

PROOF

STATE OF IOWA

House Journal

MONDAY, FEBRUARY 22, 2010

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JOURNAL OF THE HOUSE

Forty-third Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 22, 2010

The House met pursuant to adjournment at 1:06 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Chris Piersma, pastor of Trinity Reformed Church, Pella. He was the guest of Representative Jim Van Engelenhoven from Marion County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alex Conner, House Page from West Burlington.

The Journal of Friday, February 19, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster on request of McCarthy of Polk.

INTRODUCTION OF BILLS

[House File 2505](#), by committee on environmental protection, a bill for an act providing for the application of pesticides by commercial applicators using an aircraft, providing penalties, and including effective date provisions.

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

[House File 2506](#), by Isenhart, a bill for an act providing for the adoption and implementation of complete streets policies applicable to certain highway projects.

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

SENATE MESSAGES CONSIDERED

[Senate File 2248](#), by committee on environment and energy independence, a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

Read first time and **passed on file**.

[Senate File 2250](#), by committee on judiciary, a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty.

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

[Senate File 2265](#), by committee on rebuild Iowa, a bill for an act establishing smart planning principles, establishing guidelines for the adoption of certain comprehensive plans and land development regulations, and providing for the establishment of a smart planning task force.

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

The House stood at ease at 1:14 p.m., until the fall of the gavel.

The House resumed session at 3:28 p.m., Zirkelbach of Jones in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cohon of Des Moines, Wendt of Woodbury and Willems of Linn, on request of Murphy of Dubuque; Rants of Woodbury and Sweeney of Hardin on request of Paulsen of Linn.

CONSIDERATION OF BILLS
Regular Calendar

[House File 2383](#), a bill for an act relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development, was taken up for consideration.

Kearns of Lee offered the following amendment [H-8144](#) filed by him and moved its adoption:

[H-8144](#)

- 1 Amend [House File 2383](#) as follows:
- 2 1. Page 3, by striking lines 23 through 34.

Amendment [H-8144](#) was adopted.

[SENATE FILE 2181](#) SUBSTITUTED FOR [HOUSE FILE 2383](#)

Kearns of Lee asked and received unanimous consent to substitute [Senate File 2181](#) for [House File 2383](#).

[Senate File 2181](#), a bill for an act relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development, was taken up for consideration.

Kearns of Lee 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. 2181](#))

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
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, L.	Murphy, Spkr.	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	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

[HOUSE FILE 2383](#) WITHDRAWN

Kearns of Lee asked and received unanimous consent to withdraw [House File 2383](#) from further consideration by the House.

[House File 2407](#), a bill for an act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records, 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?" ([H.F. 2407](#))

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam

Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	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	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

McCarthy of Polk asked and received unanimous consent that [House File 2408](#) be deferred and that the bill retain its place on the calendar.

[House File 2409](#), a bill for an act eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 2409](#))

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
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, L.	Murphy, Spkr.	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	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

[House File 2422](#), a bill for an act relating to disaster recovery case management, was taken up for consideration.

Running-Marquardt 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?" ([H.F. 2422](#))

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
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, L.	Murphy, Spkr.	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	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

House File 2433, a bill for an act relating to rights of persons with disabilities, was taken up for consideration.

SENATE FILE 2202 SUBSTITUTED FOR **HOUSE FILE 2433**

Heddens of Story asked and received unanimous consent to substitute **Senate File 2202** for **House File 2433**.

Senate File 2202, a bill for an act relating to rights of persons with disabilities, was taken up for consideration.

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

On the question "Shall the bill pass?" (**S.F. 2202**)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	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	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller and H.	Rants	Sweeney
Wendt	Willems		

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

[HOUSE FILE 2433](#) WITHDRAWN

Heddens of Story asked and received unanimous consent to withdraw [House File 2433](#) from further consideration by the House.

[House File 2434](#), a bill for an act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions, was taken up for consideration.

