

PROOF

STATE OF IOWA

House Journal

THURSDAY, FEBRUARY 25, 2010

Produced daily by the State of Iowa during the sessions of the General Assembly.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 25, 2010

The House met pursuant to adjournment at 9:12 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Ron Burchem, pastor of Gloria Dei Lutheran Church, Urbandale. He was the guest of Representative Scott Raecker of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Robert Grau, House Page from Des Moines.

The Journal of Wednesday, February 24, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster and Wendt of Woodbury on request of McCarthy of Polk.

SENATE MESSAGES CONSIDERED

[Senate File 2234](#), by committee on transportation, a bill for an act relating to the regulation of motor vehicle franchises.

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

[Senate File 2305](#), by committee on judiciary, a bill for an act modifying sex offender registry provisions, and providing penalties and including effective date provisions.

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

[Senate File 2323](#), by committee on state government, a bill for an act concerning requirements for granting a new license to conduct gambling games on a gambling boat or structure in a county with an existing gambling boat or structure.

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

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

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

[Senate File 2343](#), by committee on judiciary, a bill for an act relating to the appointment of judicial officers and senior judges.

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

[Senate File 2346](#), by committee on commerce, a bill for an act relating to certain coverage provisions contained in uninsured and underinsured motor vehicle insurance coverage.

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

[Senate File 2351](#), by committee on judiciary, a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

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

The House stood at ease at 9:22 a.m., until the fall of the gavel.

The House resumed session at 9:29 a.m., Speaker Murphy in the chair.

SPECIAL PRESENTATION

Heddens of Story introduced to the House, Consul General Huang Ping, the Consul General of the People's Republic of China to Chicago. He addressed the House regarding the population of China, its modernization and relations with Iowa and the United States.

Bell of Jasper presented a gift from the Iowa legislature to the Consul General and his wife.

The House rose and expressed its welcome.

On motion by Jacoby of Johnson, the House was recessed at 9:45 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:36 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk on request of Paulsen of Linn.

QUORUM CALL

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

Bailey of Hamilton in the chair at 4:40 p.m.

CONSIDERATION OF BILLS

[House File 2498](#), a bill for an act relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void, was taken up for consideration.

[SENATE FILE 2220](#) SUBSTITUTED FOR [HOUSE FILE 2498](#)

Worthan of Buena Vista asked and received unanimous consent to substitute [Senate File 2220](#) for [House File 2498](#).

[Senate File 2220](#), a bill for an act relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void, was taken up for consideration.

Worthan of Buena Vista 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. 2220](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufman	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	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bailey, Presiding			

The nays were, none.

Absent or not voting, 3:

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

[HOUSE FILE 2498](#) WITHDRAWN

Worthan of Buena Vista asked and received unanimous consent to withdraw [House File 2498](#) from further consideration by the House.

[House File 2484](#), a bill for an act exempting certain boat harbors from certain dock requirements and including effective date and retroactive applicability provisions, was taken up for consideration.

Running-Marquardt of Linn offered the following amendment [H-8246](#) filed by her and moved its adoption:

[H-8246](#)

1 Amend [House File 2484](#) as follows:
2 1. By striking page 1, line 3, through page 2, line
3 10, and inserting:
4 <1. A dock in a boat harbor located on the Cedar
5 river in a city with a population of more than one
6 hundred twenty-five thousand located in a county with a
7 population of more than two hundred thousand is exempt
8 from all dock requirements of the department of natural
9 resources if the dock is in compliance with local city
10 regulations for a dock in such a boat harbor except as
11 provided in subsection 2.
12 2. A dock in a boat harbor located on the Cedar
13 river in a city with a population of more than one
14 hundred twenty-five thousand located in a county with
15 a population of more than two hundred thousand that
16 meets the requirements of subsection 1 and that uses
17 containers as dock flotation devices that were not
18 originally manufactured as dock flotation devices, may
19 continue to use such containers as dock flotation
20 devices if the containers were in use on or before the
21 effective date of this Act. At the time that such
22 containers are replaced, the replacement dock flotation
23 devices shall be dock flotation devices that comply
24 with the rules of the department of natural resources.
25 However, if the ownership of the dock is transferred,
26 the new owner shall have six months from the date of
27 transfer to replace such containers with dock flotation
28 devices that comply with the rules of the department
29 of natural resources.
30 Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
31 being deemed of immediate importance, takes effect upon
32 enactment.>
33 2. Title page, lines 2 and 3, by striking <and
34 retroactive applicability>

Amendment [H-8246](#) was adopted.

