) was adopted.

Kaufmann of Cedar offered amendment [H-1256](#) filed by him as follows:

[H-1256](#)

- 1 Amend [Senate File 151](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking line 2 and inserting the
4 following: "EMINENT DOMAIN AUTHORITY AND CONDEMNATION
5 PROCEDURES".
6 2. Page 2, by inserting after line 4 the
7 following:
8 "Sec.____. NEW SECTION. 6A.15 PROPERTY ON STATE
9 HISTORIC REGISTRY.
10 Property listed on the state register of historic
11 places maintained by the historical division of the
12 department of cultural affairs shall not be removed
13 from the register solely for the purpose of allowing
14 acquisition of the property by condemnation."
15 3. Page 2, by inserting after line 13 the
16 following:
17 "Sec.____. Section 6A.24, subsection 3, Code 2009,
18 is amended to read as follows:
19 3. For any action brought under this section, the
20 burden of proof shall be on the acquiring agency to
21 prove by ~~a preponderance of the~~ clear and convincing
22 evidence that the finding of public use, public
23 purpose, or public improvement meets the definition of
24 those terms. If a property owner or a contract
25 purchaser of record or a tenant occupying the property
26 under a recorded lease prevails in an action brought
27 under this section, the acquiring agency shall be
28 required to pay the costs, including reasonable
29 attorney fees, of the adverse party.
30 Sec.____. Section 6B.2C, Code 2009, is amended to
31 read as follows:
32 6B.2C APPROVAL OF THE PUBLIC IMPROVEMENT.
33 The authority to condemn is not conferred, and the
34 condemnation proceedings shall not commence, unless
35 the governing body for the acquiring agency ~~approves,~~
36 by resolution, declares that adequate funding for the

37 public improvement has been secured, that the use of
38 condemnation for the public improvement is approved,
39 and that there is a reasonable expectation the
40 applicant will be able to achieve its public purpose,
41 comply with all applicable standards, and obtain the
42 necessary permits.

43 Sec.____. NEW SECTION. 68B.9 BAN ON CERTAIN
44 LOBBYING ACTIVITIES ON BEHALF OF POLITICAL
45 SUBDIVISIONS.

46 A political subdivision that collects and expends
47 property taxes shall not use public funds of any kind
48 to pay a person, organization, or other entity to act
49 as a lobbyist in relation to any legislation relating
50 specifically to eminent domain authority or

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1 condemnation procedures.

2 Sec.____. Section 316.4, subsection 1, Code 2009,
3 is amended to read as follows:

4 1. If a program or project undertaken by a
5 displacing agency will result in the displacement of a
6 person, the displacing agency shall make a payment to
7 the displaced person, upon proper application as
8 approved by the displacing agency, for actual
9 reasonable and necessary expenses incurred in moving
10 the person, the person's family, business, farm
11 operation, or other personal property subject to rules
12 and limits established by the department. The payment
13 may also provide for actual direct losses of tangible
14 personal property, purchase of substitute personal
15 property, business reestablishment expenses, storage
16 expenses, and expenses incurred in searching for a
17 replacement business or farm. If relocation of a
18 business or farm operation is not economically
19 feasible, the displaced person may also apply for
20 payment of the loss of existing business relationships
21 because of the inability to relocate the business or
22 farm operation to a location similar in economic
23 advantage to the location from which the business or
24 farm operation was displaced.

25 Sec.____. EFFECTIVE AND APPLICABILITY DATES. The
26 sections of this division of this Act enacting
27 sections 6A.15 and 68B.9, and amending sections 6A.24,
28 6B.2C, and 316.4, being deemed of immediate
29 importance, take effect upon enactment and apply to
30 projects or condemnation proceedings pending or
31 commenced on or after that date.

32 DIVISION____
33 RAILWAY ASSISTANCE".

34 4. Title page, line 1, by inserting after the
35 word "relating" the following: "to eminent domain

36 authority and condemnation procedures and".
37 5. Title page, line 5, by inserting after the
38 word "fund" the following: ", and providing effective
39 and applicability dates".
40 6. By renumbering as necessary.

Bell of Jasper rose on a point of order that amendment [H-1256](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1256](#) not germane.

Grassley of Butler offered amendment [H-1257](#) filed by him as follows:

[H-1257](#)

1 Amend [Senate File 151](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 2, by striking the words "RAILWAY
4 ASSISTANCE" and inserting the following: "EMINENT
5 DOMAIN AUTHORITY OF STATE
6 Sec. _____. Section 6A.1, Code 2009, is amended to
7 read as follows:
8 6A.1 EXERCISE OF POWER BY STATE.
9 1. Proceedings may be instituted and maintained by
10 the state of Iowa, or for the use and benefit thereof,
11 for the condemnation of such private property as may
12 be necessary for any public improvement which the
13 general assembly has authorized to be undertaken by
14 the state, and for which an available appropriation
15 has been made. The executive council shall institute
16 and maintain such proceedings in case authority to so
17 do be not otherwise delegated.
18 2. All proceedings instituted and maintained by
19 the state of Iowa shall not commence without the
20 signed authorization of the governor.
21 3. The condemnation authority granted in this
22 section shall not extend to the department of natural
23 resources if the department is seeking to acquire real
24 property for purposes of carrying out a duty related
25 to development and maintenance of the recreation
26 resources of the state, including planning,
27 acquisition, and development of recreational projects,
28 and areas and facilities related to such projects,
29 notwithstanding any provisions to the contrary."
30 2. Page 2, by inserting after line 13 the
31 following:
32 "Sec. _____. Section 455A.5, Code 2009, is amended

33 by adding the following new subsection:
34 NEW SUBSECTION. 7. The authority granted the
35 commission to acquire real property for purposes of
36 carrying out a duty related to development and
37 maintenance of the recreation resources of the state,
38 including planning, acquisition, and development of
39 recreational projects, and areas and facilities
40 related to such projects, shall not extend to the
41 authority to acquire land by eminent domain.
42 Sec.____. Section 456A.24, subsection 2,
43 unnumbered paragraph 1, Code 2009, is amended to read
44 as follows:
45 Acquire by purchase, ~~condemnation~~, lease,
46 agreement, gift, and devise lands or waters suitable
47 for the purposes hereinafter enumerated, and
48 rights-of-way thereto, and to maintain the same for
49 the following purposes, ~~to wit~~:
50 Sec.____. Section 456A.24, Code 2009, is amended

