

PROOF

STATE OF IOWA

House Journal

TUESDAY, FEBRUARY 23, 2010

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JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 23, 2010

The House met pursuant to adjournment at 9:06 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Richard Pokora, pastor of the Redeemer Lutheran Church, Bettendorf. He was the guest of Representative Linda Miller of Scott County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Macki Ditch, the Speakers Page from Anamosa.

The Journal of Monday, February 22, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Page and Worthan of Buena Vista on request of Paulsen of Linn; Kuhn of Floyd and Wendt of Woodbury on request of McCarthy of Polk

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 2282](#), a bill for an act relating to judgment liens on homesteads.

Also: That the Senate has on February 18, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2376](#), a bill for an act providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board.

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

[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.

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

[Senate File 2200](#), a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court.

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

[Senate File 2243](#), a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions.

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

[Senate File 2246](#), a bill for an act relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits.

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

[Senate File 2274](#), a bill for an act relating to certain national security and military education benefits and programs.

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

[Senate File 2295](#), a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

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

[Senate File 2298](#), a bill for an act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

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

[Senate File 2325](#), a bill for an act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

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

[Senate File 2326](#), a bill for an act modifying disciplinary provisions applicable to real estate brokers and salespersons.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

[House File 2509](#), by Ford, a bill for an act relating to the utilization of minority-owned and female-owned businesses for certain public work related to the issuance of bonds and obligations and activities of certain retirement systems and requiring the treasurer of state to maintain a list of certain minority-owned and female-owned businesses.

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

[House File 2510](#), by Steckman, a bill for an act relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes.

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

SENATE MESSAGES CONSIDERED

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

Read first time and referred to committee on **veterans affairs**.

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

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

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

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

On motion by Jacoby of Johnson, the House was recessed at 9:14 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:03 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sweeney of Hardin on request of Paulsen of Linn and Cohoon of Des Moines on request of McCarthy of Polk.

QUORUM CALL

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

CONSIDERATION OF BILLS

Regular Calendar

[House File 2144](#), a bill for an act relating to health-related activities and regulation by the department of public health, and making penalties applicable, was taken up for consideration.

Ford of Polk asked and received unanimous consent to withdraw amendment [H-8052](#) filed by him on February 8, 2010.

Chambers of O'Brien asked and received unanimous consent to withdraw amendment [H-8112](#) filed by him, Dolecheck of Ringgold and Alons of Sioux on February 15, 2010.

Ford of Polk offered the following amendment [H-8113](#) filed by him and moved its adoption:

[H-8113](#)

- 1 Amend [House File 2144](#) as follows:
- 2 1. Page 3, after line 12 by inserting:
- 3 <Sec. __. Section 135.161, Code 2009, is amended
- 4 by adding the following new subsection:
- 5 NEW SUBSECTION. 5. Following the initial

6 submission of recommendations pursuant to subsection
 7 3, the council shall recommend, no later than
 8 December 15, 2011, strategies to collect and provide
 9 statistically accurate data concerning chronic
 10 disease in multicultural groups of racial and ethnic
 11 diversity in the state. Following implementation of
 12 the strategies and collection of data, the council
 13 shall also make evidence-based recommendations to the
 14 director to address and reduce identified disparities.>
 15 2. By renumbering as necessary.

Amendment [H-8113](#) was adopted.

Hunter 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?" ([H.F. 2144](#))

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Anderson Cohoon Sweeney Wendt
Worthan

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

[House File 2306](#), a bill for an act relating to judicial branch records, 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?" ([H.F. 2306](#))

The ayes were, 95:

| | | | |
|------------------|------------|-------------------|-----------|
| Abdul-Samad | Alons | 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, H. | Miller, L. | Oldson | Olson, D. |
| Olson, R. | Olson, S. | Olson, T. | Palmer |
| Paulsen | Petersen | Pettengill | Quirk |
| Raecker | Rants | Rayhons | Reasoner |
| Reichert | Roberts | Running-Marquardt | Sands |
| Schueller | Schulte | Schultz | Shomshor |
| Smith | Soderberg | Sorenson | Steckman |
| Struyk | Swaim | Taylor | Thede |
| Thomas | Tjepkes | Tymeson | Upmeyer |
| Van Engelenhoven | Wagner | Watts | Wenthe |

| | | | |
|-------------------|------------|-------------|----------|
| Wessel-Kroeschell | Whitead | Willems | Winckler |
| Windschitl | Zirkelbach | Mr. Speaker | |
| | | Murphy | |

The nays were, none.

Absent or not voting, 5:

| | | | |
|----------|--------|---------|-------|
| Anderson | Cohoon | Sweeney | Wendt |
| Worthan | | | |

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

[House File 2307](#), a bill for an act providing for restitution for Medicaid expenditures, was taken up for consideration.

Smith of Marshall 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. 2307](#))

The ayes were, 93:

| | | | |
|-------------|-------------------|-------------------|------------|
| Abdul-Samad | Alons | Arnold | Bailey |
| Baudler | Beard | Bell | Berry |
| Bukta | Burt | Chambers | Cownie |
| De Boef | Deyoe | 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 |
| Rants | Rayhons | Reasoner | Reichert |
| Roberts | Running-Marquardt | Sands | Schueller |
| Schulte | Schultz | Smith | Soderberg |
| Sorenson | Steckman | Struyk | Swaim |
| Taylor | Thede | Thomas | Tjepkes |
| Tymeson | Upmeyer | Van Engelenhoven | Wagner |
| Watts | Wenthe | Wessel-Kroeschell | Whitead |
| Willems | Winckler | Windschitl | Zirkelbach |
| Mr. Speaker | | | |
| Murphy | | | |

The nays were, none.

Absent or not voting, 7:

| | | | |
|----------|--------|-----------|----------|
| Anderson | Cohoon | Dolecheck | Shomshor |
| Sweeney | Wendt | Worthan | |

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

[House File 2318](#), a bill for an act relating to the limitation on length of service for city development board members and including effective date provisions, was taken up for consideration.