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. 2484](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	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	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Bailey, Presiding

The nays were, 1:

Sands

Absent or not voting, 3:

Ford Raecker Wendt

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

[House File 2485](#), a bill for an act relating to public employee collective bargaining, was taken up for consideration.

Horbach of Tama asked and received unanimous consent to withdraw amendment [H-8217](#) filed by him on February 23, 2010.

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

On the question "Shall the bill pass?" ([H.F. 2485](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	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	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bailey, Presiding			

The nays were, none.

Absent or not voting, 3:

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

[House File 2467](#), a bill for an act relating to the regulation of motor vehicle franchises, was taken up for consideration.

Quirk of Chickasaw asked and received unanimous consent to

withdraw amendment [H-8166](#) filed by him on February 18, 2010.

Quirk of Chickasaw offered the following amendment [H-8209](#) filed by him and moved its adoption:

[H-8209](#)

- 1 Amend [House File 2467](#) as follows:
- 2 1. Page 1, by striking lines 1 through 6.
- 3 2. Page 1, line 18, after <of> by inserting <the>
- 4 3. Page 1, line 25, after <separate> by inserting
- 5 <written>
- 6 4. Page 1, line 26, by striking <relates to> and
- 7 inserting <materially affects>
- 8 5. Page 2, line 22, after <claims> by inserting
- 9 <controversies>
- 10 6. Page 2, line 23, after <chapter> by inserting
- 11 <by written release or other written document where
- 12 separate and adequate consideration is offered and
- 13 accepted>
- 14 7. Page 2, line 28, after <void.> by inserting
- 15 <This section does not limit a franchiser from
- 16 establishing good cause for the termination of a
- 17 franchise pursuant to sections 322A.2 and 322A.11 on
- 18 the grounds that the franchisee's dealership facility
- 19 is not adequate to accommodate an additional line-make
- 20 that has been added to the franchisee's dealership.>
- 21 8. Page 2, line 34, by striking <customer> and
- 22 inserting <customer, including information necessary to
- 23 complete the sale of the vehicle.>
- 24 9. By renumbering as necessary.

Amendment [H-8209](#) was adopted.

[SENATE FILE 2234](#) SUBSTITUTED FOR [HOUSE FILE 2467](#)

Quirk of Chickasaw asked and received unanimous consent to substitute [Senate File 2234](#) for [House File 2467](#).

[Senate File 2234](#), a bill for an act relating to the regulation of motor vehicle franchises, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2234](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	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	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bailey, Presiding			

The nays were, none.

Absent or not voting and 3:

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

[HOUSE FILE 2467](#) WITHDRAWN

Quirk of Chickasaw asked and received unanimous consent to withdraw [House File 2467](#) 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 2484, 2485** and **Senate Files 2220** and **2234**.

[House File 2461](#), a bill for an act relating to school business official training and authorization, was taken up for consideration.

Cownie of Polk offered the following amendment [H-8186](#) filed by him and moved its adoption:

[H-8186](#)

1 Amend [House File 2461](#) as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. SCHOOL BUSINESS OFFICIALS TASK FORCE.

5 1. The department of education, in consultation
6 with the board of educational examiners, shall
7 convene a task force to determine the standards and
8 procedures, content, and processes of training programs
9 and renewal requirements for individuals who seek
10 licensure, certification, or authorization from the
11 board of educational examiners for employment as a
12 school business official responsible for the financial
13 operations of a school district. The task force shall
14 also review the tuition and fee costs to students and
15 applicants for the training program and for fulfillment
16 of continuing education requirements; review training
17 specifications including but not limited to the length
18 of time necessary for training and continuing education
19 purposes; identify who should receive training;
20 identify the costs to state agencies to administer and
21 implement licensure, certification or authorizations,
22 and to prescribe standards and procedures for the
23 approval of training programs; and identify the
24 appropriate level of licensure, certification, or
25 authorization based on an individual's position of
26 employment and educational background.

27 2. The task force shall be comprised of
28 representatives of the Iowa association of school
29 business officials, individuals holding financial
30 leadership roles in large, medium, and small school
31 districts, and a public member of the school budget
32 review committee. The task force shall review other
33 states professional organizations and programs
34 regarding authorization of school business officials,
35 determine the best practices for school district
36 business management training programs, and identify and
37 recommend the knowledge and skills necessary to obtain
38 a school business official authorization from the board
39 of educational examiners.