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1 by adding the following new subsection:
2 NEW SUBSECTION. 15. The authority granted the
3 department to acquire real property for any statutory
4 purpose relating to development and maintenance of the
5 recreation resources of the state, including planning,
6 acquisition, and development of recreational projects,
7 and areas and facilities related to such projects,
8 shall not extend to the authority to acquire land by
9 eminent domain.
10 Sec.____. Section 461A.7, Code 2009, is amended to
11 read as follows:
12 461A.7 ~~EMINENT DOMAIN PURCHASE OF LANDS – PUBLIC~~
13 PARKS.
14 The commission may purchase ~~or condemn~~ lands from
15 willing sellers for public parks. ~~No A~~ contract for
16 the purchase of such public parks shall not be made to
17 an amount in excess of funds appropriated therefor by
18 the general assembly.
19 Sec.____. Section 461A.10, Code 2009, is amended
20 to read as follows:
21 461A.10 TITLE TO LANDS.
22 The title to all lands purchased, ~~condemned~~, or
23 donated, hereunder, for park ~~or highway~~ purposes and
24 the title to all lands purchased, condemned, or
25 donated hereunder for highway purposes, shall be taken
26 in the name of the state and if thereafter it shall be
27 deemed advisable to sell any portion of the land so
28 purchased or condemned, the proceeds of such sale
29 shall be placed to the credit of the said public state
30 parks fund to be used for such park purposes.
31 Sec.____. Section 463C.8, subsection 1, paragraph

32 k, Code 2009, is amended to read as follows:

33 k. The power to acquire, own, hold, administer,
34 and dispose of property, except that such power is not
35 a grant of authority to acquire property by eminent
36 domain.

37 Sec.____. Sections 461A.9 and 461A.75, Code 2009,
38 are repealed.

39 Sec.____. EFFECTIVE DATE. The sections of this
40 division of this Act amending sections 6A.1, 455A.5,
41 456A.24, 461A.7, 461A.10, and 463C.8, and repealing
42 sections 461A.9 and 461A.75, being deemed of immediate
43 importance, take effect upon enactment.

44 DIVISION_____
45 RAILWAY ASSISTANCE".

46 3. Title page, line 1, by inserting after the
47 word "relating" the following: "to the exercise of
48 eminent domain authority by the state, including by
49 the department of transportation and the department of
50 natural resources, and".

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1 4. Title page, line 5, by inserting after the
2 word "fund" the following: ", and providing an
3 effective date".

4 5. By renumbering as necessary.

Bell of Jasper rose on a point of order that amendment [H-1257](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1257](#) not germane.

Grassley of Butler asked and received unanimous consent to withdraw amendment [H-1258](#) filed by him on March 23, 2009.

Bell of Jasper 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. 151](#))

The ayes were, 96:

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, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
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, 4:

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

[Senate File 176](#), a bill for an act allowing the waiver of certain administrative penalties for late annual reports concerning cemetery and funeral merchandise, and funeral services, upon a showing of good cause or financial hardship and providing an immediate effective date, with report of committee recommending passage, was taken up for consideration.

Bailey of Hamilton 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. 176](#))

The ayes were, 94:

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

The nays were, 2:

Hunter	Petersen
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Absent or not voting, 4:

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

[Senate File 289](#), a bill for an act relating to loan forgiveness under the jumpstart housing assistance program and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

T. Olson 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. 289](#))

The ayes were, 96:

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, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
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, 4:

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

[Senate File 336](#), a bill for an act providing for waivers of certain community attraction and tourism program requirements, with report of committee recommending passage, was taken up for consideration.

T. Olson of Linn asked and received unanimous consent for the consideration of amendment [H-1397](#).

T. Olson of Linn offered the following amendment [H-1397](#) filed by him from the floor and moved its adoption:

[H-1397](#)

1 Amend [Senate File 336](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 2, by striking the words "each
 4 fiscal year of the fiscal period" and inserting the
 5 following: "the fiscal year".
 6 2. Page 1, by inserting after line 12 the
 7 following:
 8 "If the board receives repayments of or recaptures
 9 financial assistance awarded in a fiscal year prior to
 10 the fiscal year beginning July 1, 2009, and ending
 11 June 30, 2010, the board may grant all or a portion of
 12 an applicant's waiver request pursuant to this
 13 subsection 1 and use the repayments or recaptured
 14 financial assistance to provide financial assistance
 15 under this subsection to an applicant during the
 16 fiscal year beginning July 1, 2009, and ending June
 17 30, 2010."
 18 3. By renumbering as necessary.

Amendment [H-1397](#) was adopted.

Thomas of Clayton 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. 336](#))

The ayes were, 96:

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, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.

Taylor, T.	Thede	Thomas	Tjepkes
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, 4:

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

[Senate File 356](#), a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national, with report of committee recommending amendment and passage, was taken up for consideration.

Quirk of Chickasaw offered the following amendment [H-1309](#) filed by the committee on transportation and moved its adoption:

[H-1309](#)

1 Amend [Senate File 356](#), as passed by the Senate, as
 2 follows:
 3 1. By striking page 1, line 20, through page 5,
 4 line 14, and inserting the following:
 5 "Sec. _____. NEW SECTION. 321.200A CONVICTIONS
 6 BASED UPON FRAUD.
 7 1. If a person discovers a record of conviction
 8 for a scheduled violation under this chapter was
 9 entered by fraudulent use of the person's name or by
 10 use of other fraudulent identification, the person
 11 may, within one year of the date of the discovery of
 12 the conviction, submit a written application to the
 13 department to investigate the allegation. The
 14 department may summarily reject the application as
 15 submitted, or proceed to investigate the application.
 16 If the department investigates the application, the
 17 department may either deny the application or if the
 18 department determines the allegation is warranted,
 19 approve the application. If the department

20 investigates the application the department shall also
21 issue a report and findings with the decision of the
22 department. The rejection, approval, or denial of an
23 application is not subject to contested case
24 proceedings or further review as provided in chapter
25 17A. If the application is investigated, the
26 department shall provide the applicant with a
27 certified copy of the decision of the department. If
28 the department approves the application, the
29 department shall also provide the applicant with a
30 certified copy of the investigative report and
31 findings. The department shall also provide certified
32 copies of the department's decision approving or
33 denying the application together with the
34 investigative report and findings to the appropriate
35 prosecuting attorney in the city or county that
36 prosecuted the scheduled violation, and to the
37 district court in the county that prosecuted the
38 scheduled violation. The department may
39 electronically provide copies of any decision
40 approving or denying the application and the
41 investigative report and findings, to the district
42 court.

