

PROOF

STATE OF IOWA

House Journal

MONDAY, FEBRUARY 15, 2010

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(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 15, 2010

The House met pursuant to adjournment at 10:11 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Pat Murphy, Speaker of the House.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ashby Creighton Crum, he is the grandson of Mary Daily-Lange, the secretary of Representative Marcella Frevert, from Palo Alto County.

The Journal of Friday, February 12, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Alons of Sioux and Soderberg of Plymouth, on request of Roberts of Carroll; Helland of Polk, Kaufmann of Cedar, Raecker of Polk and Rants of Woodbury, on request of Deyoe of Story.

INTRODUCTION OF BILLS

[House Joint Resolution 2016](#), by De Boef, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to approve or reject certain acts of the General Assembly by referendum.

Read first time and referred to committee on **state government**.

[House File 2425](#), by De Boef, a bill for an act removing an exemption for specified electric public utilities from the regulatory authority of the utilities board of the department of commerce.

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

[House File 2426](#), by De Boef, a bill for an act relating to the dissemination or exhibition of obscene material to a minor, and providing penalties.

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

[House File 2427](#), by De Boef, a bill for an act providing for a study of the economic impact of Iowa's whitetail deer population, and including effective date provisions.

Read first time and referred to committee on **natural resources**.

[House File 2428](#), by Schueller, a bill for an act relating to the valuation of commercial property for purposes of property assessment and taxation, duties of the department of revenue, and including applicability provisions.

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

[House File 2429](#), by committee on veterans affairs, a bill for an act relating to an additional homestead credit available to disabled veterans and including effective date and applicability provisions.

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

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of [Senate File 2088](#), a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions, and amendment [H-8087](#). (Previously deferred and found on pages 343-485 of the House Journal)

Paulsen of Linn asked and received unanimous consent to defer amendment [H-8087](#).

Mascher of Johnson offered amendment [H-8066](#) filed by her as follows:

[H-8066](#)

1 Amend [Senate File 2088](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 198, after line 24 by inserting:
4 <DIVISION _____
5 LIBRARY SERVICE AREAS
6 Sec. ____ Section 8A.454, subsection 2, Code
7 Supplement 2009, is amended to read as follows:
8 2. A monthly per contract administrative charge
9 shall be assessed by the department on all health
10 insurance plans administered by the department in which
11 the contract holder has a state employer to pay the
12 charge. The amount of the administrative charge shall
13 be established by the general assembly. The department
14 shall collect the administrative charge from each
15 department utilizing the centralized payroll system and
16 shall deposit the proceeds in the fund. In addition,
17 the state board of regents, ~~all library service~~
18 ~~areas~~, the state fair board, the state department of
19 transportation, and each judicial district department
20 of correctional services shall remit the administrative
21 charge on a monthly basis to the department and shall
22 submit a report to the department containing the number
23 and type of health insurance contracts held by each of
24 its employees whose health insurance is administered by
25 the department.
26 Sec. ____ Section 8D.2, subsection 5, paragraph a,
27 Code 2009, is amended to read as follows:
28 a. "Public agency" means a state agency, an
29 institution under the control of the board of regents,
30 the judicial branch as provided in section 8D.13,
31 subsection 17, a school corporation, a city library,
32 ~~a library service area as provided in chapter 256~~, a
33 county library as provided in chapter 336, or a
34 judicial district department of correctional services
35 established in section 905.2, to the extent provided in
36 section 8D.13, subsection 15, an agency of the federal
37 government, or a United States post office which
38 receives a federal grant for pilot and demonstration
39 projects.
40 Sec. ____ Section 8D.9, subsection 1, Code 2009, is
41 amended to read as follows:
42 1. A private or public agency, other than a state
43 agency, local school district or nonpublic school, city
44 library, ~~library service area~~, county library, judicial
45 branch, judicial district department of correctional
46 services, agency of the federal government, a hospital
47 or physician clinic, or a post office authorized to be
48 offered access pursuant to this chapter as of May 18,
49 1994, shall certify to the commission no later than
50 July 1, 1994, that the agency is a part of or intends

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1 to become a part of the network. Upon receiving such
2 certification from an agency not a part of the network
3 on May 18, 1994, the commission shall provide for the
4 connection of such agency as soon as practical. An
5 agency which does not certify to the commission that
6 the agency is a part of or intends to become a part of
7 the network as required by this subsection shall be
8 prohibited from using the network.

9 Sec. ____ Section 8D.11, subsection 4, Code 2009,
10 is amended to read as follows:

11 4. A political subdivision receiving communications
12 services from the state as of April 1, 1986, may
13 continue to do so but communications services shall
14 not be provided or resold to additional political
15 subdivisions other than a school corporation, a city
16 library, ~~a library service area as provided in chapter~~
17 ~~256~~, and a county library as provided in chapter 336.
18 The rates charged to the political subdivision shall be
19 the same as the rates charged to state agencies.

20 Sec. ____ Section 256.51, subsection 1, paragraphs
21 a, d, and j, Code 2009, are amended to read as follows:

22 a. Determine policy for providing information
23 service to the three branches of state government and
24 to the legal and medical ~~communities~~ community in this
25 state.