SENATE FILE 2300 SUBSTITUTED FOR HOUSE FILE 2434

Palmer of Mahaska asked and received unanimous consent to substitute Senate File 2300 for House File 2434.

Senate File 2300, a bill for an act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions, was taken up for consideration.

Palmer of Mahaska 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. 2300)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	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	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Winckler	Windschitl
Worthan	Zirkelbach,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2407, 2409, 2422, Senate Files 2181, 2202 and 2300.**

[HOUSE FILE 2434](#) WITHDRAWN

Palmer of Mahaska asked and received unanimous consent to withdraw [House File 2434](#) from further consideration by the House.

[House File 2435](#), a bill for an act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable, was taken up for consideration.

[SENATE FILE 2299](#) SUBSTITUTED FOR [HOUSE FILE 2435](#)

Reasoner of Union asked and received unanimous consent to substitute [Senate File 2299](#) for [House File 2435](#).

[Senate File 2299](#), a bill for an act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2299](#))

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell

Berry	Bukta	Burt	Chambers
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, L.	Murphy, Spkr.	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	Soderberg	Sorenson	Struyk
Swaim	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Winckler	Windschitl	Worthan
Zirkelbach, Presiding			

The nays were, none.

Absent or not voting, 7:

Cohoon	Miller, H.	Rants	Steckman
Sweeney	Wendt	Willems	

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

[HOUSE FILE 2435](#) WITHDRAWN

Reasoner of Union asked and received unanimous consent to withdraw [House File 2435](#) from further consideration by the House.

[House File 2438](#), a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties, 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?" ([H.F. 2438](#))

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Cohoon	Miller, H.	Petersen	Rants
Sweeney	Wendt	Willems	

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

House File 2441, a bill for an act relating to campaign finance requirements and reporting, was taken up for consideration.

SENATE FILE 2195 SUBSTITUTED FOR **HOUSE FILE 2441**

Beard of Winneshiek asked and received unanimous consent to substitute **Senate File 2195** for **House File 2441**.

Senate File 2195, a bill for an act relating to campaign finance requirements and reporting, was taken up for consideration.

Beard of Winneshiek 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. 2195](#))

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	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	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

[HOUSE FILE 2441](#) WITHDRAWN

Beard of Winneshiek asked and received unanimous consent to withdraw [House File 2441](#) from further consideration by the House.

House File 2454, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government, was taken up for consideration.

Chambers of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2454](#))

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	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	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

[House File 2458](#), a bill for an act relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 2458](#))

The ayes were, 66:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cownie	Deyoe
Dolecheck	Drake	Ficken	Ford
Frevert	Gaskill	Gayman	Hanson
Heaton	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	May	McCarthy
Mertz	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Raecker	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Schueller
Shomshor	Smith	Soderberg	Steckman
Struyk	Taylor	Thede	Thomas
Tjepkes	Wenthe	Wessel-Kroeschell	Whitead
Winckler	Zirkelbach, Presiding		

The nays were, 28:

Alons	Chambers	De Boef	Forristall
Grassley	Hagenow	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
Miller, L.	Olson, S.	Paulsen	Pettengill
Sands	Schulte	Schultz	Sorenson
Swaim	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

[House File 2464](#), a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability, was taken up for consideration.

Wessel-Kroeschell of Story offered the following amendment [H-8159](#) filed by the committee on judiciary and moved its adoption:

[H-8159](#)

- 1 Amend [House File 2464](#) as follows:
- 2 1. Page 27, by striking lines 20 through 24.
- 3 2. By renumbering as necessary.

The committee amendment [H-8159](#) was adopted.

[SENATE FILE 2237](#) SUBSTITUTED FOR [HOUSE FILE 2464](#)

Wessel-Kroeschell of Story asked and received unanimous consent to substitute [Senate File 2237](#) for [House File 2464](#).

[Senate File 2237](#), a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability, was taken up for consideration.