Windschitl of Harrison offered the following amendment [H-8080](#) filed by him and moved its adoption:

[H-8080](#)

- 1 Amend [House File 2318](#) as follows:
- 2 1. Page 1, line 8, by striking <six-year> and
- 3 inserting <six-year four-year>
- 4 2. Page 1, after line 12 by inserting:
- 5 <Sec. ____ APPLICABILITY. This Act applies to
- 6 appointments to the city development board to fill
- 7 vacancies resulting from an expired term made on or
- 8 after the effective date of this Act.>
- 9 3. Title page, by striking lines 1 through 3 and
- 10 inserting: <An Act relating to the length of terms
- 11 and the limitation on length of service for city
- 12 development board members and including effective date
- 13 and applicability provisions.>
- 14 4. By renumbering as necessary.

Amendment [H-8080](#) was adopted.

Whitead 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?" ([H.F. 2318](#))

The ayes were, 88:

| | | | |
|-------------|--------|---------|-----------|
| Abdul-Samad | Bailey | Baudler | Beard |
| Bell | Berry | Bukta | Burt |
| Chambers | Cownie | Deyoe | Dolecheck |

| | | | |
|-------------------|-------------------|------------|-----------------------|
| Drake | Ficken | Ford | Forristall |
| Frevert | Gaskill | Gayman | Grassley |
| Hagenow | Hanson | Heddens | Helland |
| Horbach | Hunter | Huseman | Huser |
| Isenhardt | Jacoby | Kearns | Kelley |
| Koester | Kressig | Kuhn | Lensing |
| Lukan | Lykam | Marek | Mascher |
| May | McCarthy | Mertz | Miller, H. |
| Oldson | Olson, D. | Olson, R. | Olson, S. |
| Olson, T. | Palmer | Paulsen | Petersen |
| Pettengill | Quirk | Raecker | Rants |
| Rayhons | Reasoner | Reichert | Roberts |
| Running-Marquardt | Sands | Schueller | Schulte |
| Schultz | Shomshor | Smith | Soderberg |
| Sorenson | Steckman | Struyk | Swaim |
| Taylor | Thede | Thomas | Tjepkes |
| Upmeyer | Van Engelenhoven | Wagner | Watts |
| Wenthe | Wessel-Kroeschell | Whitead | Willems |
| Winckler | Windschitl | Zirkelbach | Mr. Speaker Murphy |

The nays were, 7:

| | | | |
|----------|------------|---------|--------|
| Alons | Arnold | De Boef | Heaton |
| Kaufmann | Miller, L. | Tymeson | |

Absent or not voting, 5:

| | | | |
|----------|--------|---------|-------|
| Anderson | Cohoon | Sweeney | Wendt |
| Worthan | | | |

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

[House File 2321](#), a bill for an act relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility, was taken up for consideration.

Chambers of O'Brien offered amendment [H-8055](#) filed by him as follows:

[H-8055](#)

- 1 Amend [House File 2321](#) as follows:
- 2 1. Page 1, line 3, before <The> by inserting <1.>
- 3 2. Page 1, line 3, after <facility> by inserting
- 4 <shall inquire whether the prisoner is a veteran, and
- 5 if so,>
- 6 3. Page 1, line 4, by striking <a> and inserting

7 <the>
8 4. Page 1, by striking lines 5 through 7 and
9 inserting <that the prisoner may be entitled to a
10 visit>
11 5. Page 1, line 9, by striking <twenty-four> and
12 inserting <seventy-two>
13 6. Page 1, lines 10 and 11, by striking <who has
14 been released from active duty within the previous five
15 years>
16 7. Page 1, after line 16 by inserting:
17 <2. As used in this section, "veteran" means a
18 person who was a member of the regular component of the
19 armed forces of the United States, national guard, or
20 reserves.>

Zirkelbach of Jones offered the following amendment [H-8204](#), to amendment [H-8055](#), filed by him from the floor and moved its adoption:

[H-8204](#)

1 Amend the amendment, [H-8055](#), to [House File 2321](#) as
2 follows:
3 1. Page 1, after line 15 by inserting:
4 <__. Page 1, line 12, by striking <inform> and
5 inserting <provide the prisoner with the contact
6 information for>
7 __. Page 1, lines 14 and 15, by striking <that a
8 prisoner at the jail or facility is a veteran and may
9 be entitled to> and inserting <, and the prisoner shall
10 be allowed to contact the county commission of veteran
11 affairs to request>>

Amendment [H-8204](#) was adopted.

On motion by Chambers of O'Brien, amendment [H-8055](#), as amended, was adopted.

Zirkelbach of Jones 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. 2321](#))

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

| | | | |
|----------|--------|---------|-------|
| Anderson | Cohoon | Sweeney | Wendt |
| Worthan | | | |

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 2348](#) be deferred and that the bill retain its place on the calendar.

[House File 2456](#), a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties, was taken up for consideration.

Raecker of Polk offered amendment [H-8193](#) filed by him as follows:

[H-8193](#)

- 1 Amend [House File 2456](#) as follows:
- 2 1. By striking everything after the enacting clause

3 and inserting:
4 <Section 1. NEW SECTION. 321.371A Common sense
5 required.
6 A person shall use common sense at all times when
7 the person is operating a motor vehicle.>
8 2. Title page, by striking lines 1 through 3 and
9 inserting <An Act requiring the use of common sense by
10 the operator of a motor vehicle.>
11 3. By renumbering as necessary.

Zirkelbach of Jones in the chair at 1:56 p.m.

Raecker of Polk asked and received unanimous consent that amendment [H-8193](#) be deferred.

Rants of Woodbury asked and received unanimous consent that amendment [H-8198](#) be deferred.

Rants of Woodbury asked and received unanimous consent that amendment [H-8201](#) be deferred.

