

PROOF

STATE OF IOWA

House Journal

MONDAY, MARCH 8, 2010

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

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 8, 2010

The House met pursuant to adjournment at 1:11 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Doug Peters, pastor of the Walnut Creek United Methodist Church, Des Moines. He was the guest of Representative Janet Petersen of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from Marshalltown Learning Academy. They were the guests of Representative Mark Smith of Marshall County.

The Journal of Friday, March 5, 2010 was approved.

INTRODUCTION OF BILLS

[House File 2516](#), by T. Olson, a bill for an act relating to certain elections in disaster-affected counties and cities and including effective date provisions.

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

[House File 2517](#), by Sweeney, Baudler, Huseman, Sands, Schultz, Windschitl, S. Olson and Rayhons, a bill for an act exempting from the imposition of the sales and use taxes the sales price on certain sales of clay pigeons and including effective date and retroactive applicability provisions.

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

The House stood at ease at 1:16 p.m., until the fall of the gavel.

The House resumed session at 2:35 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

S. Olson of Clinton and Rants of Woodbury on request of Raecker of Polk; Wendt of Woodbury 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 seventy-one members present, twenty-nine absent.

CONSIDERATION OF BILLS

Regular Calendar

[Senate File 153](#), a bill for an act to allow medical or osteopathic physicians, physician assistants, and advanced registered nurse practitioners to form limited liability companies or professional corporations, with report of committee recommending amendment and passage, was taken up for consideration.

Hunter of Polk offered the following amendment [H-8036](#) filed by the committee on human resources and moved its adoption:

[H-8036](#)

- 1 Amend [Senate File 153](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 and 11 and
- 4 inserting <veterinary medicine, pharmacy, nursing, and
- 5 marriage and>
- 6 2. Page 1, line 33, by striking <For> and
- 7 inserting:
- 8 a. For>
- 9 3. By striking page 1, line 34, through page
- 10 2, line 1, and inserting <osteopathic medicine and
- 11 surgery, and practice as a physician assistant shall be
- 12 deemed to be professions which could>
- 13 4. Page 2, after line 3 by inserting:
- 14 <b. Nothing in this section shall be construed to
- 15 expand the scope of practice of a physician assistant
- 16 or modify the requirement in section 148C.4 that a
- 17 physician assistant perform medical services under the
- 18 supervision of a licensed physician.>
- 19 5. Page 2, line 17, by striking <This> and

- 20 inserting:
 21 a. This>
 22 6. Page 2, by striking lines 19 and 20 and
 23 inserting <and surgery, or persons practicing as
 24 physician assistants>
 25 7. Page 2, after line 22 by inserting:
 26 <b. Nothing in this section shall be construed to
 27 expand the scope of practice of a physician assistant
 28 or modify the requirement in section 148C.4 that a
 29 physician assistant perform medical services under the
 30 supervision of a licensed physician.>
 31 8. Page 3, by striking lines 10 and 11 and
 32 inserting <veterinary medicine, pharmacy, and the
 33 practice of nursing.>
 34 9. Page 3, line 34, by striking <For> and
 35 inserting:
 36 a. For>
 37 10. By striking page 3, line 35, through page 4,
 38 line 2, and inserting <osteopathic medicine and surgery
 39 and practice as a physician assistant shall be deemed
 40 to be professions which could>
 41 11. Page 4, after line 4 by inserting:
 42 <b. Nothing in this section shall be construed to
 43 expand the scope of practice of a physician assistant
 44 or modify the requirement in section 148C.4 that a
 45 physician assistant perform medical services under the
 46 supervision of a licensed physician.>
 47 12. Page 4, line 17, by striking <This> and
 48 inserting:
 49 a. This>
 50 13. Page 4, by striking lines 19 and 20 and

Page 2

- 1 inserting <and surgery, or persons practicing as
 2 physician assistants>
 3 14. Page 4, after line 22 by inserting:
 4 <b. Nothing in this section shall be construed to
 5 expand the scope of practice of a physician assistant
 6 or modify the requirement in section 148C.4 that a
 7 physician assistant perform medical services under the
 8 supervision of a licensed physician.>
 9 15. Title page, line 1, after <physicians, by
 10 inserting <and>
 11 16. Title page line 2, by striking <, and advanced
 12 registered nurse practitioners>
 13 17. By renumbering as necessary.

The committee amendment [H-8036](#) was adopted.

L. Miller of Scott asked and received unanimous consent to withdraw amendment [H-8180](#) filed by her on February 22, 2010.

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?" ([S.F. 153](#))

The ayes were, 86:

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

The nays were, 11:

Alons	Arnold	Baudler	Forristall
Frevert	Heaton	Miller, L.	Roberts
Sands	Watts	Willems	

Absent or not voting, 3:

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

Senate File 205, a bill for an act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services, with report of committee recommending passage, was taken up for consideration.

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?" ([S.F. 205](#))

The ayes were, 97:

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	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, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	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, 3:

Olson, S.	Rants	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.

[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, with report of committee recommending amendment and passage, was taken up for consideration.