43 2. A person who discovers that a record of
44 conviction for a scheduled violation under this
45 chapter was entered by fraudulent use of the person's
46 name or by use of other fraudulent identification, may
47 bypass the application process in subsection 1, and
48 move in district court to set aside the judgment of
49 conviction within one year of discovery of the
50 conviction. An applicant with an approved application

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1 under subsection 1, shall also move in district court
2 to set aside the judgment of conviction in order to
3 have the department expunge or alter the records of
4 the department or rescind or modify an administrative
5 sanction. If the district court grants the motion to
6 set aside the judgment, the district court shall order
7 the charging agency or official to modify the records
8 of the agency or official to reflect the order setting
9 aside the judgment. The clerk of the district court
10 shall provide the court order setting aside the
11 judgment, either by regular mail or electronic means,
12 to the charging agency or official, and the department
13 of transportation. The clerk of the district court
14 shall also provide the applicant with a certified copy
15 of the court order at no cost to the applicant.

16 3. Notwithstanding the department's approval of an
17 application pursuant to subsection 1, the department
18 shall not expunge or alter the records of the

19 department or rescind or modify an administrative
20 sanction unless the department receives an order from
21 the district court setting aside the previous judgment
22 of the court as provided in subsection 2. Upon
23 receiving a copy of an order from the district court
24 setting aside the previous judgment of the court, the
25 department shall expunge the record and shall rescind
26 any administrative sanction imposed upon the applicant
27 as a result of the judgment, unless the applicant is
28 subject to sanctions for other reasons. The
29 department may impose a new sanction if expunging the
30 judgment would result in a lesser or different
31 sanction.

32 4. The department shall adopt rules pursuant to
33 chapter 17A to implement this section.

34 Sec. _____. Section 811.9, Code 2009, is amended to
35 read as follows:

36 811.9 FORFEITURE OF APPEARANCE BOND.

37 Sections 811.6 through 811.8 shall not apply in a
38 case where a simple misdemeanor is charged upon a
39 uniform citation and complaint and where the defendant
40 has submitted an unsecured appearance bond or has
41 submitted bail in the form of cash, check, credit card
42 as provided in section 805.14, or guaranteed arrest
43 bond certificate as defined in section 321.1. When a
44 defendant fails to appear as required in such cases,
45 the court, or the clerk of the district court, shall
46 enter a judgment of forfeiture of the bond or bail.
47 The judgment shall be final upon entry and shall not
48 be set aside unless a conviction for a scheduled
49 violation under chapter 321 was set aside under the
50 procedures established in section 321.200A."

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1 2. By renumbering as necessary.

The committee amendment [H-1309](#) was adopted.

Quirk of Chickasaw 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. 356](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohon

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, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
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, 4:

Chambers	Raecker	Rants	Schultz
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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 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 496](#), a bill for an act relating to the authority of a city to dispose of real property by gift.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 776](#), a bill for an act prohibiting the use of false caller identification for campaign purposes and providing penalties.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the House is asked:

[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.

MICHAEL E. MARSHALL, Secretary

[Senate File 366](#), a bill for an act relating to the emancipation of a minor and family in need of assistance proceedings, with report of committee recommending passage, was taken up for consideration.

T. Olson 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. 366](#))

The ayes were, 95:

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, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 1:

Wendt

Absent or not voting, 4:

Chambers

Raecker

Rants

Schultz

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

[Senate File 377](#), a bill for an act relating to the prescription drug donation repository program, with report of committee recommending passage, was taken up for consideration.

Huser of Polk offered the following amendment [H-1264](#) filed by her and moved its adoption:

[H-1264](#)

- 1 Amend [Senate File 377](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking line 5 and inserting the
- 4 following: "low-income Iowans and Iowans who have
- 5 been victims of a state of disaster emergency
- 6 proclaimed by the governor pursuant to section 29C.6
- 7 or a public health disaster as defined in section
- 8 135.140, subsection 6, through a prescription drug".

Amendment [H-1264](#) was adopted.

Huser 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. 377](#))

The ayes were, 96:

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, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
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 and 4:

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

[HOUSE FILE 774](#) WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw [House File 774](#) from further consideration by the House.

[Senate File 405](#), a bill for an act providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 405](#))

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, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	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	Rants	Schultz
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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: **Senate Files 151, 176, 289, 336, 356, 366, 377 and 405.**

[Senate File 407](#), a bill for an act relating to the rights and responsibilities of Iowa veterans home members, with report of committee recommending passage, was taken up for consideration.

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?" ([S.F. 407](#))

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, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	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	Rants	Schultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[Senate File 420](#), a bill for an act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine, with report of committee recommending passage, was taken up for consideration.

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?" ([S.F. 420](#))

The ayes were, 96:

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, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
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, 4:

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

[Senate File 423](#), a bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Hagenow of Polk offered the following amendment [H-1299](#) filed by the committee on environmental protection and moved its adoption:

[H-1299](#)

- 1 Amend [Senate File 423](#), as passed by the Senate, as
2 follows:
3 1. Page 2, line 19, by striking the word "class"
4 and inserting the following: "model".
5 2. Page 2, line 25, by striking the word "class"
6 and inserting the following: "model".
7 3. By striking page 2, line 32, through page 3,
8 line 5.
9 4. By renumbering as necessary.

The committee amendment [H-1299](#) was adopted.

Hagenow of Polk offered the following amendment [H-1363](#) filed by Hagenow, et al., and moved its adoption:

[H-1363](#)

- 1 Amend [Senate File 423](#), as passed by the Senate, as
2 follows:
3 1. Page 1, line 4, by striking the words "other
4 than a dispenser".
5 2. Page 1, line 13, by inserting before the words
6 "to dispense" the following: "that does not satisfy
7 the requirement in subsection 2".
8 3. Page 1, line 14, by striking the words "E-9 or
9 higher" and inserting the following: "higher than
10 E-10".
11 4. Page 3, by striking lines 6 and 7.
12 5. Title page, by striking lines 2 and 3, and
13 inserting the following: "by authorizing the use of
14 secondary containment."
15 6. By renumbering as necessary.

Amendment [H-1363](#) was adopted.

Hagenow 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.

May of Dickinson in the chair at 2:50 p.m.