Rants of Woodbury offered the following amendment [H-8203](#), to amendment [H-8193](#), filed by him from the floor and moved its adoption:

[H-8203](#)

1 Amend the amendment, [H-8193](#), to [House File 2456](#) as
2 follows:
3 1. Page 1, by striking lines 2 through 11 and
4 inserting:
5 _____. By striking everything after the enacting
6 clause and inserting:
7 <Section 1. Section 321.210, subsection 2, Code
8 2009, is amended by adding the following new paragraph:
9 NEW PARAGRAPH. e. Violations of section 321.276.
10 Sec. 2. NEW SECTION. 321.276 Use of electronic
11 communications device – persons under age eighteen.
12 1. For purposes of this section:
13 a. "Electronic communication device" means a mobile
14 telephone or other electronic communication device
15 capable of being used to engage in a call or to write,
16 send, or read a text message.
17 b. "Engage in a call" means talking or listening on
18 a mobile telephone or other electronic communication
19 device.
20 c. "Text message" includes a text-based message, an
21 instant message, and electronic mail.

22 d. The terms "write", "send", and "read", with
23 respect to a text message, mean the manual entry,
24 transmission, and retrieval of a text message,
25 respectively, to communicate with any other person or
26 device.

27 2. A person under eighteen year of age shall not
28 use an electronic communication device to engage in
29 a call, to write, send, or read a text message, or
30 for any other purpose while driving a motor vehicle
31 unless the motor vehicle is at a complete stop off the
32 roadway. A person does not violate this section by
33 using a global positioning system or navigation system.

34 3. The provisions of this section shall be
35 implemented uniformly throughout the state. The
36 provisions of this section shall preempt any local
37 county or municipal ordinance regarding the use of an
38 electronic communication device by a motor vehicle
39 operator. In addition, a county or municipality shall
40 not adopt or continue in effect an ordinance regarding
41 the use of an electronic communication device by a
42 motor vehicle operator.

43 4. Nothing in this section shall be construed to
44 authorize a peace officer to confiscate an electronic
45 communication device from the driver or occupant of a
46 motor vehicle.

47 5. a. A person convicted of a violation of this
48 section is guilty of a simple misdemeanor punishable as
49 a scheduled violation under section 805.8A, subsection
50 14, paragraph "k".

Page 2

1 b. A violation of this section shall not be
2 considered a moving violation for purposes of this
3 chapter or rules adopted pursuant to this chapter.

4 6. For the period beginning July 1, 2010, through
5 June 30, 2011, peace officers shall issue only
6 warning citations for violations of this section. The
7 department, in cooperation with the department of
8 public safety, shall establish educational programs
9 to foster compliance with the requirements of this
10 section.

11 Sec. 3. Section 321.482A, unnumbered paragraph 1,
12 Code 2009, is amended to read as follows:

13 Notwithstanding section 321.482, a person who
14 is convicted of operating a motor vehicle in
15 violation of section 321.275, subsection 4, section
16 321.276, 321.297, 321.298, 321.299, 321.302, 321.303,
17 321.304, 321.305, 321.306, 321.307, 321.308, section
18 321.309, subsection 2, or section 321.311, 321.319,
19 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
20 321.324A, 321.327, 321.329, or 321.333 causing serious

21 injury to or the death of another person may be subject
22 to the following penalties in addition to the penalty
23 provided for a scheduled violation in section 805.8A or
24 any other penalty provided by law:

25 Sec. 4. Section 321.555, subsection 2, Code 2009,
26 is amended to read as follows:

27 2. Six or more of any separate and distinct
28 offenses within a two-year period in the operation of a
29 motor vehicle, which are required to be reported to the
30 department by section 321.491 or chapter 321C, except
31 equipment violations, parking violations as defined
32 in section 321.210, violations of registration laws,
33 violations of sections 321.445 and 321.446, violations
34 of section 321.276, operating a vehicle with an expired
35 license or permit, failure to appear, weights and
36 measures violations and speeding violations of less
37 than fifteen miles per hour over the legal speed limit.

38 Sec. 5. Section 805.8A, subsection 14, Code
39 Supplement 2009, is amended by adding the following new
40 paragraph:

41 NEW PARAGRAPH. k. Electronic communication device
42 violations. For violations under section 321.276, the
43 scheduled fine is thirty dollars.>

44 _____. Title page, lines 1 and 2, by striking <from
45 writing or sending a text message> and inserting
46 <under eighteen years of age from using an electronic
47 communication device>

48 _____. By renumbering as necessary.>

A non-record roll call was requested.

The ayes were 41, nays 47.

Amendment [H-8203](#) lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schulte of Linn, until her return, on request of Upmeyer of Hancock.

Raecker of Polk offered the following amendment [H-8198](#),
previously deferred, to amendment [H-8193](#), filed by him from the
floor and moved its adoption:

[H-8198](#)

1 Amend the amendment, [H-8193](#), to [House File 2456](#) as
2 follows:

3 1. Page 1, by striking lines 2 through 10 and
 4 inserting: <___.
 5 Page 1, line 25, by striking <write or send
 6 a text message> and inserting <write, send, or read
 7 a text message or otherwise manipulate a hand-held
 8 electronic communication device> ___.
 9 Page 1, lines 27 and 28, by striking <is not
 10 writing or sending a text message> and inserting <is
 11 not violating this section> ___.
 12 Title page, lines 1 and 2, by striking
 13 <writing or sending a text message> and inserting
 14 <using a hand-held electronic communication device>>

Roll call was requested by Raecker of Polk and Sorenson of Warren.

On the question "Shall amendment [H-8198](#) be adopted?" ([H.F. 2456](#))

The ayes were, 42:

| | | | |
|-------------|------------|-----------|------------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Burt | Chambers | Cownie | De Boef |
| Dolecheck | Drake | Ford | Forristall |
| Grassley | Hagenow | Heaton | Helland |
| Horbach | Hunter | Huseman | Huser |
| Isenhardt | Kaufmann | Koester | Lukan |
| May | Miller, L. | Olson, S. | Paulsen |
| Pettengill | Raecker | Rants | Rayhons |
| Roberts | Smith | Soderberg | Sorenson |
| Struyk | Tymeson | Upmeyer | Van Engelenhoven |
| Wagner | Watts | | |

The nays were, 53:

| | | | |
|--------------------------|---------------|----------|-------------------|
| Bailey | Baudler | Beard | Bell |
| Berry | Bukta | Deyoe | Ficken |
| Frevert | Gaskill | Gayman | Hanson |
| Heddens | Jacoby | Kearns | Kelley |
| Kressig | Kuhn | Lensing | Lykam |
| Marek | Mascher | McCarthy | Mertz |
| Miller, H. | Murphy, Spkr. | Oldson | Olson, D. |
| Olson, R. | Olson, T. | Palmer | Petersen |
| Quirk | Reasoner | Reichert | Running-Marquardt |
| Sands | Schueller | Schultz | Shomshor |
| Steckman | Swaim | Taylor | Thede |
| Thomas | Tjepkes | Wenthe | Wessel-Kroeschell |
| Whitead | Willems | Winckler | Windschitl |
| Zirkelbach, Presiding | | | |

Absent or not voting, 5:

Cohoon Schulte Sweeney Wendt
Worthan

Amendment [H-8198](#) lost.