Wessel-Kroeschell of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2237](#))

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	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	Soderberg	Sorenson	Struyk
Swaim	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Winckler	Windschitl	Worthan
Zirkelbach, Presiding			

The nays were, none.

Absent or not voting, 7:

Cohoon	Miller, H.	Rants	Steckman
Sweeney	Wendt	Willems	

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

[House File 2465](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions, was taken up for consideration.

Wessel-Kroeschell of Story offered the following amendment [H-8160](#) filed by the committee on judiciary and moved its adoption:

[H-8160](#)

- 1 Amend [House File 2465](#) as follows:
- 2 1. Page 11, after line 3 by inserting:
- 3 <Sec. ____ Section 252F.3, subsection 5, Code
- 4 Supplement 2009, is amended to read as follows:
- 5 5. If a timely written response and request for a
- 6 court hearing is not received by the unit and a party
- 7 does not deny paternity, the administrator shall enter
- 8 an order in accordance with section 252F.4.
- 9 6. a. If a party contests the establishment of
- 10 paternity, the party shall submit, within twenty
- 11 days of service of the notice on the party under
- 12 subsection 1, a written statement contesting paternity
- 13 establishment to the unit. Upon receipt of a written
- 14 challenge of paternity establishment, or upon
- 15 initiation by the unit, the administrator shall enter
- 16 ex parte administrative orders requiring the mother,

17 child or children involved, and the putative father
18 to submit to paternity testing. Either the mother
19 or putative father may contest paternity under this
20 chapter.

21 b. The orders shall be filed with the clerk of the
22 district court in the county where the notice was filed
23 and have the same force and effect as a court order for
24 paternity testing.

25 c. The unit shall issue copies of the respective
26 administrative orders for paternity testing to the
27 mother and putative father in person, or by regular
28 mail to the last known address of each, or if
29 applicable, to the last known address of the attorney
30 for each.

31 d. If a paternity test is ordered under this
32 section, the administrator shall direct that inherited
33 characteristics be analyzed and interpreted, and shall
34 appoint an expert qualified as an examiner of genetic
35 markers to analyze and interpret the results. The
36 test shall be of a type generally acknowledged as
37 reliable by accreditation entities designated by the
38 secretary of the United States department of health and
39 human services and shall be performed by a laboratory
40 approved by an accreditation entity.

41 e. The party contesting paternity shall be provided
42 one opportunity to reschedule the paternity testing
43 appointment if the testing is rescheduled prior to the
44 date of the originally scheduled appointment.

45 f. An original copy of the test results shall
46 be filed with the clerk of the district court in the
47 county where the notice was filed. The child support
48 recovery unit shall issue a copy of the filed test
49 results to each party in person, or by regular mail
50 to the last known address of each, or if applicable,

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1 to the last known address of the attorney for each.
2 However, if the action is the result of a request from
3 a foreign jurisdiction, the unit shall issue a copy of
4 the results to the initiating agency in that foreign
5 jurisdiction.

6 g. Verified documentation of the chain of custody
7 of the blood or genetic specimens is competent evidence
8 to establish the chain of custody. The testimony of
9 the appointed expert is not required. A verified
10 expert's report of test results which indicate a
11 statistical probability of paternity is sufficient
12 authenticity of the expert's conclusion.

13 h. A verified expert's report shall be admitted as
14 evidence to establish administrative paternity, and,
15 if a court hearing is scheduled to resolve the issue

16 of paternity, shall be admitted as evidence and is
17 admissible at trial.

18 i. If the verified expert concludes that the test
19 results show that the putative father is not excluded
20 and that the probability of the putative father's
21 paternity is ninety-five percent or higher, there shall
22 be a rebuttable presumption that the putative father
23 is the biological father, and the evidence shall be
24 sufficient as a basis for administrative establishment
25 of paternity.

26 (1) In order to challenge the presumption of
27 paternity, a party shall file a written notice of the
28 challenge with the district court within twenty days
29 from the date the paternity test results are issued or
30 mailed to all parties by the unit. Any challenge to
31 a presumption of paternity resulting from paternity
32 tests, or to paternity test results filed after
33 the lapse of the twenty-day time frame shall not be
34 accepted or admissible by the unit or the court.