On the question "Shall the bill pass?" ([S.F. 423](#))

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	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach

May,
Presiding

The nays were, none.

Absent or not voting, 3:

Chambers Rants Schultz

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, 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 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 381](#), a bill for an act relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet sites,

making penalties applicable, and establishing a general definition for the term "internet site".

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 420](#), a bill for an act concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 450](#), a bill for an act relating to the time of opening the polls for certain city elections.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 468](#), a bill for an act creating an unsewered community revolving loan program and fund.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 477](#), a bill for an act relating to declaration of value forms for the conveyance of real estate by making social security numbers and tax identification numbers confidential.

Also: That the Senate has on April 2, 2009, amended and passed the following bill in which the concurrence of the House is asked:

[House File 488](#), a bill for an act relating to including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 457](#), a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

Senate File 440, a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits, with report of committee recommending passage, was taken up for consideration.

Ficken of Buchanan 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. 440](#))

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	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
May,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Rants	Schultz
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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: **Senate Files 407, 420, 423 and 440.**

[Senate File 43](#), a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Ford 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. 43](#))

The ayes were, 57:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Ficken	Ford	Frevert
Gaskill	Gayman	Heddens	Hunter
Huser	Isenhart	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
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach			

The nays were, 39:

Alons	Arnold	Baudler	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rayhons	Roberts
Sands	Schulte	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson

Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worhan	May, Presiding	

Absent or not voting, 4:

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

[Senate File 355](#), a bill for an act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates, with report of committee recommending passage, was taken up for consideration.

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. 355](#))

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	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven

Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
May, Presiding			

The nays were, none.

Absent or not voting, 3:

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

[Senate File 379](#), a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance, with report of committee recommending passage, was taken up for consideration.

Kressig of Black Hawk offered the following amendment [H-1326](#) filed by the committee on commerce and moved its adoption:

[H-1326](#)

- 1 Amend [Senate File 379](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 35, by striking the word "adjust"
- 4 and inserting the following: "examine and consider
- 5 adjusting".

The committee amendment [H-1326](#) was adopted.

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. 379](#))

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Berry
Bukta	Burt	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert

Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	May, Presiding		

The nays were, 1:

Horbach

Absent or not voting, 5:

Bell	Chambers	Hunter	Rants
Schultz			

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

[Senate File 447](#), a bill for an act concerning off-premises consumption of resealed bottles of wine, with report of committee recommending passage, was taken up for consideration.

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?" ([S.F. 447](#))

The ayes were, 94:

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	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	May, Presiding		

The nays were, 2:

Grassley Raecker

Absent or not voting, 4:

Chambers Olson, T. Rants Schultz

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: **Senate Files 43, 355, 379 and 447.**

The House stood at ease at 3:43 p.m., until the fall of the gavel.

The House resumed session at 5:31 p.m., Speaker Murphy in the chair.

SENATE MESSAGES CONSIDERED

[Senate File 457](#), by committee on ways and means, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions.

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

[Senate File 469](#), by committee on appropriations, 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.

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

Regular Calendar

[Senate File 445](#), a bill for an act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program, with report of committee recommending passage, was taken up for consideration.

Dolecheck of Ringgold offered amendment [H-1332](#) filed by him as follows:

[H-1332](#)

- 1 Amend [Senate File 445](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word

4 "schedule" the following: "and health benefits
5 schedule".
6 2. Page 4, line 15, by inserting after the word
7 "funds" the following: "and health benefits".
8 3. Page 4, line 21, by inserting after the word
9 "funds" the following: "and health benefits".
10 4. Page 5, line 10, by inserting after the word
11 and figure "section 20.9." the following: "The school
12 district or area education agency shall create a
13 health benefits schedule, subject to the scope of
14 negotiations specified in section 20.9, which details
15 the dollar amounts spent on health benefits costs by
16 the school district or area education agency on behalf
17 of the licensed employees."
18 5. Page 5, line 16, by inserting after the word
19 "amount." the following: "The board of directors
20 shall create a health benefits schedule which details
21 the dollar amounts spent on health benefits costs by
22 the school district or area education agency on behalf
23 of the licensed employees."
24 6. Title page, line 3, by inserting after the
25 word "schedules" the following: "and creating health
26 benefit schedules".

Horbach of Tama asked and received unanimous consent to withdraw amendment [H-1364](#), to amendment [H-1332](#), filed by him on March 31, 2009.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-1365](#), to amendment [H-1332](#), filed by him on March 31, 2009.

Dolecheck of Ringgold moved the adoption of amendment [H-1332](#).

A non-record roll call was requested.

The ayes were 37, nays 50.

Amendment [H-1332](#) lost.

Horbach of Tama asked and received unanimous consent to withdraw amendment [H-1366](#) filed by him on March 31, 2009.

Pettengill of Benton asked and received unanimous consent to withdraw amendment [H-1367](#) filed by her and Struyk of Pottawattamie on March 31, 2009.

Raecker of Polk rose on a point of order and invoked Rule 32, relating to taxes or appropriations on [Senate File 445](#).

The Speaker ruled the point not well taken.

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. 445](#))

The ayes were, 56:

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
Miller, H.	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

The nays were, 41:

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	Rayhons	Roberts	Sands
Schulte	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 445](#) be immediately messaged to the Senate.

[House File 779](#), a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates, was taken up for consideration.

Lykam of Scott offered the following amendment [H-1330](#) filed by him and moved its adoption:

[H-1330](#)

- 1 Amend [House File 779](#) as follows:
- 2 1. Page 5, by striking lines 3 through 25.
- 3 2. Page 6, by striking lines 25 through 30.
- 4 3. Page 6, by striking lines 32 through 35.
- 5 4. By striking page 21, line 35, through page 22,
- 6 line 12, and inserting the following:
- 7 "NEW SUBSECTION. 8. a. In the course of
- 8 enforcing the motor carrier safety rules adopted by
- 9 the department under chapter 17A, the department's
- 10 peace officers are authorized, at reasonable times and
- 11 places and under reasonable circumstances, to enter
- 12 upon, to inspect, and to examine any and all vehicles
- 13 and loads carried, land, buildings, and equipment of
- 14 any person subject to the federal motor carrier safety
- 15 regulations in 49 C.F.R. pts. 105-185, 382, 383, 385,
- 16 and 390-399, and to inspect and copy any and all
- 17 accounts, records, memoranda, correspondence, and
- 18 other documents including those maintained in an
- 19 electronic format.
- 20 b. Upon request of a department peace officer
- 21 acting within the scope of official duties and
- 22 authority with respect to the federal motor carrier
- 23 safety regulations in 49 C.F.R. pts. 105-185, 382,
- 24 383, 385, and 390-399, at reasonable times and places
- 25 and under reasonable circumstances, and after being
- 26 furnished appropriate identification by that officer,
- 27 a person subject to the federal motor carrier safety
- 28 regulations in 49 C.F.R. pts. 105-185, 382, 383, 385,
- 29 and 390-399 shall submit to the peace officer the
- 30 person's accounts, books, records, memoranda,

31 correspondence, and other documents, including those
 32 maintained in an electronic format, for inspection and
 33 copying and shall submit the person's vehicles, loads,
 34 land, buildings, and equipment for examination."
 35 5. By renumbering as necessary.