Rants of Woodbury asked and received unanimous consent to withdraw amendment [H-8200](#), to amendment [H-8193](#), filed by him from the floor.

Rants of Woodbury asked and received unanimous consent to withdraw amendment [H-8201](#), to amendment [H-8193](#), filed by him from the floor.

Raecker of Polk moved the adoption of amendment [H-8193](#).

Roll call was requested by Raecker of Polk and Rants of Woodbury.

On the question "Shall amendment [H-8193](#) be adopted?" ([H.F. 2456](#))

The ayes were, 38:

| | | | |
|-----------|------------|------------------|------------|
| Alons | Anderson | Arnold | Burt |
| Chambers | Cownie | De Boef | Deyoe |
| Dolecheck | Drake | Forristall | Grassley |
| Hagenow | Helland | Horbach | Huseman |
| Kaufmann | Lukan | May | Miller, L. |
| Olson, S. | Paulsen | Pettengill | Raecker |
| Rants | Rayhons | Roberts | Sands |
| Schultz | Soderberg | Sorenson | Struyk |
| Tymeson | Upmeyer | Van Engelenhoven | Wagner |
| Watts | Windschitl | | |

The nays were, 53:

| | | | |
|-------------|-------------------|-----------|-----------|
| Abdul-Samad | Bailey | Baudler | Beard |
| Bell | Berry | Bukta | Ficken |
| Frevert | Gaskill | Gayman | Hanson |
| Heaton | 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 | Quirk |
| Reichert | Running-Marquardt | Schueller | Shomshor |
| Smith | Steckman | Swaim | Taylor |

| | | | |
|-------------------|---------|---------|----------|
| Thede | Thomas | Tjepkes | Wenthe |
| Wessel-Kroeschell | Whitead | Willems | Winckler |
| Zirkelbach, | | | |
| Presiding | | | |

Absent or not voting, 9:

| | | | |
|----------|---------|---------|----------|
| Cohoon | Ford | Koester | Petersen |
| Reasoner | Schulte | Sweeney | Wendt |
| Worthan | | | |

Amendment [H-8193](#) lost.

Abdul-Samad of Polk in the chair at 2:49 p.m.

Hanson of Jefferson offered the following amendment [H-8174](#) filed by him and Tjepkes of Webster and moved its adoption:

[H-8174](#)

- 1 Amend [House File 2456](#) as follows:
- 2 1. Page 1, line 4, by striking <Text-messaging
- 3 while driving.> and inserting <Use of electronic
- 4 communication device while driving – text messaging.>
- 5 2. Page 2, line 2, by striking <operator to
- 6 write, send, or read a text message.> and inserting
- 7 <operator.>
- 8 3. Page 2, lines 5 and 6, by striking <operator to
- 9 write, send, or read a text message.> and inserting
- 10 <operator.>
- 11 4. Title page, line 1, after <Act> by inserting
- 12 <concerning the use of electronic communication devices
- 13 while driving, including>
- 14 5. By renumbering as necessary.

Amendment [H-8174](#) was adopted.

Heaton of Henry asked and received unanimous consent to withdraw amendment [H-8188](#) filed by him on February 22, 2010.

Windschitl of Harrison asked and received unanimous consent to withdraw amendment [H-8195](#) filed by him on February 22, 2010.

Windschitl of Harrison asked and received unanimous consent to withdraw amendment [H-8191](#) filed by him on February 22, 2010.

McCarthy of Polk asked and received unanimous consent that [House File 2456](#) be deferred and that the bill retain its place on the calendar.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House File 2408](#), previously deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Page on request of Paulsen of Linn.

[House File 2408](#), a bill for an act relating to prohibited contracts and activities for civil service commissioners, was taken up for consideration.

Whitead of Woodbury offered the following amendment [H-8178](#) filed by him and moved its adoption:

[H-8178](#)

- 1 Amend [House File 2408](#) as follows:
- 2 1. Page 1, by striking lines 6 through 10 and
- 3 inserting ~~<awarded by competitive bid in writing,~~
- 4 publicly invited and opened.>
- 5 2. Page 1, by striking lines 14 through 18 and
- 6 inserting ~~<job is awarded by competitive bid in~~
- 7 writing, publicly invited and opened.>

Amendment [H-8178](#) was adopted.

Zirkelbach of Jones in the chair at 3:00 p.m.

[SENATE FILE 2350](#) SUBSTITUTED FOR [HOUSE FILE 2408](#)

Whitead of Woodbury asked and received unanimous consent to substitute [Senate File 2350](#) for [House File 2408](#).

[Senate File 2350](#), a bill for an act relating to prohibited contracts and activities for civil service commissioners, was taken up for consideration.

Whitead 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. 2350](#))

The ayes were, 92:

| | | | |
|-------------|-------------------|-------------------|--------------------------|
| Abdul-Samad | Alons | 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, H. | Miller, L. | Murphy, Spkr. | Oldson |
| Olson, D. | Olson, S. | Olson, T. | Palmer |
| Paulsen | Petersen | Pettengill | Quirk |
| Raecker | Rants | Rayhons | Reichert |
| Roberts | Running-Marquardt | Sands | Schueller |
| Schultz | Shomshor | Smith | Soderberg |
| Sorenson | Steckman | Struyk | Swaim |
| Taylor | Thede | Thomas | Tjepkes |
| Tymeson | Upmeyer | Van Engelenhoven | Wagner |
| Watts | Wenthe | Wessel-Kroeschell | Whitead |
| Willems | Winckler | Windschitl | Zirkelbach, Presiding |

The nays were, none.