26 ~~d. Develop, in consultation with the library~~
27 ~~service areas and the area education agency media~~
28 ~~centers, a biennial unified plan of service and service~~
29 ~~delivery for the division of libraries and information~~
30 ~~services.~~

31 j. Establish and administer standards for state
32 agency libraries, ~~the library service areas~~, and public
33 libraries.

34 Sec. ____ Section 256.51, subsection 1, Code 2009,
35 is amended by adding the following new paragraph:

36 NEW PARAGRAPH. k. Provide supporting services to
37 libraries, including but not limited to consulting,
38 continuing education, and interlibrary loan and
39 references services to assure consistency of service
40 statewide and to encourage local financial support for
41 library services.

42 Sec. ____ Section 256.52, subsection 1, Code 2009,
43 is amended to read as follows:

44 1. The state commission of libraries consists of
45 one member appointed by the supreme court, the director
46 of the department of education, or the director's
47 designee, and six members appointed by the governor to
48 serve four-year terms beginning and ending as provided
49 in section 69.19. ~~Of the~~ The governor's appointees,
50 ~~one member shall be from the medical profession and~~

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1 ~~five members~~ selected at large. ~~Not more than three of~~
2 ~~the members appointed by the governor shall be of the~~
3 ~~same gender.~~ The members shall be reimbursed for their
4 actual expenditures necessitated by their official
5 duties. Members may also be eligible for compensation
6 as provided in section 7E.6.

7 Sec. ____ Section 256.52, subsection 3, paragraph
8 d, Code 2009, is amended to read as follows:

9 d. Appoint and approve the technical, professional,
10 ~~excepting the medical librarian and the law librarian,~~
11 secretarial, and clerical staff necessary to accomplish
12 the purposes of the division subject to chapter 8A,
13 subchapter IV.

14 Sec. ____ Section 256.52, subsection 3, Code 2009,
15 is amended by adding the following new paragraph:

16 NEW PARAGRAPH. Oe. Assume all of the outstanding
17 obligations of the library service areas and be liable
18 for and recognize, assume, and carry out all valid
19 contracts and obligations of the library service
20 areas that are consolidated under the commission
21 and administered by the division of libraries and
22 information services effective beginning July 1, 2010.
23 Each library service area shall transfer, prior to
24 July 1, 2010, its state-funded assets and title to any
25 state-funded real estate owned by the library service
26 area to the commission.

27 Sec. ____ Section 256.54, unnumbered paragraph 1,
28 Code 2009, is amended to read as follows:

29 The state library includes, but is not limited to,
30 ~~a medical library,~~ a law library, and the state data
31 center.

32 Sec. ____ Section 256.54, subsection 1, Code 2009,
33 is amended by striking the subsection.

34 Sec. ____ Section 273.2, subsection 4, Code
35 Supplement 2009, is amended to read as follows:

36 4. The area education agency board shall provide
37 for special education services and media services
38 for the local school districts in the area and shall
39 encourage and assist school districts in the area to
40 establish programs for gifted and talented children.
41 The board shall assist in facilitating interlibrary
42 loans of materials between school districts and other
43 libraries. ~~Each area education agency shall include~~
44 ~~as a member of its media center advisory committee a~~
45 ~~library service area trustee or library service area~~
46 ~~staff member, who is appointed to the committee by the~~
47 ~~commission of libraries.~~

48 Sec. ____ Section 669.2, subsection 5, Code 2009,
49 is amended to read as follows:

50 5. "State agency" includes all executive

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1 departments, agencies, boards, bureaus, and commissions
2 of the state of Iowa, and corporations whose
3 primary function is to act as, and while acting as,
4 instrumentalities or agencies of the state of Iowa,
5 whether or not authorized to sue and be sued in
6 their own names. This definition does not include
7 a contractor with the state of Iowa. Soil and
8 water conservation districts as defined in section
9 161A.3, subsection 6, judicial district departments
10 of correctional services as established in section
11 905.2, ~~and library service area boards of trustees~~
12 ~~as established in chapter 256~~ are state agencies for
13 purposes of this chapter.

14 Sec. ____ REPEAL. Sections 256.60, 256.61, 256.66,
15 256.67, 256.67A, 256.68, Code 2009, are repealed.

16 Sec. ____ LIBRARY SERVICE AREA EMPLOYEES – LENGTH
17 OF SERVICE – TRANSFER OF PERSONNEL RECORDS.

18 1. The length of service of a permanent full-time
19 employee of a library service area who is employed by a
20 library service area on June 30, 2010, and who is hired
21 by the division of libraries and information services
22 on or after July 1, 2010, shall be credited as state
23 employment service for purposes of vacation and sick
24 leave accrual.

25 2. The area administrator of each library service
26 area shall submit to the division of libraries and
27 information services the personnel records of each
28 permanent full-time employee of the library service
29 area by July 1, 2010.

30 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
31 of this Act, being deemed of immediate importance,
32 takes effect upon enactment.

33 DIVISION ____
34 LIBRARY DISTRICTS

35 Sec. ____ Section 336.2, unnumbered paragraphs 2
36 and 6, Code 2009, are amended to read as follows:

37 Eligible electors residing within the proposed
38 district in a number not less than five percent of
39 those voting for president of the United States or
40 governor, as the case may be, within the district at
41 the last general election may petition the board of
42 supervisors of the county, or the city council, for the
43 establishment of the library district. The petition
44 shall clearly designate the area to be included in the
45 district, the total number of board members, and how
46 representation on the board shall be divided among the
47 jurisdictions.