Palmer of Mahaska offered the following amendment [H-1333](#) filed by the committee on judiciary and moved its adoption:

[H-1333](#)

- 1 Amend [Senate File 285](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 9 through 23.
- 4 2. Page 4, by striking lines 2 through 7.

The committee amendment [H-1333](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 285](#))

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	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, T.
Palmer	Paulsen	Pettengill	Quirk
Raecker	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, 4:

Olson, S.	Petersen	Rants	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: **Senate Files 153, 205 and 285.**

[Senate File 358](#), a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 358](#))

The ayes were, 97:

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	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, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	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, 3:

Olson, S.	Rants	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.

SENATE AMENDMENT CONSIDERED

Thede of Scott called up for consideration [House File 2183](#), a bill for an act relating to the organization and duties of the state board of health, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8114](#):

[H-8114](#)

1 Amend [House File 2183](#), as passed by the House, as
 2 follows:
 3 1. Page 2, line 26, after <abuse> by inserting <and
 4 gambling treatment>
 5 2. Page 2, line 28, after <125> by inserting <and
 6 gambling treatment programs pursuant to chapter 135>
 7 3. Page 2, by striking line 29 and inserting <any
 8 other function authorized by chapter 125 or 135 and
 9 delegated to>

The motion prevailed and the House concurred in the Senate amendment [H-8114](#).

Thede of Scott moved that the bill, as amended by the Senate and concurred in by the House, 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. 2183](#))

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	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, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	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, 4:

Ford	Olson, S.	Rants	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.

SENATE AMENDMENT CONSIDERED

Thomas of Clayton called up for consideration [House File 2076](#), a bill for an act relating to economic development by establishing an Iowa innovation council in the department of economic development and by providing for certain reports on innovation and commercialization within certain targeted industries, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8171](#):

[H-8171](#)

- 1 Amend [House File 2076](#), as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 17, after <15.117A> by inserting
 4 <and including copies of any documents, reports, or
 5 plans produced by the council>
 6 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8171](#).

Thomas of Clayton moved that the bill, as amended by the Senate and concurred in by the House, 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. 2076](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	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, 3:

Olson, S. Rants Wendt

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 2076, 2183** and **[Senate File 358](#)**.

SENATE AMENDMENT CONSIDERED

Hanson of Jefferson called up for consideration **[House File 2456](#)**, a bill for an act concerning the use of electronic communication devices while driving, including prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties, amended by the Senate amendment **[H-8251](#)** as follows:

[H-8251](#)

- 1 Amend [House File 2456](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 26, by striking <write or send> and
- 4 inserting <write, send, or read>
- 5 2. Page 1, lines 28 and 29, by striking <writing or
- 6 sending> and inserting <writing, sending, or reading>
- 7 3. Title page, lines 2 and 3, by striking <writing
- 8 or sending> and inserting <writing, sending, or
- 9 reading>
- 10 4. By renumbering as necessary.

Raecker of Polk offered the following amendment **[H-8328](#)**, to the Senate amendment **[H-8251](#)**, filed by him and moved its adoption:

[H-8328](#)

- 1 Amend the Senate amendment, [H-8251](#), to House File
- 2 2456, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 10 and
- 5 inserting:
- 6 <___. By striking everything after the enacting
- 7 clause and inserting:
- 8 <Section 1. Section 321.178, subsection 2,
- 9 paragraph a, Code 2009, is amended to read as follows:

10 a. (1) A person between sixteen and eighteen
11 years of age who has completed an approved driver's
12 education course and is not in attendance at school
13 and has not met the requirements described in section
14 299.2, subsection 1, may be issued a restricted license
15 only for travel to and from work or to transport
16 dependents to and from temporary care facilities,
17 if necessary for the person to maintain the person's
18 present employment. The restricted license shall be
19 issued by the department only upon confirmation of the
20 person's employment and need for a restricted license
21 to travel to and from work or to transport dependents
22 to and from temporary care facilities if necessary to
23 maintain the person's employment. The employer shall
24 notify the department if the employment of the person
25 is terminated before the person attains the age of
26 eighteen.

27 (2) A person issued a restricted license under
28 this section shall not use an electronic communication
29 device or an electronic entertainment device while
30 driving a motor vehicle unless the motor vehicle is at
31 a complete stop off the roadway. This subparagraph
32 does not apply to the use of electronic equipment which
33 is permanently installed in the motor vehicle or to a
34 portable device which is operated through permanently
35 installed equipment.

36 Sec. 2. Section 321.180B, Code Supplement 2009, is
37 amended by adding the following new subsection:
38 NEW SUBSECTION. 6A. A person issued an instruction
39 permit or intermediate driver's license under this
40 section shall not use an electronic communication
41 device or an electronic entertainment device while
42 driving a motor vehicle unless the motor vehicle is
43 at a complete stop off the roadway. This subsection
44 does not apply to the use of electronic equipment which
45 is permanently installed in the motor vehicle or to a
46 portable device which is operated through permanently
47 installed equipment.