Absent or not voting, 8:

| | | | |
|----------|---------|-----------|----------|
| Anderson | Cohoon | Olson, R. | Reasoner |
| Schulte | Sweeney | Wendt | Worthan |

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

[HOUSE FILE 2408](#) WITHDRAWN

Whitead of Woodbury asked and received unanimous consent to withdraw [House File 2408](#) from further consideration by the House.

[House File 2411](#), a bill for an act modifying provisions applicable to the formation and operation of electric power agencies, was taken up for consideration.

[SENATE FILE 2313](#) SUBSTITUTED FOR [HOUSE FILE 2411](#)

Kelley of Black Hawk asked and received unanimous consent to substitute [Senate File 2313](#) for [House File 2411](#).

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

Kelley 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. 2313](#))

The ayes were, 91:

| | | | |
|-------------|-------------------|------------|------------|
| Abdul-Samad | Alons | Arnold | Bailey |
| Baudler | Beard | Bell | Berry |
| Bukta | 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, H. |
| Miller, L. | Murphy, Spkr. | Oldson | Olson, D. |
| Olson, S. | Olson, T. | Palmer | Paulsen |
| Petersen | Pettengill | Quirk | Raecker |
| Rants | Rayhons | Reasoner | Reichert |
| Roberts | Running-Marquardt | Sands | Schueller |
| Schultz | Shomshor | Smith | Soderberg |
| Sorenson | Steckman | Swaim | Taylor |
| Thede | Thomas | Tjepkes | Tymeson |
| Upmeyer | Van Engelenhoven | Wagner | Watts |
| Wenthe | Wessel-Kroeschell | Whitead | Willems |
| Winckler | Windschitl | Zirkelbach | |
| | | Presiding | |

The nays were, none.

Absent or not voting, 9:

| | | | |
|----------|--------|---------|-----------|
| Anderson | Burt | Cohoon | Olson, R. |
| Schulte | Struyk | Sweeney | Wendt |
| Worthan | | | |

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

House File 2412, a bill for an act relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions, was taken up for consideration.

Kressig of Black Hawk offered the following amendment **H-8115** filed by him and moved its adoption:

H-8115

- 1 Amend **House File 2412** as follows:
- 2 1. By striking page 6, line 9, through page 8, line
- 3 18.
- 4 2. By renumbering as necessary.

Amendment **H-8115** was adopted.

SENATE FILE 2191 SUBSTITUTED FOR **HOUSE FILE 2412**

Kressig of Black Hawk asked and received unanimous consent to substitute **Senate File 2191** for **House File 2412**.

Senate File 2191, a bill for an act relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions, 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. 2191**)

The ayes were, 92

| | | | |
|-------------|------------|------------|--------------------------|
| Abdul-Samad | Alons | 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 | Isenhardt | Jacoby | Kaufmann |
| Kearns | Kelley | Koester | Kressig |
| Kuhn | Lensing | Lukan | Lykam |
| Marek | Mascher | May | McCarthy |
| Mertz | Miller, H. | Miller, L. | Murphy, Spkr. |
| Oldson | Olson, D. | Olson, S. | Olson, T. |
| Palmer | Paulsen | Petersen | Pettengill |
| Quirk | Raecker | Rants | Rayhons |
| Reasoner | Reichert | Roberts | Running-Marquardt |
| Sands | Schueller | Schultz | Shomshor |
| Smith | Soderberg | Sorenson | Steckman |
| Swaim | Taylor | Thede | Thomas |
| Tjepkes | Tymeson | Upmeyer | Van Engelenhoven |
| Wagner | Watts | Wenthe | Wessel-Kroeschell |
| Whitead | Willems | Windschitl | Zirkelbach, Presiding |

The nays were, none.

Absent or not voting and 8:

| | | | |
|----------|-----------|----------|---------|
| Anderson | Olson, R. | Schulte | Struyk |
| Sweeney | Wendt | Winckler | Worthan |

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

[HOUSE FILE 2412](#) WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw [House File 2412](#) from further consideration by the House.

Speaker Murphy in the chair at 3:24 p.m.

[HOUSE FILE 2411](#) WITHDRAWN

Kelley of Black Hawk asked and received unanimous consent to withdraw [House File 2411](#) 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 2144, 2306, 2307, 2318, 2321, Senate Files 2191, 2313 and 2350.**

[House File 2414](#), a bill for an act relating to service in an honor guard unit on public property, was taken up for consideration.

Alons of Sioux offered the following amendment [H-8158](#) filed by him and moved its adoption:

[H-8158](#)

1 Amend [House File 2414](#) as follows:
 2 1. Page 1, by striking lines 6 and 7 and inserting
 3 <37.2, the Iowa national guard, the reserve forces
 4 of the United States, the United States coast guard
 5 auxiliary, or a reserve officers training corps>

Amendment [H-8158](#) was adopted.

Alons of Sioux 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. 2414](#))

The ayes were, 93:

| | | | |
|-------------|------------|-------------------|------------|
| Abdul-Samad | Alons | 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 | Isenhardt | Jacoby | Kaufmann |
| Kearns | Kelley | Koester | Kressig |
| Kuhn | Lensing | Lukan | Lykam |
| Marek | Mascher | May | McCarthy |
| Mertz | Miller, H. | Miller, L. | Oldson |
| Olson, D. | Olson, S. | Olson, T. | Palmer |
| Paulsen | Petersen | Pettengill | Quirk |
| Raecker | Rants | Rayhons | Reasoner |
| Reichert | Roberts | Running-Marquardt | Sands |

| | | | |
|-----------------------|----------|-------------------|------------|
| Schueller | Schultz | Shomshor | Smith |
| Soderberg | Sorenson | Steckman | Swaim |
| Taylor | Thede | Thomas | Tjepkes |
| Tymeson | Upmeyer | Van Engelenhoven | Wagner |
| Watts | Wenthe | Wessel-Kroeschell | Whitead |
| Willems | Winckler | Windschitl | Zirkelbach |
| Mr. Speaker Murphy | | | |

The nays were, none.