48 After the establishment of a library district other
49 areas may be included ~~by mutual agreement~~ subject to
50 the approval of the board of trustees of the library

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1 district and the ~~governing body~~ passage of a referendum
2 by the electors of the area sought to be included.

3 Sec. ____ Section 336.4, Code 2009, is amended to
4 read as follows:

5 336.4 Library trustees.

6 In any area in which a library district has been
7 established in accordance with this chapter, a board
8 of library trustees, consisting of five, seven, or
9 nine ~~electors of members who resident within~~ the
10 library district, shall be appointed by the ~~board of~~
11 ~~supervisors of any county or city governing bodies of~~
12 the jurisdictions comprising the library district.

13 ~~Membership on the library board shall be apportioned~~
14 ~~between the rural and city areas of the district in~~
15 ~~proportion to the population in each of such areas. In~~
16 ~~the event the library district is composed of two or~~
17 ~~more counties, two or more cities, or any combination~~
18 ~~of counties and cities, representation on the library~~
19 ~~board shall be equitably divided between or among the~~
20 ~~counties and cities in proportion to the population in~~
21 ~~each of the counties and cities.~~

22 Sec. ____ Section 336.5, Code 2009, is amended to
23 read as follows:

24 336.5 Terms – vacancies.

25 1. Of said the trustees so appointed in accordance
26 with section 336.4 on boards to consist consisting of
27 nine members, three shall hold office for two years,
28 three for four years, and three for six years;
29 on boards to consist consisting of seven members,
30 two shall hold office for two years, two for four
31 years, and three for six years; and on boards to
32 consist consisting of five members, one shall hold
33 office for two years, two for four years, and two
34 for six years, from the first day of July following
35 their appointment in each case. At their the first
36 meeting they of the board, members shall cast lots for
37 their respective terms, reporting the result of such
38 lot to the board of supervisors the governing body of
39 each jurisdiction forming the library district. All
40 subsequent appointments, whatever the size of the
41 board, shall be for terms of six years each.

42 2. A vacancy exists when a member ceases to be a
43 resident of the jurisdiction the member represents or
44 is absent for six consecutive regular meetings of the
45 board.

46 3. Vacancies shall be filled for unexpired terms
47 by the governing body of the taxing unit of the
48 district jurisdiction represented by the retiring
49 member vacancy.

50 Sec. ____ Section 336.8, Code 2009, is amended to

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1 read as follows:

2 336.8 Powers.

3 ~~Said The~~ board of library trustees shall have and
4 exercise the following powers:

5 1. To meet and ~~organize by the election of one~~
6 ~~of their number as~~ elect from among its members
7 a president of the board, and by the election of a
8 secretary and such other officers as the board may deem
9 necessary.

10 2. To ~~direct and control all affairs of the library~~
11 district, as well as to have charge, and supervision of
12 the public library, and its rooms, appurtenances, and
13 fixtures, and rooms containing the same, directing and
14 controlling all the affairs of such library.

15 3. To employ a librarian, and authorize the
16 librarian to employ such assistants and employees
17 as may be necessary for the proper management of
18 ~~said the library, and district. The board shall fix~~
19 ~~their the compensation; but, prior of such employees.~~
20 Prior to such employment, the compensation of
21 such the librarian, assistants, and employees shall be
22 fixed for the term of employment by a majority of the
23 members of said the board voting in favor thereof.

24 4. To remove ~~such, by a two-thirds vote of the~~
25 board, the librarian, and provide procedures for
26 the removal of assistants, or employees by a vote of
27 two thirds of such board for misdemeanor, incompetency,
28 or inattention to the duties of such employment duty.

29 5. To authorize the librarian to select and
30 make purchases of books, ~~pamphlets,~~ magazines,
31 periodicals, papers, maps, journals, furniture,
32 fixtures, stationery technology, and supplies for
33 such the library district.

34 6. To authorize the use of ~~such libraries by school~~
35 ~~corporations or the public library~~ by nonresidents of
36 the area which is taxed to support ~~such libraries the~~
37 public library and to fix charges ~~therefor for library~~
38 services.

39 7. To make and adopt, amend, modify, or repeal
40 bylaws, rules, and regulations, not inconsistent with
41 law, for the care, use, government, and management
42 of ~~such the public library and the business of~~
43 ~~said the board, fixing and enforcing penalties for the~~
44 ~~violation thereof violations. The board shall keep a~~
45 record of its proceedings.

46 8. To have exclusive control of ~~the~~
47 ~~expenditures all funds allocated for public library~~
48 ~~purposes, as provided by law, and of the expenditures~~
49 ~~of all moneys available by gift or otherwise for the~~
50 erection of public library buildings, and all other

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1 moneys belonging to the public library, including
2 fines and rental fees collected, under the rules
3 of the board. The board shall keep a record of its
4 proceedings.