Amendment [H-1330](#) was adopted.

Roberts of Carroll asked and received unanimous consent to withdraw amendment [H-1285](#) filed by him on March 24, 2009.

[SENATE FILE 419](#) SUBSTITUTED FOR [HOUSE FILE 779](#)

Lykam of Scott asked and received unanimous consent to substitute [Senate File 419](#) for [House File 779](#).

[Senate File 419](#), a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates, was taken up for consideration.

Lykam of Scott offered amendment [H-1329](#) filed by him as follows:

[H-1329](#)

1 Amend [Senate File 419](#), as passed by the Senate, as
 2 follows:
 3 1. Page 5, by inserting after line 2 the
 4 following:
 5 "Sec. ____ Section 321.211A, Code 2009, is amended
 6 to read as follows:
 7 321.211A APPEAL OF EXTENDED SUSPENSION OR
 8 REVOCATION.
 9 Notwithstanding any provision of law to the
 10 contrary, if a person was not served with notice of a
 11 suspension or revocation under section 321.16, or
 12 section 321J.9, subsection 4, or section 321J.12,
 13 subsection 3, the person may appeal to the department
 14 an extension of the period of suspension or revocation
 15 based upon a conviction under section ~~321.218 or~~
 16 321J.21. At the hearing on the appeal, the sole issue
 17 shall be whether the department failed to send notice
 18 of the underlying suspension or revocation to the
 19 person at the address contained in the department's

20 records. If the department determines it failed to
21 send such notice, the department shall rescind the
22 extended suspension or revocation resulting from the
23 conviction and send notice of the department's
24 determination to the court that rendered the
25 conviction. Upon receipt of the notice, the court
26 shall enter an order exonerating the person of the
27 conviction and ordering that the record of the
28 conviction be expunged by the clerk of the district
29 court.

30 Sec. ____ Section 321.218, subsection 3, Code
31 2009, is amended by striking the subsection."

32 2. Page 6, by inserting after line 1 the
33 following:

34 "Sec. ____ Section 805.6, subsection 1, paragraph
35 d, Code 2009, is amended to read as follows:

36 d. The written appearance defined in paragraph "b"
37 shall not be used for any offense other than a simple
38 misdemeanor ~~and shall not be used for any offense~~
39 ~~under section 321.218 or 321A.32."~~

40 3. Page 6, by inserting after line 2 the
41 following:

42 "Sec. ____ EFFECTIVE DATE AND RETROACTIVE
43 APPLICABILITY. The section of this division of this
44 Act amending section 321J.13, being deemed of
45 immediate importance, takes effect upon enactment and
46 applies retroactively to January 1, 2009, for
47 disqualifications in effect on or after that date."
48 4. By renumbering as necessary.

Cownie of Polk offered the following amendment [H-1403](#), to
amendment [H-1329](#), filed by him from the floor and moved its
adoption:

[H-1403](#)

1 Amend the amendment, H-1329, to [Senate File 419](#), as
2 passed by the Senate, as follows:

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

5 " ____ . Page 4, by inserting after line 20 the
6 following:

7 "Sec. ____ Section 321.194, subsection 1,
8 paragraph a, subparagraph (1), Code 2009, is amended
9 to read as follows:

10 (1) During the hours of ~~6~~ 5 a.m. to 10 p.m. over
11 the most direct and accessible route between the
12 licensee's residence and schools of enrollment or the
13 closest school bus stop or public transportation
14 service, and between schools of enrollment, for the
15 purpose of attending duly scheduled courses of

16 instruction and extracurricular activities within the
17 school district."
18 2. By renumbering as necessary.

Amendment [H-1403](#) was adopted.

Zirkelbach of Jones offered the following amendment [H-1408](#), to amendment [H-1329](#), filed by him from the floor and moved its adoption:

[H-1408](#)

1 Amend the amendment, H-1329, to [Senate File 419](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "____. Page 4, by inserting after line 20 the
7 following:
8 "Sec.____. Section 321.194, subsection 1,
9 paragraph a, Code 2009, is amended by adding the
10 following new subparagraph:
11 NEW SUBPARAGRAPH. (1A) To a service station for
12 the purpose of refueling, so long as the service
13 station is the station closest to the route the
14 licensee is traveling on under subparagraph (1)."
15 2. By renumbering as necessary.

Amendment [H-1408](#) was adopted.

R. Olson of Polk offered amendment [H-1389](#), to amendment [H-1329](#), filed by him and Lykam of Scott as follows:

[H-1389](#)

1 Amend the amendment, [H-1329](#), to [Senate File 419](#), as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 5 through 31 and
4 inserting the following:
5 ""Sec.____. Section 321,218, subsection 3, Code
6 2009, is amended to read as follows:
7 3. a. The department, upon receiving the record
8 of the conviction of a person under this section upon
9 a charge of operating a motor vehicle while the
10 license of the person is suspended or revoked, shall,
11 except for licenses suspended under section 252J.8,
12 321.210, subsection 1, paragraph "c", or section
13 321.210A or 321.513, extend the period of suspension
14 or revocation for an additional like period or for one

15 ~~year, whichever period is shorter,~~ and the department
16 shall not issue a new driver's license to the person
17 during the ~~additional extended~~ period.
18 b. If the department receives a record of a
19 conviction of a person under this section but the
20 person's driving record does not indicate what the
21 original grounds of suspension were, the period of
22 suspension under this subsection shall be for a period
23 not to exceed six months."
24 2. By renumbering as necessary.

Amendment [H-1389](#) was adopted.