35 (2) A copy of the notice challenging the
36 presumption of paternity shall be provided to any other
37 party in person, or by mailing the notice to the last
38 known address of each party, or if applicable, to the
39 last known address of each party's attorney.

40 (3) The party challenging the presumption of
41 paternity has the burden of proving that the putative
42 father is not the father of the child.

43 (4) The presumption of paternity may be rebutted
44 only by clear and convincing evidence.

45 j. If the verified expert concludes that the
46 test results indicate that the putative father
47 is not excluded and that the probability of the
48 putative father's paternity is less than ninety-five
49 percent, the administrator shall order a subsequent
50 administrative paternity test or certify the case to

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1 the district court for resolution in accordance with
2 the procedures and time frames specified in paragraph
3 "i" and section 252F.5.

4 k. If the results of the test or the verified
5 expert's analysis are timely challenged as provided in
6 this subsection, the administrator, upon the request
7 of a party and advance payment by the contestant or
8 upon the unit's own initiative, shall order that an
9 additional test be performed by the same laboratory or
10 an independent laboratory. If the party requesting
11 additional testing does not advance payment, the
12 administrator shall certify the case to the district
13 court in accordance with paragraph "i" and section
14 252F.5.

15 1. When a subsequent paternity test is conducted,
16 the time frames in this chapter associated with
17 paternity tests shall apply to the most recently
18 completed test.
19 m. If the paternity test results exclude the
20 putative father as a potential biological father of
21 the child or children, and additional tests are not
22 requested by either party or conducted on the unit's
23 initiative, or if additional tests exclude the putative
24 father as a potential biological father, the unit shall
25 withdraw its action against the putative father and
26 shall file a notice of the withdrawal with the clerk
27 of the district court, and shall provide a copy of the
28 notice to each party in person, or by regular mail sent
29 to each party's last known address, or if applicable,
30 the last known address of the party's attorney.
31 n. Except as provided in paragraph "k", the unit
32 shall advance the costs of genetic testing. If
33 paternity is established and paternity testing was
34 conducted, the unit shall enter an order or, if the
35 action proceeded to a court hearing, request that the
36 court enter a judgment for the costs of the paternity
37 tests consistent with applicable federal law. In a
38 proceeding under this chapter, a copy of a bill for
39 genetic testing shall be admitted as evidence without
40 requiring third-party foundation testimony and shall
41 constitute prima facie evidence of the amount incurred
42 for genetic testing.>
43 2. By renumbering as necessary.

The committee amendment [H-8160](#) was adopted.

[SENATE FILE 2340](#) SUBSTITUTED FOR [HOUSE FILE 2465](#)

Wessel-Kroeschell of Story asked and received unanimous consent to substitute [Senate File 2340](#) for [House File 2465](#).

[Senate File 2340](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions, was taken up for consideration.

Wessel-Kroeschell of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2340](#))

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Ishart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	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	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Winckler	Windschitl
Worthan	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Miller, H.	Rants	Sweeney
Wendt	Willems		

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

HOUSE FILES 2464 and 2465 WITHDRAWN

Wessel-Kroeschell of Story asked and received unanimous consent to withdraw House Files 2464 and 2465 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2438, 2454, 2458** and **Senate Files 2195, 2237, 2299** and **2340**.

INTRODUCTION OF BILLS

[House File 2507](#), by committee on agriculture, a bill for an act providing for purse agreements for races of standardbred horses at county fairs.

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

[House File 2508](#), by committee on commerce, a bill for an act relating to the adoption of local requirements for certain fire suppression systems and including effective date provisions.

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

SENATE MESSAGES CONSIDERED

[Senate File 2270](#), by committee on labor and business relations, a bill for an act relating to workplace accommodations for employees who express breast milk.