5 9. To accept gifts of ~~any~~ real property,
6 personal property, or mixed property, and devises
7 and bequests, including trust funds; to take the
8 title to ~~said the~~ property in the name of ~~said he~~
9 public library; to execute deeds and bills of sale for
10 the conveyance of ~~said the~~ property; and to expend the
11 funds ~~received by them~~ generated from ~~such the~~ gifts,
12 for the improvement of ~~said the~~ public library.

13 10. To make agreements with local county historical
14 associations to set apart the necessary room and to
15 care for articles that come into the possession of
16 the association. The board may purchase necessary
17 receptacles and materials for the preservation and
18 protection of articles which are of an historical and
19 educational nature.

20 Sec. ____ Section 336.10, Code 2009, is amended to
21 read as follows:

22 336.10 Library fund.

23 1. All moneys ~~received and set apart~~ appropriated
24 or received for the maintenance of the public library
25 shall be deposited in the treasury of the county or
26 city, as determined by the board of library trustees,
27 and ~~paid out upon warrants drawn by the county or city~~
28 auditor upon requisition of expenditures shall be paid
29 by the treasurer of the county or city in which the
30 moneys are deposited on warrants ordered by the board
31 of trustees, signed by ~~its~~ the board's president and
32 secretary.

33 Provided that where a free public library is
34 maintained jointly by two or more counties or cities
35 or any combination of counties and cities, the library
36 trustees may elect a library treasurer, and it shall be
37 the duty of the city and county treasurers to pay over
38 to the library treasurer any and all library taxes that
39 may be collected by them monthly.

40 2. The ~~library~~ treasurer of the county or city in
41 which the public library moneys are deposited pursuant
42 to subsection 1 shall be required to furnish a bond
43 conditioned as provided by section 64.2 in an amount as
44 agreed upon by the participating boards of supervisors
45 and city councils and the cost shall be paid by the
46 participating counties and cities.

47 Sec. ____ Section 336.11, Code 2009, is amended to
48 read as follows:

49 336.11 Annual report.

50 The board of library trustees shall, ~~immediately~~

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1 ~~after within ninety days after~~ the close of each
2 fiscal year, submit a report to the ~~board of~~
3 ~~supervisors, and the city council, as appropriate, a~~
4 ~~report containing governing bodies of the respective~~
5 ~~jurisdictions comprising the library district. The~~
6 ~~report shall contain~~ a statement of the condition
7 of the library, the number of books and other
8 ~~resources~~ added ~~thereto~~, the number of books and
9 other resources circulated, the number of books and
10 other resources not returned or lost, the amount of
11 fines collected, and the amount of money expended in
12 the maintenance ~~thereof of the public library during~~
13 ~~such the preceding fiscal~~ year, together with ~~such~~
14 ~~further any other~~ information as it may deem the board
15 ~~deems~~ important.

16 Sec. ____ Section 336.12, Code 2009, is amended to
17 read as follows:

18 336.12 Real estate acquired.

19 ~~In any county or city in which a free library~~
20 ~~has been established, the~~ The board of library
21 trustees may purchase real estate in the name of the
22 ~~county or city library district~~ for the location of
23 public library buildings and branch libraries, and for
24 the purpose of enlarging the grounds.

25 Sec. ____ Section 336.13, Code 2009, is amended to
26 read as follows:

27 336.13 Maintenance expense on proportionate basis.

28 1. The maintenance of a public library established
29 in accordance with this chapter shall be on the basis
30 of each participating unit bearing its share of the
31 total cost in proportion to its population as compared
32 to the total population of the library district.

33 2. The board of library trustees shall make an
34 estimate of the amount necessary for the maintenance
35 of the library, the sources of direct library revenue,
36 and the amount to be contributed from taxes or other
37 revenues by the participating city or county and
38 hold a hearing on the estimate after notice of the
39 hearing is published as provided in section 331.305 or
40 section 362.3, as appropriate. On or before January
41 10 of each year, the board of library trustees shall
42 transmit the estimate in dollars to the ~~board of~~
43 ~~supervisors and to the cities~~ governing bodies of the
44 ~~jurisdictions~~ participating in the library district.

45 ~~The unincorporated area of each county in the library~~
46 ~~district shall be considered as a separate supporting~~
47 ~~unit.~~ Each board of supervisors participating shall
48 review the estimate and appropriate for library
49 purposes its share ~~in from~~ the county rural services
50 fund budget. Each city council participating shall

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1 review the estimate for the city and appropriate for
2 library purposes its share ~~in~~ from the city general
3 fund budget. Each participating city or county
4 shall contribute its share from taxation or from
5 other sources available for library purposes on an
6 equitable basis. With approval of a city council, the
7 county treasurer may withhold a reasonable portion
8 of the taxes collected for a city to meet the city's
9 contribution for library purposes and deliver a receipt
10 to the city clerk for the amount withheld.

11 This section shall not affect the taxing authority
12 provided under section 256.69.

13 Sec. ____ Section 336.15, Code 2009, is amended to
14 read as follows:

15 336.15 Existing contracts assumed.

16 Whenever a library district is established in
17 accordance with this chapter, its board of trustees
18 shall assume all the obligations of the existing'
19 library service contracts made by ~~cities, townships,~~
20 ~~school corporations, or counties to receive library~~
21 ~~service from free public libraries jurisdictions~~
22 participating in the library district.