40 3. The task force shall submit its findings and
41 recommendations in a report to the state board of

42 education and the board of educational examiners by
 43 December 31, 2010.>

Roll call was requested by Cownie of Polk and May of Dickinson.

On the question "Shall amendment [H-8186](#) be adopted?" ([H.F. 2461](#))

The ayes were, 47:

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

The nays were, 49:

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

Absent or not voting, 4:

Ford	Raecker	Reichert	Wendt
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Amendment [H-8186](#) lost.

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?" ([H.F. 2461](#))

The ayes were, 52:

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

The nays were, 43:

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

Absent or not voting, 5:

Abdul-Samad	Ford	Olson, D.	Raecker
Wendt			

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cownie of Polk on request of Paulsen of Linn.

[House File 2459](#), a bill for an act establishing a watershed planning advisory council, was taken up for consideration.

D. Olson of Boone 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. 2459](#))

The ayes were, 81:

Abdul-Samad	Anderson	Arnold	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Deyoe	Dolecheck
Drake	Ficken	Frevert	Gaskill
Gayman	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	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	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Schueller	Schulte
Shomshor	Smith	Sorenson	Steckman
Struyk	Swaim	Taylor	Thede
Thomas	Tjepkes	Tymeson	Van Engelenhoven
Wagner	Wenthe	Wessel-Kroeschell	Whitead
Willem	Winckler	Worthan	Zirkelbach
Bailey, Presiding			

The nays were, 15:

Alons	Chambers	De Boef	Forristall
Grassley	Huseman	Lukan	Rants
Sands	Schultz	Soderberg	Sweeney
Upmeyer	Watts	Windschitl	

Absent or not voting, 4:

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2459** and **2461**.

House File 2447, 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, and requirements for the issuance of temporary persons with disabilities parking permits, was taken up for consideration.

Quirk of Chickasaw offered the following amendment [H-8151](#) filed by him and moved its adoption:

[H-8151](#)

- 1 Amend [House File 2447](#) as follows:
- 2 1. Page 4, after line 21 by inserting:
- 3 <Sec. ____ Section 325A.2, subsection 2, Code 2009,
- 4 is amended to read as follows:
- 5 2. A local authority, as defined in section 321.1,
- 6 shall not impose any regulations, including special
- 7 registration or inspection requirements, upon the
- 8 operation of motor carriers that are more restrictive
- 9 than any of the provisions of this chapter, or section
- 10 321.449 or 321.450. This subsection does not, however,
- 11 prohibit a local authority from exercising the home
- 12 rule power of the local authority to impose additional
- 13 or more restrictive regulations or requirements upon
- 14 the operation of taxicabs or limousines engaged in
- 15 nonfixed route transportation for hire.>
- 16 2. Title page, line 7, by striking <and>
- 17 3. Title page, line 9, by striking <permits.> and
- 18 inserting <permits, and provisions for the operation of
- 19 certain taxicabs and limousines.>
- 20 4. By renumbering as necessary.

Amendment [H-8151](#) was adopted.

[SENATE FILE 2246](#) SUBSTITUTED FOR [HOUSE FILE 2447](#)

Marek of Washington asked and received unanimous consent to substitute [Senate File 2246](#) for [House File 2447](#).

[Senate File 2246](#), 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, was taken up for consideration.

Marek of Washington 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. 2246](#))

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Cownie	Ford	Kuhn	Olson, D.
Raecker	Wendt		

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

[HOUSE FILE 2447](#) WITHDRAWN

Marek of Washington asked and received unanimous consent to withdraw [House File 2447](#) from further consideration by the House.

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 25, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2402](#), a bill for an act relating to the development of a plan for a stroke triage system and registry.

Also: That the Senate has on February 25, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2366](#), a bill for an act making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

[House File 2444](#), a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions, was taken up for consideration.

Willems of Linn offered the following amendment [H-8162](#) filed by him and moved its adoption:

[H-8162](#)

1 Amend [House File 2444](#) as follows:

- 2 1. Page 1, lines 25 and 26, by striking <all
 3 registrations and reports> and inserting <and reports >
 4 2. Page 1, line 31, after <under> by inserting <all
 5 registrations and reports>

Amendment [H-8162](#) was adopted.

[SENATE FILE 2067](#) SUBSTITUTED FOR [HOUSE FILE 2444](#)

Willems of Linn asked and received unanimous consent to substitute [Senate File 2067](#) for [House File 2444](#).

[Senate File 2067](#), a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions, was taken up for consideration.