Absent or not voting, 7:

| | | | |
|----------|-----------|---------|--------|
| Anderson | Olson, R. | Schulte | Struyk |
| Sweeney | Wendt | Worthan | |

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

[House File 2416](#), a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable, was taken up for consideration.

[SENATE FILE 2248](#) SUBSTITUTED FOR [HOUSE FILE 2416](#)

Reasoner of Union asked and received unanimous consent to substitute [Senate File 2248](#) for [House File 2416](#).

[Senate File 2248](#), a bill for an act relating to permits issued under the national pollutant discharge elimination system, 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. 2248](#))

The ayes were, 94:

| | | | |
|-------------|---------|----------|------------|
| Abdul-Samad | Alons | 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, S. | Olson, T. | Palmer |
| Paulsen | Petersen | Pettengill | Quirk |
| Raecker | Rants | Rayhons | Reasoner |
| Reichert | Roberts | Running-Marquardt | Sands |
| Schueller | Schultz | Shomshor | Smith |
| Soderberg | Sorenson | Steckman | Struyk |
| Swaim | Taylor | Thede | Thomas |
| Tjepkes | Tymeson | Upmeyer | Van Engelenhoven |
| Wagner | Watts | Wenthe | Wessel-Kroeschell |
| Whitead | Willems | Winckler | Windschitl |
| Zirkelbach | Mr. Speaker | | |
| | Murphy | | |

The nays were, none.

Absent or not voting, 6:

| | | | |
|----------|-----------|---------|---------|
| Anderson | Olson, R. | Schulte | Sweeney |
| Wendt | Worthan | | |

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

[HOUSE FILE 2416](#) WITHDRAWN

Reasoner of Union asked and received unanimous consent to withdraw [House File 2416](#) from further consideration by the House.

[House File 2418](#), a bill for an act relating to periodic evaluations of certain air quality standards, was taken up for consideration.

Reasoner of Union in the chair at 3:37 p.m.

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. 2418](#))

The ayes were, 92:

| | | | |
|-------------|-------------------|------------------|------------------------|
| Abdul-Samad | 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 | Rants | Rayhons | Reichert |
| Roberts | Running-Marquardt | Sands | Schueller |
| Schultz | Shomshor | Smith | Soderberg |
| Sorenson | Steckman | Struyk | Swaim |
| Taylor | Thede | Thomas | Tjepkes |
| Tymeson | Upmeyer | Van Engelenhoven | Wagner |
| Wenthe | Wessel-Kroeschell | Whitead | Willems |
| Winckler | Windschitl | Zirkelbach | Reasoner, Presiding |

The nays were, 2:

| | |
|-------|-------|
| Alons | Watts |
|-------|-------|

Absent or not voting, 6:

| | | | |
|----------|---------------|---------|---------|
| Anderson | Murphy, Spkr. | Schulte | Sweeney |
| Wendt | Worthan | | |

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

[House File 2432](#), a bill for an act relating to a study of the opportunities for recruiting racial and ethnic minority teachers from outside the state, 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?" ([H.F. 2432](#))

The ayes were, 94:

| | | | |
|-------------|------------------------|-------------------|-------------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Beard | Bell |
| Berry | Bukta | Burt | Chambers |
| Cohoon | Cownie | 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, H. | Miller, L. | Oldson |
| Olson, D. | Olson, R. | Olson, S. | Olson, T. |
| Palmer | Paulsen | Petersen | Pettengill |
| Quirk | Raecker | Rants | Rayhons |
| Reichert | Roberts | Running-Marquardt | Sands |
| Schueller | Schultz | Shomshor | Smith |
| Soderberg | Sorenson | Steckman | Struyk |
| Swaim | Taylor | Thede | Thomas |
| Tjepkes | Tymeson | Upmeyer | Van Engelenhoven |
| Wagner | Watts | Wenthe | Wessel-Kroeschell |
| Whitead | Willems | Winckler | Windschitl |
| Zirkelbach | Reasoner, Presiding | | |

The nays were, none.

Absent or not voting, 6:

| | | | |
|---------|---------------|---------|---------|
| De Boef | Murphy, Spkr. | Schulte | Sweeney |
| Wendt | Worthan | | |

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

House File 2437, a bill for an act relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers, was taken up for consideration.

Huser of Polk offered the following amendment [H-8192](#) filed by her and moved its adoption:

[H-8192](#)

- 1 Amend [House File 2437](#) as follows:
- 2 1. Page 2, after line 14 by inserting:

3 <Sec. ____ Section 455B.172, subsection 11, Code
 4 Supplement 2009, is amended by adding the following new
 5 paragraph:
 6 NEW PARAGRAPH. j. This subsection preempts any
 7 city or county ordinance related to the inspection of
 8 private sewage disposal systems in association with the
 9 transfer of ownership of a building.>
 10 2. By renumbering as necessary.

Amendment [H-8192](#) 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?" ([H.F. 2437](#))

The ayes were, 96:

| | | | |
|-------------------|-------------------|------------|------------------------|
| 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. |
| Murphy, Spkr. | Oldson | Olson, D. | Olson, R. |
| Olson, S. | Olson, T. | Palmer | Paulsen |
| Petersen | Pettengill | Quirk | Raecker |
| Rants | Rayhons | Reichert | Roberts |
| Running-Marquardt | Sands | Schueller | Schultz |
| Shomshor | Smith | Soderberg | Sorenson |
| Steckman | Struyk | Swaim | Taylor |
| Thede | Thomas | Tjepkes | Tymeson |
| Upmeyer | Van Engelenhoven | Wagner | Watts |
| Wenthe | Wessel-Kroeschell | Whitead | Willems |
| Winckler | Windschitl | Zirkelbach | Reasoner, Presiding |

The nays were, none.

Absent or not voting, 4:

Schulte Sweeney Wendt Worthan

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

[House File 2440](#), a bill for an act establishing market factor teacher incentives for school district attendance centers located in areas that have high rates of crime, was taken up for consideration.