23 Sec. ____ Section 336.16, Code 2009, is amended to
24 read as follows:

25 336.16 Withdrawal from district – termination.

26 1. A city may withdraw from the library district
27 upon a majority vote in favor of withdrawal by the
28 electorate of the city in an election held on a
29 motion by the city council. The election shall be
30 held simultaneously with a general or city election.
31 Notice of a favorable vote to withdraw shall be sent by
32 certified mail to the board of library trustees of the
33 library district and the county auditor or city clerk,
34 as appropriate, prior to January 10, and the withdrawal
35 shall be effective on July 1.

36 2. A county may withdraw from the district after a
37 majority of the voters of the unincorporated area of
38 the county voting on the issue favor the withdrawal.
39 The board of supervisors shall call for the election
40 which shall be held at the next general election.

41 3. A city or county election shall not be called
42 until a hearing has been held on the proposal to submit
43 a proposition of withdrawal to an election. A hearing
44 may be held only after public notice published as
45 provided in section 362.3 in the case of a city or
46 section 331.305 in the case of a county. A copy of the
47 notice submitted for publication shall be mailed to the'
48 public library on or before the date of publication.
49 The proposal presented at the hearing must include a
50 plan for continuing adequate library service with or

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1 without all participants and the respective allocated
2 costs and levels of service shall be stated. At
3 the hearing, any interested person shall be given a
4 reasonable time to be heard, either for or against the
5 withdrawal or the plan to accompany it.

6 4. A library district may be terminated if a
7 majority of the electors of the unincorporated area
8 of the county and the cities included in the library
9 district voting on the issue favor the termination.
10 ~~The election shall be held upon motion of the board of~~
11 ~~supervisors and simultaneously with a general or other~~
12 ~~county election.~~ If the vote favors termination, the
13 termination shall be effective on the succeeding July
14 1.

15 5. An election for withdrawal from or termination
16 of a library district shall not be held more than once
17 each four years.

18 Sec. __. Section 336.18, subsection 4, paragraphs
19 c and d, Code 2009, are amended to read as follows:

20 c. If a majority of those voting upon the question
21 favors it, the board of supervisors shall ~~within thirty~~
22 ~~days appoint a board of library trustees from residents~~
23 ~~of the petitioning area. Vacancies shall be filled by~~
24 ~~the board.~~

25 ~~d. The board of trustees may contract with~~
26 ~~any a library for library use or service for the~~
27 ~~benefit of the residents and area represented by it.~~

28 Sec. __. NEW SECTION. 336.19 Contracts for use
29 of public library.

30 1. Contracting. The board of library trustees may
31 contract with any other board of trustees of a free
32 public library or any other city, school corporation,
33 institution of higher learning, township, or county, or
34 with the trustees of any county library district for
35 the use of the library by their respective residents.

36 2. Termination. A contract entered into pursuant
37 to subsection 1 may be terminated as follows:

38 a. By mutual consent of the contracting parties.

39 b. By a majority vote of the electors represented
40 by either of the contracting parties. Upon a written
41 petition of a number of eligible electors equaling five
42 percent or more of the number of electors voting at the
43 last general election within the jurisdiction of the
44 contracting party, a termination proposition shall be
45 submitted to the electors by the governing body of the
46 contracting party. The petition shall be presented
47 to the governing body not less than forty days prior
48 to the next general election or special election held
49 throughout the jurisdiction of the party seeking to
50 terminate the contract. The proposition shall be

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1 submitted at the next general election or next special
2 election held throughout the jurisdiction of the party
3 seeking to terminate the contract.
4 Sec. ____ REPEAL. Sections 336.6, 336.9, and
5 336.17, Code 2009, are repealed.>
6 2. By renumbering as necessary.

Mascher of Johnson offered the following amendment [H-8104](#), to amendment [H-8066](#), filed by her and moved its adoption:

[H-8104](#)

1 Amend the amendment, [H-8066](#), to [Senate File 2088](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, after line 24 by inserting:
5 <__. Persons employed by a library service area
6 prior to July 1, 2010, shall be provided an opportunity
7 to interview for a position with the division of
8 libraries and information services.>

Amendment [H-8104](#) was adopted.

Bailey of Hamilton offered the following amendment [H-8089](#), to amendment [H-8066](#), filed by Bailey, et al., and moved its adoption:

[H-8089](#)

1 Amend the amendment, [H-8066](#), to [Senate File 2088](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking line 5 and inserting:
5 <<DIVISION __ OF LIBRARIES AND INFORMATION SERVICES>
6 2. By striking page 1, line 6, through page 2, line
7 19.
8 3. Page 2, lines 20 and 21, by striking <paragraphs
9 a, d, and j, Code 2009, are> and inserting <paragraph
10 a, Code 2009, is>
11 4. Page 2, by striking lines 26 through 41.
12 5. Page 3, by striking lines 14 through 26.
13 6. By striking page 3, line 34, through page 4,
14 line 29.
15 7. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 53, nays 27.

Amendment [H-8089](#) was adopted placing out of order amendment [H-8104](#), previously adopted.

On motion by Mascher of Johnson, amendment [H-8066](#), as amended, was adopted.