Willems of Linn offered the following amendment [H-8233](#) filed by him and moved its adoption:

[H-8233](#)

- 1 Amend [Senate File 2067](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, lines 23 and 24, by striking
 4 <subsections 5 and 9, Code Supplement 2009, are> and
 5 inserting <subsection 5, Code Supplement 2009, is>
 6 2. Page 2, by striking lines 3 through 11.

Amendment [H-8233](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2067](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
De Boef	Deyoe	Dolecheck	Drake
Ficken	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Hanson
Heaton	Heddens	Helland	Horbach

Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	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	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Bailey, Presiding	

The nays were, none.

Absent or not voting, 5:

Cownie	Ford	Kuhn	Raecker
Wendt			

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

[HOUSE FILE 2444](#) WITHDRAWN

Willems of Linn asked and received unanimous consent to withdraw [House File 2444](#) from further consideration by the House.

[House File 2442](#), a bill for an act relating to judicial branch administration, and child custody and visitation matters, was taken up for consideration.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-8185](#) filed by her on February 22, 2010.

Huser of Polk offered the following amendment [H-8236](#) filed by her and moved its adoption:

[H-8236](#)

1 Amend [House File 2442](#) as follows:

- 2 1. Page 1, after line 28 by inserting:
3 <Sec. ____ Section 236.4, Code 2009, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 5A. Prior to the entry of a
6 temporary order under this section that involves a
7 child-custody determination as defined in section
8 598B.102, the plaintiff shall furnish information to
9 the court in compliance with section 598B.209.>
10 2. Page 1, after line 34 by inserting:
11 <Sec. ____ Section 236.5, subsection 1, paragraph
12 b, subparagraph (4), Code Supplement 2009, is amended
13 by adding the following new subparagraph division:
14 NEW SUBPARAGRAPH DIVISION. (d) Prior to entry of
15 an order or agreement under this section that involves
16 a child-custody determination as defined in section
17 598B.102, the parties shall furnish information to the
18 court in compliance with section 598B.209.>
19 3. By striking page 3, line 31, through page 4,
20 line 7.
21 4. Title page, line 1, by striking <and>
22 5. By renumbering as necessary.

Amendment [H-8236](#) was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-8184](#) filed by her on February 22, 2010.

[SENATE FILE 2345](#) SUBSTITUTED FOR [HOUSE FILE 2442](#)

Huser of Polk asked and received unanimous consent to substitute [Senate File 2345](#) for [House File 2442](#).

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

Speaker Murphy in the chair at 6:12 p.m.

Huser of Polk offered the following amendment [H-8237](#) filed by her and moved its adoption:

[H-8237](#)

- 1 Amend [Senate File 2345](#), as passed by the Senate, as
2 follows:
3 1. Page 4, after line 9 by inserting:
4 <Sec. ____ Section 633.20, subsection 3, Code 2009,

5 is amended to read as follows:

6 3. A person appointed as an associate probate
7 judge shall have jurisdiction to audit accounts of
8 fiduciaries and to perform ministerial duties as
9 a referee provided in this section and shall have
10 additional jurisdiction to perform the judicial
11 functions as the court prescribes provided in section
12 633.20D.

13 Sec. ___. NEW SECTION. 633.20D Associate probate
14 judge – jurisdiction – appeals.

15 1. An associate probate judge shall have
16 the same jurisdiction to conduct probate court
17 proceedings, to issue no-contact or protective orders,
18 injunctions, contempt orders for adults in probate
19 court proceedings, and to issue orders, findings, and
20 decisions as the judge of the probate court. However,
21 the chief judge may limit the exercise of probate court
22 jurisdiction by the associate probate judge.

23 2. The parties to a proceeding heard by an
24 associate probate judge are entitled to appeal the
25 order, finding, or decision of an associate probate
26 judge, in the manner of an appeal from orders,
27 findings, or decisions of district court judges. An
28 appeal does not automatically stay the order, finding,
29 or decision of an associate probate judge.>

30 2. By renumbering as necessary.

Amendment [H-8237](#) was adopted.

Huser of Polk offered the following amendment [H-8238](#) filed by
her and moved its adoption:

[H-8238](#)

1 Amend [Senate File 2345](#), as passed by the Senate, as
2 follows:

3 1. Page 4, after line 9 by inserting:

4 <Sec. ___. Section 665.7, Code 2009, is amended to
5 read as follows:

6 665.7 Notice to show cause.