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

[Senate File 2352](#), by committee on judiciary, a bill for an act relating to the emergency hospitalization of a person with a serious mental impairment.

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

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 February 22, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2280](#), a bill for an act providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for reporting of threatened animals, providing for fees, providing penalties, and including effective date provisions.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2380](#), a bill for an act providing for the taking of crops on land classified as a farm tenancy.

Also: That the Senate has on February 22, 2010, adopted the following resolution in which the concurrence of the House is asked:

[Senate Joint Resolution 2007](#), a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2313](#), a bill for an act modifying provisions applicable to the formation and operation of electric power agencies.

Also: That the Senate has on February 22, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2345](#), a bill for an act relating to judicial branch administration, child custody and visitation matters.

MICHAEL E. MARSHALL, Secretary

[HOUSE FILE 2502](#) REFERRED

The Speaker announced that [House File 2502](#), previously placed on the calendar was referred to committee on **appropriations**.

[SENATE FILE 2215](#) REREFERRED

The Speaker announced that [Senate File 2215](#), previously referred to committee on **judiciary** was rereferred to committee on **state government**.

[SENATE FILE 2225](#) REFERRED

The Speaker announced that [Senate File 2225](#), previously referred to committee on **rebuild Iowa** was **passed on file**.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 22nd day of February, 2010: [House File 2075](#).

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

SUBCOMMITTEE ASSIGNMENTS

[House File 2506](#)

Transportation: Quirk, Chair; Kelley and Tjepkes.

[Senate File 2156](#)

Human Resources: Steckman, Chair; T. Olson and Upmeyer.

[Senate File 2158](#)

Human Resources: Berry, Chair; Koester and Mascher.

[Senate File 2179](#)

Transportation: Hanson, Chair; Abdul-Samad and Tjepkes.

[Senate File 2273](#)

Transportation: Marek, Chair; Arnold and Kelley.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

[**H.S.B. 728 Appropriations**](#)

Relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON JUDICIARY

[Senate File 431](#), a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8172](#) February 18, 2010.

COMMITTEE ON WAYS AND MEANS

[House File 816](#), a bill for an act allowing the department of revenue to subpoena certain customer records of individuals owing taxes, penalties, or interest and including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8176](#) February 17, 2010.

RESOLUTION FILED

[HR 114](#), by Ford, a resolution to encourage the members of Iowa's congressional delegation to support Project 2020.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8172	S.F. 431	Committee on Judiciary
H-8173	H.F. 2420	Mascher of Johnson
H-8174	H.F. 2456	Hanson of Jefferson
		Tjepkes of Webster
H-8175	H.F. 2297	Mascher of Johnson
H-8176	H.F. 816	Committee on Ways and Means
H-8177	H.F. 2382	Hunter of Polk
H-8178	H.F. 2408	Whitead of Woodbury
H-8179	H.F. 2468	May of Dickinson
H-8180	S.F. 153	L. Miller of Scott
H-8181	H.F. 2492	May of Dickinson
H-8182	H.F. 2436	Hagenow of Polk
H-8183	H.F. 2420	Raecker of Polk
H-8184	H.F. 2442	Huser of Polk
H-8185	H.F. 2442	Huser of Polk
H-8186	H.F. 2461	Cownie of Polk

H-8187	S.F. 2250	Struyk of Pottawattamie
H-8188	H.F. 2456	Heaton of Henry
H-8189	S.F. 2291	May of Dickinson Abdul-Samad
H-8190	H.F. 2476	Soderberg of Plymouth
H-8191	H.F. 2456	Windschitl of Harrison
H-8192	H.F. 2437	Huser of Polk
H-8193	H.F. 2456	Raecker of Polk
H-8194	H.F. 2229	Struyk of Pottawattamie
H-8195	H.F. 2456	Windschitl of Harrison

On motion by McCarthy of Polk the House adjourned at 5:00 p.m., until 9:00 a.m., Tuesday, February 23, 2010.