Heddens of Story offered the following amendment [H-8090](#) filed by her and Raecker of Polk and moved its adoption:

[H-8090](#)

1 Amend [Senate File 2088](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 212, line 35, by striking <under a> and
4 inserting <under each>
5 2. Page 213, line 2, by striking <waivers> and
6 inserting <applicable waiver>
7 3. Page 213, line 5, after <median> by inserting
8 <as applicable to each waiver. The use of trigger
9 mechanism and the approval process is intended to
10 preserve necessary services while preventing overuse
11 of services>

Amendment [H-8090](#) was adopted, placing out of order amendment [H-8081](#) filed by Heddens of Story on February 10, 2010.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-8058](#) filed by Raecker of Polk on February 9, 2010.

Heaton of Henry offered the following amendment [H-8079](#) filed by him and moved its adoption:

[H-8079](#)

1 Amend [Senate File 2088](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 214, line 11, through page 218,
4 line 8, and inserting:
5 <Sec. ____ Section 28.4, Code 2009, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 14. Create a state child care
8 advisory committee to advise and make recommendations
9 to the governor, general assembly, department of
10 human services, Iowa board, and other state agencies

- 11 concerning child care.>
- 12 2. Page 218, line 13, by striking <135.173A> and
- 13 inserting <28.4>
- 14 3. Page 219, line 20, by striking <135.173A> and
- 15 inserting <28.4>
- 16 4. By striking page 219, line 31, through page 220,
- 17 line 16.
- 18 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 40, nays 52.

Amendment [H-8079](#) lost.

Horbach of Tama offered the following amendment [H-8103](#) filed by Horbach, et al., and moved its adoption:

[H-8103](#)

- 1 Amend [Senate File 2088](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 220, after line 14 by inserting:
- 4 <__. If a provision of this Act or another
- 5 enactment of the Eighty-third General Assembly
- 6 establishes new criteria for the boundaries of existing
- 7 community empowerment areas under chapter 28 or
- 8 provides for redesignation of community empowerment
- 9 areas with early childhood Iowa areas under new Chapter
- 10 256I, any criteria requiring a minimum number of
- 11 children for a single county area shall not apply to
- 12 an existing area operating in a cost-effective manner
- 13 that has been determined to meet quality standards and
- 14 results indicators.>
- 15 2. By renumbering as necessary.

Amendment [H-8103](#) lost.

The Speaker announced that with the adoption of amendment [H-8045](#), amendment [H-8051](#) filed by Heaton of Henry on February 8, 2010 is out of order.

Schulte of Linn offered amendment [H-8067](#) filed by her as follows:

[H-8067](#)

- 1 Amend [Senate File 2088](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 248, lines 31 and 32, by striking <FUNDS
 4 TRANSFER PAYMENTS> and inserting <TRANSACTIONS>
 5 2. Page 248, before line 33 by inserting:
 6 <Sec. ____ Section 217.6, Code 2009, is amended by
 7 adding the following new unnumbered paragraph:
 8 NEW UNNUMBERED PARAGRAPH If the department of
 9 human services requires or requests a service consumer,
 10 service provider, or other person to maintain required
 11 documentation in electronic form, the department shall
 12 accept such documentation submitted by electronic
 13 means and shall not require a physical copy of the
 14 documentation.>
 15 3. By renumbering as necessary.

Schulte of Linn offered the following amendment [H-8098](#), to amendment [H-8067](#), filed by her and Heddens of Story and moved its adoption:

[H-8098](#)

- 1 Amend the amendment, [H-8067](#), to [Senate File 2088](#),
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 14, after <documentation> by
 5 inserting <unless required by state or federal law>

Amendment [H-8098](#) was adopted.

On motion by Schulte of Linn, amendment [H-8067](#), as amended, was adopted.

Upmeyer of Hancock offered the following amendment [H-8073](#) filed by Rants of Woodbury and moved its adoption:

[H-8073](#)

- 1 Amend [Senate File 2088](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 250, after line 19 by inserting:
 4 <DIVISION _____
 5 UNFUNDED FEDERAL MANDATES
 6 Sec. ____ FEDERAL HEALTH CARE REFORMS – UNFUNDED
 7 FEDERAL MANDATES – OPT-OUT. If on or after the
 8 effective date of this division of this Act, the
 9 United States Congress enacts or otherwise imposes
 10 requirements that obligate the state to engage in any
 11 new activity, to provide any new service, or to provide
 12 any service beyond that required by any law enacted or

13 requirement otherwise imposed prior to the effective
 14 date of this division of this Act related to health
 15 care reform, and the United States Congress allows a
 16 state to opt out of any of the requirements enacted
 17 or otherwise imposed, it is the intent of the general
 18 assembly that the state shall exercise its right to opt
 19 out of all of the requirements for which that option is
 20 available and for which the United States Congress is
 21 not appropriate moneys to fully fund the cost of the
 22 requirement enacted or imposed.>

Roll call was requested by Upmeyer of Hancock and Paulsen of Linn.

On the question "Shall amendment [H-8073](#) be adopted?" ([S.F. 2088](#))

The ayes were, 43:

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

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	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, 4:

Alons Berry Rants Soderberg

Amendment [H-8073](#) lost.