May of Dickinson offered the following amendment [H-1336](#), to amendment [H-1329](#), filed by May and Quirk of Chickasaw and moved its adoption:

[H-1336](#)

1 Amend the amendment, H-1329, to [Senate File 419](#), as
2 passed by the Senate, as follows:
3 1. Page 1, line 46, by striking the figure "2009"
4 and inserting the following: "2005".

Amendment [H-1336](#) was adopted.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-1341](#), to amendment [H-1329](#), filed by him on March 31, 2009.

Huser of Polk offered the following amendment [H-1404](#), to amendment [H-1329](#), filed by her from the floor and moved its adoption:

[H-1404](#)

1 Amend the amendment, H-1329, to [Senate File 419](#), as
2 passed by the Senate, as follows:
3 1. Page 1, by inserting after line 47 the
4 following:
5 "____. By striking page 23, line 34, through page
6 24, line 23.
7 _____. Title page, by striking line 5."

A non-record roll call was requested.

The ayes were 43, nays 49.

Amendment [H-1404](#) lost, placing out of order amendment [H-1370](#) filed by Rants of Woodbury on March 31, 2009..

Lykam of Scott moved the adoption of amendment [H-1329](#), as amended.

Amendment [H-1329](#), as amended, was adopted.

Kaufmann of Cedar offered amendment [H-1369](#) filed by Kaufmann et al., as follows:

[H-1369](#)

1 Amend [Senate File 419](#), as passed by the Senate, as
2 follows:
3 1. Page 5, by inserting after line 2 the
4 following:
5 "Sec. ____ Section 321J.4, subsections 2 and 4,
6 Code 2009, are amended to read as follows:
7 2. If a defendant is convicted of a violation of
8 section 321J.2, and the defendant's driver's license
9 or nonresident operating privilege has not already
10 been revoked under section 321J.9 or 321J.12 for the
11 occurrence from which the arrest arose, the department
12 shall revoke the defendant's driver's license or
13 nonresident operating privilege for two years if the
14 defendant has had a previous conviction or revocation
15 under this chapter. The defendant shall not be
16 eligible for any temporary restricted license for ~~one~~
17 year forty-five days after the effective date of
18 revocation. The defendant shall be ordered to install
19 an ignition interlock device of a type approved by the
20 commissioner of public safety on all vehicles owned by
21 the defendant if the defendant seeks a temporary
22 restricted license at the end of the minimum period of
23 ineligibility. A temporary restricted license shall
24 not be granted by the department until the defendant
25 installs the ignition interlock device.
26 4. Upon a plea or verdict of guilty of a third or
27 subsequent violation of section 321J.2, the court
28 shall order the department to revoke the defendant's
29 driver's license or nonresident operating privilege
30 for a period of six years. The defendant shall not be
31 eligible for a temporary restricted license for at
32 least ~~one year~~ forty-five days after the effective
33 date of the revocation. The court shall require the
34 defendant to surrender to it all Iowa licenses or

35 permits held by the defendant, which the court shall
36 forward to the department with a copy of the order for
37 revocation. The defendant shall be ordered to install
38 an ignition interlock device of a type approved by the
39 commissioner of public safety on all vehicles owned by
40 the defendant if the defendant seeks a temporary
41 restricted license at the end of the minimum period of
42 ineligibility. A temporary restricted license shall
43 not be granted by the department until the defendant
44 installs the ignition interlock device."
45 2. Page 5, by inserting after line 18 the
46 following:
47 "Sec. ____ Section 321J.9, subsection 2, paragraph
48 a, Code 2009, is amended to read as follows:
49 a. A person whose driver's license or nonresident
50 operating privileges are revoked under subsection 1,

Page 2

1 paragraph "a", shall not be eligible for a temporary
2 restricted license for at least ninety days after the
3 effective date of the revocation. A person whose
4 driver's license or nonresident operating privileges
5 are revoked under subsection 1, paragraph "b", shall
6 not be eligible for a temporary restricted license for
7 at least ~~one year~~ forty-five days after the effective
8 date of the revocation.
9 Sec. ____ Section 321J.12, subsection 2, paragraph
10 d, Code 2009, is amended to read as follows:
11 d. A person whose license or privileges have been
12 revoked under subsection 1, paragraph "b", for one
13 year shall not be eligible for any temporary
14 restricted license for ~~one year~~ forty-five days after
15 the effective date of the revocation, and the person
16 shall be ordered to install an ignition interlock
17 device of a type approved by the commissioner of
18 public safety on all vehicles owned or operated by the
19 defendant if the defendant seeks a temporary
20 restricted license at the end of the minimum period of
21 ineligibility. A temporary restricted license shall
22 not be granted by the department until the defendant
23 installs the ignition interlock device."
24 3. By renumbering as necessary.

Kaufmann of Cedar offered the following amendment [H-1399](#), to amendment [H-1369](#), filed by him from the floor and moved its adoption:

[H-1399](#)

1 Amend the amendment, H-1369, to [Senate File 419](#), as

2 passed by the Senate, as follows:

- 3 1. Page 1, lines 5 and 6, by striking the words
- 4 and figures "subsections 2 and 4, Code 2009, are" and
- 5 inserting the following: "subsection 2, Code 2009,
- 6 is".
- 7 2. By striking page 1, line 26, through page 2,
- 8 line 23.
- 9 3. By renumbering as necessary.

Amendment [H-1399](#) was adopted.

On motion by Kaufmann of Cedar, amendment [H-1369](#), as amended, was adopted.

Lykam of Scott offered the following amendment [H-1315](#) filed by him and moved its adoption:

[H-1315](#)

- 1 Amend [Senate File 419](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 11, by inserting after line 26 the
- 4 following:
- 5 "Sec. _____. Section 321.166, subsection 2, Code
- 6 2009, is amended to read as follows:
- 7 2. Every registration plate or pair of plates
- 8 shall display a registration plate number which shall
- 9 consist of alphabetical or numerical characters or a
- 10 combination thereof and the name of this state, which
- 11 may be abbreviated. Every registration plate issued
- 12 by the county treasurer shall display the name of the
- 13 county, including any plate issued pursuant to section
- 14 321.34, except Pearl Harbor and purple heart
- 15 registration plates issued prior to January 1, 1997;
- 16 registration plates issued pursuant to section 321.34,
- 17 subsection 13, paragraph "d"; and collegiate, fire
- 18 fighter, and medal of honor registration plates.
- 19 Special truck registration plates shall display the
- 20 word "special". The department may adopt rules to
- 21 implement this subsection."
- 22 2. By renumbering as necessary.