Under the provision of Rule 31.8, related to the timely filing of amendments, amendment [H-8205](#) filed by Pettengill of Benton from the floor, was placed out of order.

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?" ([H.F. 2440](#))

The ayes were, 95:

| | | | |
|-------------------|------------|------------------------|-------------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Beard | Bell |
| 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 | Isenhardt | Jacoby | Kaufmann |
| Kearns | Kelley | Koester | Kressig |
| Kuhn | Lensing | Lukan | Lykam |
| Marek | Mascher | May | McCarthy |
| Mertz | Miller, H. | Miller, L. | Murphy, Spkr. |
| Oldson | Olson, D. | Olson, R. | Olson, S. |
| Olson, T. | Palmer | Paulsen | Petersen |
| Pettengill | Quirk | Raecker | Rants |
| Rayhons | Reichert | Roberts | Running-Marquardt |
| Sands | Schueller | Schultz | Shomshor |
| Smith | Soderberg | Sorenson | Steckman |
| Struyk | Swaim | Taylor | Thede |
| Thomas | Tjepkes | Tymeson | Upmeyer |
| Van Engelenhoven | Wagner | Watts | Wenthe |
| Wessel-Kroeschell | Whitead | Willems | Winckler |
| Windschitl | Zirkelbach | Reasoner, Presiding | |

The nays were, none.

Absent or not voting, 5:

| | | | |
|---------|---------|---------|-------|
| Berry | Schulte | Sweeney | Wendt |
| Worthan | | | |

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

The House resumed consideration of [House File 2456](#), a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties, previously deferred.

Zirkelbach of Jones in the chair at 4:23 p.m.

Tjepkes of Webster 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. 2456](#))

The ayes were, 65:

| | | | |
|--------------------------|---------------|------------------|------------|
| Abdul-Samad | Anderson | Arnold | Bailey |
| Baudler | Beard | Bell | Berry |
| Bukta | Burt | Cohoon | Cownie |
| Deyoe | Dolecheck | Drake | Ficken |
| Ford | Frevert | Gaskill | Gayman |
| Grassley | Hanson | Heaton | Heddens |
| Huser | Isenhart | Jacoby | Kaufmann |
| Kearns | Kelley | Koester | Kressig |
| Kuhn | Lensing | Lykam | Marek |
| Mascher | May | Mertz | Miller, H. |
| Miller, L. | Murphy, Spkr. | Oldson | Olson, D. |
| Olson, S. | Olson, T. | Palmer | Petersen |
| Quirk | Reichert | Roberts | Shomshor |
| Smith | Steckman | Swaim | Thede |
| Thomas | Tjepkes | Van Engelenhoven | Wenthe |
| Wessel-Kroeschell | Whitead | Willems | Winckler |
| Zirkelbach, Presiding | | | |

The nays were, 31:

| | | | |
|---------|----------|---------|------------|
| Alons | Chambers | De Boef | Forristall |
| Hagenow | Helland | Horbach | Hunter |

| | | | |
|-----------|------------|-------------------|-----------|
| Huseman | Lukan | McCarthy | Olson, R. |
| Paulsen | Pettengill | Raecker | Rants |
| Rayhons | Reasoner | Running-Marquardt | Sands |
| Schueller | Schultz | Soderberg | Sorenson |
| Struyk | Taylor | Tymeson | Upmeyer |
| Wagner | Watts | Windschitl | |

Absent or not voting, 4:

| | | | |
|---------|---------|-------|---------|
| Schulte | Sweeney | Wendt | Worthan |
|---------|---------|-------|---------|

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, 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 2414, 2418, 2432, 2437, 2440, 2456** and [Senate File 2248](#).

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rants of Woodbury on request of Raecker of Polk.

[House File 2443](#), a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format, was taken up for consideration.

[SENATE FILE 2128](#) SUBSTITUTED FOR [HOUSE FILE 2443](#)

Isenhart of Dubuque asked and received unanimous consent to substitute [Senate File 2128](#) for [House File 2443](#).

[Senate File 2128](#), a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2128](#))

The ayes were, 95:

| | | | |
|-------------------|-------------------|--------------------------|------------|
| 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. |
| 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 | Schultz |
| Shomshor | Smith | Soderberg | Sorenson |
| Steckman | Struyk | Swaim | Taylor |
| Thede | Thomas | Tjepkes | Tymeson |
| Upmeyer | Van Engelenhoven | Wagner | Watts |
| Wenthe | Wessel-Kroeschell | Whitead | Willems |
| Winckler | Windschitl | Zirkelbach, Presiding | |

The nays were, none.

Absent or not voting, 5:

| | | | |
|---------|---------|---------|-------|
| Rants | Schulte | Sweeney | Wendt |
| Worthan | | | |

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

[HOUSE FILE 2443](#) WITHDRAWN

Isenhart of Dubuque asked and received unanimous consent to withdraw [House File 2443](#) from further consideration by the House.

[House File 2453](#), a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights, was taken up for consideration.

Kaufmann of Cedar 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. 2453](#))

The ayes were, 93:

| | | | |
|--------------------------|------------|------------|-------------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | 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. | 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 | Schultz | Shomshor |
| Smith | Soderberg | Sorenson | Steckman |
| Swaim | Taylor | Thede | Thomas |
| Tjepkes | Tymeson | Upmeyer | Van Engelenhoven |
| Wagner | Watts | Wenthe | Wessel-Kroeschell |
| Whitead | Willems | Winckler | Windschitl |
| Zirkelbach, Presiding | | | |

The nays were, 1:

Baudler

Absent or not voting, 6:

| | | | |
|-------|---------|--------|---------|
| Rants | Schulte | Struyk | Sweeney |
| Wendt | Worthan | | |

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

SENATE MESSAGES CONSIDERED

[Senate File 2200](#), by committee on judiciary, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court.

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

[Senate File 2243](#), by committee on environment and energy independence, a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions.

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

[Senate File 2246](#), by committee on transportation, a bill for an act relating to the regulation of motor vehicles by the department of transportation, including modification of the definition of business-trade truck, provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers, annual registration fees for certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair, requirements for the issuance of temporary persons with disabilities parking permits, and provisions for the operation of certain taxicabs and limousines.