Van Engelenhoven of Marion offered the following amendment [H-8056](#) filed by him and moved its adoption:

[H-8056](#)

1 Amend [Senate File 2088](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 251, after line 10 by inserting:
 4 <DIVISION _____
 5 INTERACTIVE VIDEO
 6 TELECONFERENCING – INVOLUNTARY
 7 COMMITMENT HEARINGS
 8 Sec. ____ Section 125.82, subsection 4, Code 2009,
 9 is amended to read as follows:
 10 4. The respondent's welfare is paramount, and the
 11 hearing shall be tried as a civil matter and conducted
 12 in as informal a manner as is consistent with orderly
 13 procedure, which may include the use of an interactive
 14 video teleconferencing system consistent with standards
 15 adopted by rule by the supreme court. Discovery as
 16 permitted under the Iowa rules of civil procedure is
 17 available to the respondent. The court shall receive
 18 all relevant and material evidence, but the court is
 19 not bound by the rules of evidence. A presumption
 20 in favor of the respondent exists, and the burden of
 21 evidence and support of the contentions made in the
 22 application shall be upon the person who filed the
 23 application. If upon completion of the hearing the
 24 court finds that the contention that the respondent is
 25 a chronic substance abuser has not been sustained by
 26 clear and convincing evidence, the court shall deny the
 27 application and terminate the proceeding.
 28 Sec. ____ Section 229.12, subsection 3, paragraph
 29 a, Code Supplement 2009, is amended to read as follows:
 30 a. The respondent's welfare shall be paramount
 31 and the hearing shall be tried as a civil matter
 32 and conducted in as informal a manner as may be
 33 consistent with orderly procedure, ~~but consistent~~
 34 ~~therewith the issue shall be tried as a civil~~
 35 ~~matter which may include the use of an interactive~~
 36 video teleconferencing system consistent with standards
 37 adopted by rule by the supreme court. Such discovery
 38 as is permitted under the Iowa rules of civil procedure
 39 shall be available to the respondent. The court shall
 40 receive all relevant and material evidence which may

41 be offered and need not be bound by the rules of
 42 evidence. There shall be a presumption in favor of the
 43 respondent, and the burden of evidence in support of
 44 the contentions made in the application shall be upon
 45 the applicant.>

Roll call was requested by Paulsen of Linn and Windschitl of Harrison.

On the question "Shall amendment [H-8056](#) be adopted?" ([S.F. 2088](#))

The ayes were, 43:

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

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevort	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	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
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitehead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 3:

Alons	Rants	Soderberg
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Amendment [H-8056](#) lost.

McCarthy of Polk asked and received unanimous consent that [Senate File 2088](#) be deferred and that the bill retain its place on the unfinished business calendar.

On motion by McCarthy of Polk, the House was recessed at 11:52 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:12 p.m., Speaker Murphy in the chair.

QUORUM CALL

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

ADOPTION OF [HOUSE CONCURRENT RESOLUTION 106](#)

McCarthy of Polk called up the following [House Concurrent Resolution 106](#), and moved its adoption.

House Concurrent Resolution 106

By McCarthy and Paulsen

- 1 A concurrent resolution to provide for a joint
- 2 convention.
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 2010 session of the Eighty-third General
- 6 Assembly be held on Tuesday, February 16, 2010, at
- 7 10:00 a.m.; and
- 8 *Be It Further Resolved,* That Brigadier General
- 9 Timothy Orr be invited to present his message of
- 10 the Condition of the Iowa National Guard at this
- 11 convention.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House Concurrent Resolution 106](#) be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House Resolution 110](#).

ADOPTION OF [HOUSE RESOLUTION 110](#)

Abdul-Samad of Polk, Thede of Scott, Berry of Black Hawk, Burt of Black Hawk, Miller of Webster and Ford of Polk called up for consideration [House Resolution 110](#), a resolution designating February 2010 as Black History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House resumed consideration of [Senate File 2088](#).

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-8071](#), previously deferred, filed by him and Forristall of Pottawattamie on February 9, 2010.

Forristall of Pottawattamie offered the following amendment [H-8087](#), previously deferred, filed by him and Struyk of Pottawattamie and moved its adoption:

[H-8087](#)

1 Amend [Senate File 2088](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 198, after line 6 by inserting:
4 <DIVISION _____
5 COMMUNITY COLLEGE ACCREDITATION
6 Sec. ____ Section 260C.47, subsection 1, unnumbered
7 paragraph 1, Code 2009, is amended to read as follows:
8 The state board of education shall establish by
9 rule an accreditation process for community college
10 programs by July 1, 1997. The process shall be
11 jointly developed and agreed upon by the department
12 of education and the community colleges. The state
13 accreditation process shall be integrated with the
14 accreditation process of the north central association
15 of colleges and schools, including the evaluation
16 cycle, the self study process, and the criteria for
17 evaluation, which shall incorporate the standards for
18 community colleges developed under section 260C.48;
19 and shall identify and make provision for the needs
20 of the state that are not met by the association's
21 accreditation process. For the academic year
22 commencing July 1, 1998, and in succeeding school