Amendment [H-1315](#) was adopted.

Huser of Polk offered the following amendment [H-1318](#) filed by her and Petersen of Polk and moved its adoption:

[H-1318](#)

1 Amend [Senate File 419](#), as passed by the Senate, as
2 follows:
3 1. Page 12, by inserting after line 4 the
4 following:
5 "Sec. _____. Section 321A.17, Code 2009, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 9. The registration suspension
8 required under this section does not apply to a motor
9 vehicle awarded to an individual under an order
10 entered pursuant to section 598.21, if all of the
11 following apply:
12 a. The individual was the co-owner of the motor
13 vehicle with a spouse who is required to file and
14 maintain proof of financial responsibility.
15 b. The individual is not otherwise required to
16 file and maintain proof of financial responsibility.
17 c. The individual is not able to obtain title to
18 the motor vehicle in the individual's sole name due to
19 a lien against the motor vehicle that existed at the
20 time the order was entered pursuant to section
21 598.21."
22 2. Page 19, by inserting after line 3 the
23 following:
24 "Sec. _____. EFFECTIVE DATE. The section of this
25 division of this Act enacting section 321A.17,
26 subsection 9, being deemed of immediate importance,
27 takes effect upon enactment."
28 3. By renumbering as necessary.

Amendment [H-1318](#) was adopted.

Deyoe of Story offered the following amendment [H-1340](#) filed by
him and Bailey of Hamilton and moved its adoption:

[H-1340](#)

1 Amend [Senate File 419](#), as passed by the Senate, as
2 follows:
3 1. Page 12, by inserting after line 4 the
4 following:
5 "Sec. _____. Section 321.234A, subsection 1,
6 paragraph a, Code 2009, is amended to read as follows:
7 a. The operation is between sunrise and sunset and
8 is incidental to the vehicle's use for agricultural
9 purposes. For purposes of this paragraph, "incidental
10 to the vehicle's use for agricultural purposes"
11 includes stopping to obtain fuel for the all-terrain
12 vehicle or to obtain food or refreshment for the

13 operator."

14 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 45, nays 49.

Amendment [H-1340](#) lost.

Worthan of Buena Vista offered the following amendment [H-1339](#) filed by him and moved its adoption:

[H-1339](#)

1 Amend [Senate File 419](#), as passed by the Senate, as
2 follows:
3 1. Page 21, by striking lines 2 through 25 and
4 inserting the following:
5 "NEW SUBSECTION. 8. In the course of enforcing
6 the motor carrier safety rules adopted by the
7 department under chapter 17A, the department's peace
8 officers are authorized, at reasonable times and
9 places and with reasonable notice, to enter a motor
10 carrier's place of business for the purpose of
11 performing a motor carrier safety audit or compliance
12 review. Nothing in this subsection by itself permits
13 the seizure of the property of a motor carrier. Any
14 audit or review shall be conducted in compliance with
15 the federal motor carrier safety regulations in 49
16 C.F.R. pts. 105-185, 382, 383, 385, and 390-399. A
17 peace officer of the department is authorized to
18 inspect and copy motor carrier records required by 49
19 C.F.R. pts. 105-185, 382, 383, 385, and 390-399."
20 2. By renumbering as necessary.

Amendment [H-1339](#) was adopted.

Alons of Sioux offered amendment [H-1395](#) filed by Alons et al., as follows:

[H-1395](#)

1 Amend [Senate File 419](#), as passed by the Senate, as
2 follows:
3 1. Page 21, by inserting after line 25 the
4 following:
5 "Sec.____. Section 707.6A, subsection 1,
6 unnumbered paragraph 1, Code 2009, is amended to read
7 as follows:

8 A person commits a class "B" felony when the person
9 unintentionally causes the death of another by
10 operating a motor vehicle while intoxicated, as
11 prohibited by section 321J.2, and notwithstanding
12 section 902.9, subsection 2, shall be punished by
13 confinement for no more than fifty years. A person
14 sentenced for a violation of this subsection shall not
15 be eligible for parole until the person has served a
16 minimum period of confinement of twenty-five years.
17 Upon a plea or verdict of guilty of a violation of
18 this subsection, the court shall do the following:
19 Sec. ____. Section 707.8, subsection 4, Code 2009,
20 is amended to read as follows:
21 4. A person who unintentionally terminates a human
22 pregnancy by any of the means provided pursuant to
23 section 707.6A, subsection 1, is guilty of a class "~~C~~"
24 "B" felony."
25 2. Page 23, by inserting after line 16 the
26 following:
27 "Sec. ____. Section 902.12, Code 2009, is amended
28 by adding the following new subsection:
29 NEW SUBSECTION. 7. Unintentional termination of a
30 human pregnancy in violation of section 707.8,
31 subsection 4."
32 3. Title page, line 4, by inserting after the
33 word "citations," the following: "operating a motor
34 vehicle while intoxicated offenses that involve a
35 death,".
36 4. Title page, line 6, by striking the words "a
37 penalty" and inserting the following: "penalties".
38 5. By renumbering as necessary.

Lykam of Scott rose on a point of order that amendment [H-1395](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1395](#) not germane.

Alons of Sioux asked for unanimous consent to suspend the rules to consider amendment [H-1395](#).

Objection was raised.

Alons of Sioux moved to suspend the rules to consider amendment [H-1395](#).

A non-record roll call was requested.

The ayes were 39, nays 51.

The motion to suspend the rules lost.

Roberts of Carroll asked and received unanimous consent to withdraw amendment [H-1286](#) filed by him on March 24, 2009.

Lykam of Scott 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. 419](#))

The ayes were, 61:

Abdul-Samad	Anderson	Arnold	Beard
Bell	Berry	Bukta	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, S.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Roberts	Schueller	Shomshor
Smith	Steckman	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 33:

Alons	Bailey	Baudler	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Lukan
Miller, L.	Paulsen	Pettengill	Raecker
Rayhons	Sands	Schulte	Soderberg
Sorenson	Struyk	Sweeney	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl			

Absent or not voting, 6:

Burt	Chambers	Olson, R.	Rants
Schultz	Swaim		

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

[HOUSE FILE 779](#) WITHDRAWN

Lykam of Scott asked and received unanimous consent to withdraw [House File 779](#) from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 419](#) be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 2, 2009. Had I been present, I would have voted "aye" on Senate Files 151, 176, 289, 336, 356, 366 and 377.