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

[Senate File 2274](#), by committee on veterans affairs, a bill for an act relating to certain national security and military education benefits and programs.

Read first time and referred to committee on **veterans affairs**.

[Senate File 2295](#), by committee on veterans affairs, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

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

[Senate File 2298](#), by committee on judiciary, a bill for an act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

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

[Senate File 2325](#), by committee on commerce, a bill for an act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

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

[Senate File 2326](#), by committee on commerce, a bill for an act modifying disciplinary provisions applicable to real estate brokers and salespersons.

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

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 23, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2406](#), a bill for an act requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on February 23, 2010, adopted the following resolution in which the concurrence of the House is asked:

[Senate Joint Resolution 2002](#), a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman Borlaug

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2289](#), a bill for an act relating to deaccreditation of a school district by the state board of education.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2310](#), a bill for an act creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2318](#), a bill for an act concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2328](#), a bill for an act allowing county treasurers to collect delinquent taxes on behalf of the department of revenue from a person renewing a vehicle registration, requiring a plan for the collection of court debt by county treasurers, and providing a fee.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2331](#), a bill for an act relating to participation of chiropractors in the hawk-i program.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2349](#), a bill for an act requiring certain group health insurance established for employees of the state to provide coverage for autism spectrum disorders for certain persons, requiring certification of behavior specialists, and providing an applicability date.

Also: That the Senate has on February 23, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2355](#), a bill for an act relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2453](#) and [Senate File 2128](#).

Speaker Murphy in the chair at 5:00 p.m.

SENATE FILE 2226 REFERRED

The Speaker announced that [Senate File 2226](#), previously referred to committee on **judiciary** 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 2319](#).

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

CAPITOL PLANNING COMMISSION

Annual report, pursuant to Chapter 8A.373, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual report, pursuant to Chapter 15A, Code of Iowa.

DEPARTMENT OF EDUCATION

Report of the Iowa Early Intervention Block Grant, pursuant to Chapter 256D.3, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Iowa Collaboration for Youth Development Council annual report, pursuant to Chapter 216A, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

2009 analysis of employee turnover in nursing facilities, pursuant to Chapter 147, Code of Iowa.

Assisted Living Service Workgroup report, pursuant to Chapter 217, Code of Iowa.

Report on Lean Government Exchange report, pursuant to Chapter 217, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

2009 Lakes Program annual report, pursuant to Chapter 455B.105(10), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Annual report of Public Transit Funding Study, pursuant to Chapter 307, Code of Iowa.

IOWA DEPARTMENT OF CORRECTIONS

Report on the use of paramedics in prisons, pursuant to Chapter 357F, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

[House File 2493](#)

Agriculture: Zirkelbach, Chair; Drake and Wenthe.

[Senate Joint Resolution 2008](#)

Education: Winckler, Chair; Ficken and Forristall.

[Senate File 2178](#)

Education: Bukta, Chair; Cohoon and Dolecheck.

[Senate File 2215](#)

State Government: Running-Marquardt, Chair; Kaufmann and Lensing.

[Senate File 2265](#)

Local Government: D. Olson, Chair; Grassley, Huser, Schueller and Wagner.

Senate File 2303

Public Safety: Reichert, Chair; Alons and Bukta.

Senate File 2304

Public Safety: Hanson, Chair; Kressig and Rayhons.

Senate File 2344

Public Safety: Kuhn, Chair; Alons and Berry.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 728

Appropriations: Wenthe, Chair; Heaton and Heddens.

RESOLUTION FILED

HR 115, by Steckman, a resolution to recognize Iowa employer support for the Guard and Reserve, their 150 Iowa volunteers, and the programs they provide.

Laid over under **Rule 25**.

AMENDMENTS FILED

| | | |
|---------------|------------------|-----------------------------|
| <u>H-8196</u> | <u>H.F. 2504</u> | T. Olson of Linn |
| <u>H-8197</u> | <u>S.F. 2225</u> | T. Olson of Linn |
| <u>H-8199</u> | <u>H.F. 816</u> | Pettengill of Benton |
| <u>H-8202</u> | <u>H.F. 2402</u> | Soderberg of Plymouth |
| | | Alons of Sioux |
| | | Forristall of Pottawattamie |
| <u>H-8206</u> | <u>H.F. 2445</u> | T. Olson of Linn |
| | | L. Miller of Scott |
| <u>H-8207</u> | <u>H.F. 2410</u> | Schulte of Linn |
| <u>H-8208</u> | <u>S.F. 2266</u> | Schulte of Linn |
| <u>H-8209</u> | <u>H.F. 2467</u> | Quirk of Chickasaw |
| <u>H-8210</u> | <u>S.F. 2199</u> | Huser of Polk |
| | | Helland of Polk |
| <u>H-8211</u> | <u>H.F. 2492</u> | May of Dickinson |
| | | Dolecheck of Ringgold |
| | | Chambers of O'Brien |
| | | Raecker of Polk |
| | | Tymeson of Madison |

| | | |
|------------------------|---------------------------|-----------------------|
| H-8212 | H.F. 2297 | Masher of Johnson |
| H-8213 | H.F. 2492 | Upmeyer of Hancock |
| H-8214 | H.F. 2492 | May of Dickinson |
| | | Dolecheck of Ringgold |
| | | Chambers of O'Brien |
| | | Raecker of Polk |
| | | Tymeson of Madison |
| H-8215 | H.F. 2492 | Tymeson of Madison |
| H-8216 | H.F. 2492 | Pettengill of Benton |
| H-8217 | H.F. 2485 | Horbach of Tama |
| H-8218 | H.F. 2462 | Pettengill of Benton |
| H-8219 | H.F. 2417 | Gayman of Scott |
| H-8220 | H.F. 2475 | Wagner of Linn |
| H-8221 | H.F. 2492 | Schulte of Linn |

On motion by McCarthy of Polk the House adjourned at 5:03 p.m., until 9:00 a.m., Wednesday, February 24, 2010.