23 years, the department of education shall use a
 24 two component process for the continued accreditation
 25 of community college programs. Beginning July 1,
 26 2006, the ~~The~~ state accreditation process shall
 27 incorporate the standards developed pursuant to section
 28 260C.48, subsection 4 ~~and shall include but not be~~
 29 ~~limited to procedures for correcting deficiencies,~~
 30 ~~appropriate due process procedures including a~~
 31 ~~hearing, consequences for failure to meet accreditation~~
 32 ~~standards, notification procedures, and a timeline for~~
 33 ~~the process. Action taken by the state board pursuant~~
 34 ~~to this section for failure to meet accreditation~~
 35 ~~standards is final agency action for purposes of~~
 36 ~~chapter 17A.~~

37 Sec. ____ Section 260C.47, subsection 1, paragraphs
 38 a, b, and c, Code 2009, are amended by striking the
 39 paragraphs.

40 Sec. ____ Section 260C.47, subsections 2 through 7,
 41 Code 2009, are amended by striking the subsections.

42 Sec. ____ Section 260C.48, subsection 1, unnumbered
 43 paragraph 1, Code 2009, is amended to read as follows:

44 The state board shall develop standards and
 45 ~~adopt~~ rules for ~~the accreditation of~~ community college
 46 ~~instructors and programs. Except as provided in~~
 47 ~~subsection 4, the standards and rules developed and~~
 48 ~~adopted shall not duplicate rules adopted for the~~
 49 ~~accreditation process established pursuant to section~~
 50 ~~260C.47. The department shall monitor and evaluate~~

Page 2

1 ~~the standards through a process jointly developed~~
 2 ~~and agreed upon by the department and the community~~
 3 ~~colleges. Except as provided in this subsection~~
 4 ~~and subsection 4, standards developed shall be~~
 5 ~~general in nature so as to apply to more than one~~
 6 ~~specific program of instruction. With regard to~~
 7 ~~community college-employed instructors, the standards~~
 8 ~~adopted shall at a minimum require that community~~
 9 ~~college instructors who are under contract for at~~
 10 ~~least half-time or more, and by July 1, 2011, all~~
 11 ~~instructors, meet the following requirements:>~~

12 2. Page 198, before line 7 by inserting:

13 <Sec. ____ Section 260C.48, subsection 2, Code
 14 2009, is amended to read as follows:

15 2. Standards developed shall include a provision
 16 that the standard academic workload for an instructor
 17 in arts and science courses shall be fifteen credit
 18 hours per school term, and the maximum academic
 19 workload for any instructor shall be sixteen credit
 20 hours per school term, for classes taught during
 21 the normal school day. ~~In addition thereto, If~~

22 ~~requested by the community college, any faculty~~
 23 ~~member instructor may teach a course or courses at~~
 24 ~~times other than the regular school week, involving~~
 25 ~~total class instruction time equivalent to not more~~
 26 ~~than a three credit hour course. The total workload~~
 27 ~~for such instructors shall not exceed the equivalent~~
 28 ~~of eighteen credit hours per school term beyond the~~
 29 ~~standard workload at the discretion of the instructor. >~~
 30 3. By renumbering as necessary.

Roll call was requested by Forristall of Pottawattamie and Paulsen of Linn.

On the question "Shall amendment [H-8087](#) be adopted?" ([S.F. 2088](#))

The ayes were, 50:

Alons	Anderson	Arnold	Bailey
Baudler	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Frevert	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Huser
Kaufmann	Kelley	Lukan	Marek
May	Mertz	Miller, H.	Miller, L.
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rayhons	Roberts	Sands
Schulte	Schultz	Shomshor	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 47:

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

Absent or not voting, 3:

Berry Rants Soderberg

Amendment [H-8087](#) was adopted.

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. 2088](#))

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Rants Soderberg

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 2088](#) be immediately messaged to the Senate.

[HOUSE FILE 2156](#) REFERRED

The Speaker announced that [House File 2156](#), previously placed on the **calendar** was referred to committee on **ways and means**.

SPONSOR ADDED
([House Resolution 108](#))

Gaskill of Wapello requested to be added as a sponsor of [House Resolution 108](#).

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday morning, February 15, 2010. Had I been present, I would have voted "aye" on amendments [H-8056](#), [H-8066](#), [H-8073](#), [H-8079](#) and [H-8089](#) to [Senate File 2088](#).

ALONS of Sioux

SUBCOMMITTEE ASSIGNMENTS

[House File 2391](#)

Public Safety: Kuhn, Chair; Alons and Bell.

[House File 2393](#)

Transportation: Quirk, Chair; Kelley and Tjepkes.

[House File 2397](#)

Public Safety: Bukta, Chair; Alons and Heddens.

[House File 2419](#)

Transportation: Quirk, Chair; Kelley and Tjepkes.

AMENDMENTS FILED

H-8109	H.F. 2376	Tymeson of Madison
H-8110	H.F. 2376	Tymeson of Madison
H-8111	H.F. 426	Isenhart of Dubuque
H-8112	H.F. 2144	Chambers of O'Brien Dolecheck of Ringgold Alons of Sioux
H-8113	H.F. 2144	Ford of Polk

On motion by McCarthy of Polk the House adjourned at 2:02 p.m., until 9:00 a.m., Tuesday, February 16, 2010.