RAECKER of Polk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 2, 2009, he approved and transmitted to the Secretary of State the following bills:

[House File 122](#), an Act relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date.

[House File 314](#), an Act relating to health-related activities and regulation by the department of public health and making penalties applicable.

[House File 735](#), an Act providing for the stockpiling of dry manure originating from confinement feeding operations, making penalties applicable, and providing an effective date.

[Senate File 154](#), an Act relating to the authorized uses of local exchange service information by specified individuals and entities.

[Senate File 199](#), an Act relating to the uniform athlete agents Act and providing remedies and penalties.

[Senate File 311](#), an Act relating to the regulation of the business of debt management and making penalties applicable.

[Senate File 320](#), an Act relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority.

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\3503 Alice Jean Logel, Muscatine – For celebrating her 85th birthday.
- 2009\3504 Lucille Wierda, Orange City – For celebrating her 80th birthday.
- 2009\3505 Stanley and Carol Faux, Patterson – For celebrating their 50th wedding anniversary.
- 2009\3506 Germain and Mary Ellen Dittmer, Lacona – For celebrating their 50th wedding anniversary.
- 2009\3507 Thorman and Pauline Campbell, St. Charles – For celebrating their 65th anniversary.
- 2009\3508 James E. Knight, II, Winterset – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3509 Mark and Chris Rubenbauer, Le Grand – For celebrating their 50th wedding anniversary.
- 2009\3510 Duane Steinfeldt, Steamboat Rock – For celebrating his 65th birthday.
- 2009\3511 Wm. Earl and Sheryl Harms, Alden – For celebrating their 50th wedding anniversary.
- 2009\3512 Jackie Hoversten, Clear Lake. – For celebrating her 80th birthday.

RESOLUTIONS FILED

[HR 42](#), by Jacoby, a resolution to honor the 2008-2009 University of Iowa Wrestling Team.

Laid over under **Rule 25**.

HR 43, by Jacoby, a resolution honoring the Kirkwood Eagles Women's Basketball Team and Coach Kim Muhl.

Laid over under **Rule 25**.

AMENDMENTS FILED

<u>H-1396</u>	<u>S.F. 374</u>	Reasoner of Union
<u>H-1398</u>	<u>H.F. 777</u>	Kaufmann of Cedar
		Grassley of Butler
		Tymeson of Madison
<u>H-1400</u>	<u>S.F. 404</u>	Thomas of Clayton
		Beard of Winneshiek
		Kressig of Black Hawk
<u>H-1401</u>	<u>S.F. 404</u>	Kuhn of Floyd
		Jacoby of Johnson
		Lensing of Johnson
<u>H-1402</u>	<u>H.F. 488</u>	Senate Amendment
<u>H-1405</u>	<u>S.F. 437</u>	Kaufmann of Cedar
<u>H-1406</u>	<u>S.F. 437</u>	Reichert of Muscatine
<u>H-1407</u>	<u>S.F. 283</u>	Huser of Polk
		R. Olson of Polk
<u>H-1409</u>	<u>H.F. 788</u>	Alons of Sioux
		R. Olson of Polk
		Lensing of Johnson
<u>H-1410</u>	<u>H.F. 809</u>	Raecker of Polk
		Anderson of Page
		Baudler of Adair
		De Boef of Keokuk
		Dolecheck of Ringgold
		Forristall of Pottawattamie
		Hagenow of Polk
		Helland of Polk
		Huseman of Cherokee
		Koester of Polk
		May of Dickinson
		S. Olson of Clinton
		Pettengill of Benton
		Rayhons of Hancock
		Sands of Louisa
		Schulte of Linn
		Schultz of Crawford

Soderberg of Plymouth	Sorenson of Warren
Struyk of Pottawattamie	Sweeney of Hardin
Tjepkes of Webster	Tymeson of Madison
Upmeyer of Hancock	Van Engelenhoven of Marion
Wagner of Linn	Watts of Dallas
Windschitl of Harrison	Worthan of Buena Vista
<u>H-1411</u> <u>S.F.</u> <u>432</u>	D. Olson of Boone
	Gaskill of Wapello
<u>H-1412</u> <u>H.F.</u> <u>809</u>	Raecker of Polk
<u>H-1413</u> <u>H.F.</u> <u>809</u>	Raecker of Polk
<u>H-1414</u> <u>H.F.</u> <u>809</u>	Wagner of Linn
	Helland of Polk
	Raecker of Polk
	Alons of Sioux
	Drake of Cass
<u>H-1415</u> <u>H.F.</u> <u>809</u>	Alons of Sioux
	Raecker of Polk
	Helland of Polk
	Wagner of Linn
	Drake of Cass
<u>H-1416</u> <u>H.F.</u> <u>809</u>	Raecker of Polk
	Wagner of Linn
	Helland of Polk
<u>H-1417</u> <u>H.F.</u> <u>809</u>	Raecker of Polk
	Alons of Sioux
	Drake of Cass
<u>H-1418</u> <u>H.F.</u> <u>809</u>	Raecker of Polk
	Alons of Sioux
	Wagner of Linn
<u>H-1419</u> <u>H.F.</u> <u>809</u>	Helland of Polk
	Wagner of Linn
	Raecker of Polk
	Alons of Sioux
	Drake of Cass
<u>H-1420</u> <u>H.F.</u> <u>809</u>	Alons of Sioux
	Drake of Cass
	Raecker of Polk
<u>H-1421</u> <u>H.F.</u> <u>809</u>	Alons of Sioux
	Drake of Cass
<u>H-1422</u> <u>H.F.</u> <u>809</u>	Alons of Sioux
	Raecker of Polk

H-1423	H.F.	809	Helland of Polk
			Wagner of Linn
			Drake of Cass
			Watts of Dallas
			Raecker of Polk
H-1424	H.F.	809	Alons of Sioux
			Wagner of Linn
			Raecker of Polk
			Alons of Sioux
H-1425	S.F.	3	Alons of Sioux
			Koester of Polk
			De Boef of Keokuk
			Drake of Cass
			Huseman of Cherokee
			Sorenson of Warren
			Dolecheck of Ringgold
			Rayhons of Hancock
			Sweeney of Hardin
			Windschitl of Harrison

On motion by McCarthy of Polk the House adjourned at 7:19 p.m., until 10:00 a.m., Monday, April 6, 2009.