7 Before punishing for contempt, unless the offender
8 is already in the presence of the court, the offender
9 must be served personally with ~~a rule~~ an order to
10 show cause against the punishment, and a reasonable
11 time given the offender therefor; or the offender may
12 be brought before the court forthwith, or on a given
13 day, by warrant, if necessary. In either case the
14 offender may, at the offender's option, make a written
15 explanation of the offender's conduct under oath, which

16 must be filed and preserved.>
 17 2. By renumbering as necessary.

Amendment [H-8238](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2345](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	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	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting and 5:

Cownie	Ford	Kuhn	Raecker
Wendt			

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

[HOUSE FILE 2442](#) WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw [House File 2442](#) 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: **Senate Files 2067, 2246 and 2345.**

The House stood at ease at 6:17 p.m., until the fall of the gavel.

The House resumed session at 6:51 p.m., Speaker Murphy in the chair.

SUBCOMMITTEE ASSIGNMENTS

[Senate Joint Resolution 2002](#)

State Government: Schulte, Chair; Frevert and Lensing.

[Senate File 2161](#)

State Government: Koester, Chair; Mascher and Running-Marquardt.

[Senate File 2192](#)

Commerce: Reichert, Chair; Helland and Quirk.

[Senate File 2200](#)

Judiciary: Swaim, Chair; Schultz and Willems.

[Senate File 2272](#)

Commerce: Oldson, Chair; Pettengill and Wenthe.

[Senate File 2298](#)

Judiciary: Swaim, Chair; Schultz and Willems.

[Senate File 2325](#)

Commerce: Kelley, Chair; Reasoner and Sorenson.

[Senate File 2326](#)

Commerce: Jacoby, Chair; Helland and Wenthe.

[Senate File 2331](#)

Human Resources: Thede, Chair; Alons and Steckman.

[Senate File 2343](#)

Judiciary: Swaim, Chair; Helland and Palmer.

[Senate File 2349](#)

Commerce: T. Olson, Chair; Lukan and Petersen.

[Senate File 2351](#)

Judiciary: Lensing, Chair; Schulte and Smith.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 729](#) Ways and Means

Exempting from the state sales and use taxes the sale of paint and other consumed materials to an auto body shop.

[H.S.B. 730](#) Ways and Means

Relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date 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 HUMAN RESOURCES

[Senate File 117](#), a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8254](#) February 24, 2010.

COMMITTEE ON JUDICIARY

[Senate File 285](#), a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2010.

[Senate File 2190](#), a bill for an act relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2010.

[Senate File 2223](#), a bill for an act relating to the deferral of costs and fees in a court proceeding for persons unable to pay such costs and fees.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2010.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly [House File 2419](#)), concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2010.

AMENDMENTS FILED

H-8251	H.F. 2456	Senate Amendment
H-8252	S.F. 2288	Chambers of O'Brien
H-8253	H.F. 2491	Quirk of Chickasaw

H-8254	S.F. 117	Committee on Human Resources
H-8255	H.F. 2448	Rants of Woodbury
H-8256	H.F. 2448	Rants of Woodbury
H-8257	S.F. 2226	Gayman of Scott
H-8258	H.F. 2436	Raecker of Polk
H-8259	S.F. 2288	Tymeson of Madison
H-8260	H.F. 2470	Gaskill of Wapello
H-8261	H.F. 2452	T. Olson of Linn
		Kaufmann of Cedar
		R. Olson of Polk
H-8262	H.F. 2474	Helland of Polk
H-8263	H.F. 823	D. Olson of Boone
H-8264	H.F. 2410	Quirk of Chickasaw
H-8265	S.F. 117	Heaton of Henry
H-8266	S.F. 117	Heaton of Henry
H-8267	S.F. 117	Heaton of Henry
H-8268	S.F. 117	Soderberg of Plymouth
H-8269	H.F. 2410	Zirkelbach of Jones
H-8270	H.F. 2381	Bailey of Hamilton
H-8271	H.F. 2474	Helland of Polk
H-8272	H.F. 2474	Helland of Polk
H-8273	H.F. 2475	Reichert of Muscatine
H-8274	H.F. 2399	Reichert of Muscatine
		D. Olson of Boone
		Quirk of Chickasaw
		Soderberg of Plymouth
		Wagner of Linn
H-8275	S.F. 2235	Reichert of Muscatine

On motion by McCarthy of Polk the House adjourned at 6:51 p.m., until 9:00 a.m., Friday, February 26, 2010.