48 Sec. 3. Section 321.194, subsection 1, Code
49 Supplement 2009, is amended by adding the following new
50 paragraph:

Page 2

1 NEW PARAGRAPH. c. A person issued a driver's
2 license under this section shall not use an electronic
3 communication device or an electronic entertainment
4 device while driving a motor vehicle unless the motor
5 vehicle is at a complete stop off the roadway. This
6 paragraph does not apply to the use of electronic
7 equipment which is permanently installed in the motor
8 vehicle or to a portable device which is operated

9 through permanently installed equipment.
 10 Sec. 4. NEW SECTION. 321.238 Use of electronic
 11 devices while driving – preemption of local
 12 legislation.
 13 The provisions of sections 321.178, 321.180B, and
 14 321.194 restricting the use of electronic communication
 15 devices and electronic entertainment devices by certain
 16 motor vehicle operators shall be implemented uniformly
 17 throughout the state. Such provisions shall preempt
 18 any county or municipal ordinance regarding the use
 19 of an electronic communication device or electronic
 20 entertainment device by a motor vehicle operator. In
 21 addition, a county or municipality shall not adopt
 22 or continue in effect an ordinance regarding the use
 23 of an electronic communication device or electronic
 24 entertainment device by a motor vehicle operator.>
 25 2. Title page, lines 2 and 3, by striking <driving,
 26 including prohibiting a person from writing or sending
 27 a text message while>
 28 3. Title page, line 4, by striking <providing
 29 penalties> and inserting <making penalties applicable>
 30 4. By renumbering as necessary.

R. Olson of Polk offered the following amendment [H-8342](#), to amendment [H-8328](#) to the Senate amendment [H-8251](#) filed by R. Olson, et al., and moved its adoption:

[H-8342](#)

1 Amend the amendment, [H-8328](#), to the Senate
 2 amendment, [H-8251](#), to [House File 2456](#), as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. By striking page 1, line 4, through page 2, line
 5 30, and inserting:
 6 <__. Page 1, by striking lines 3 through 10 and
 7 inserting:
 8 <__. By striking everything after the enacting
 9 clause and inserting:
 10 <Section 1. Section 321.178, subsection 2,
 11 paragraph a, Code 2009, is amended to read as follows:
 12 a. (1) A person between sixteen and eighteen
 13 years of age who has completed an approved driver's
 14 education course and is not in attendance at school
 15 and has not met the requirements described in section
 16 299.2, subsection 1, may be issued a restricted license
 17 only for travel to and from work or to transport
 18 dependents to and from temporary care facilities,
 19 if necessary for the person to maintain the person's
 20 present employment. The restricted license shall be
 21 issued by the department only upon confirmation of the
 22 person's employment and need for a restricted license

23 to travel to and from work or to transport dependents
24 to and from temporary care facilities if necessary to
25 maintain the person's employment. The employer shall
26 notify the department if the employment of the person
27 is terminated before the person attains the age of
28 eighteen.

29 (2) A person issued a restricted license under
30 this section shall not use an electronic communication
31 device or an electronic entertainment device while
32 driving a motor vehicle unless the motor vehicle is
33 at a complete stop off the traveled portion of the
34 roadway. This subparagraph does not apply to the use
35 of electronic equipment which is permanently installed
36 in the motor vehicle or to a portable device which is
37 operated through permanently installed equipment.

38 Sec. 2. Section 321.180B, Code Supplement 2009, is
39 amended by adding the following new subsection:

40 NEW SUBSECTION. 6A. A person issued an instruction
41 permit or intermediate driver's license under this
42 section shall not use an electronic communication
43 device or an electronic entertainment device while
44 driving a motor vehicle unless the motor vehicle is
45 at a complete stop off the traveled portion of the
46 roadway. This subsection does not apply to the use of
47 electronic equipment which is permanently installed
48 in the motor vehicle or to a portable device which is
49 operated through permanently installed equipment.

50 Sec. 3. Section 321.194, subsection 1, Code

Page 2

1 Supplement 2009, is amended by adding the following new
2 paragraph:

3 NEW PARAGRAPH. c. A person issued a driver's
4 license under this section shall not use an electronic
5 communication device or an electronic entertainment
6 device while driving a motor vehicle unless the motor
7 vehicle is at a complete stop off the traveled portion
8 of the roadway. This paragraph does not apply to
9 the use of electronic equipment which is permanently
10 installed in the motor vehicle or to a portable
11 device which is operated through permanently installed
12 equipment.

13 Sec. 4. NEW SECTION. 321.238 Use of electronic
14 devices while driving – preemption of local
15 legislation.

16 The provisions of sections 321.178, 321.180B, and
17 321.194 restricting the use of electronic communication
18 devices and electronic entertainment devices by certain
19 motor vehicle operators shall be implemented uniformly
20 throughout the state. Such provisions shall preempt
21 any county or municipal ordinance regarding the use

22 of an electronic communication device or electronic
 23 entertainment device by a motor vehicle operator. In
 24 addition, a county or municipality shall not adopt
 25 or continue in effect an ordinance regarding the use
 26 of an electronic communication device or electronic
 27 entertainment device by a motor vehicle operator.>
 28 _____. Title page, lines 2 and 3, by striking
 29 <driving, including prohibiting a person from writing
 30 or sending a text message while>
 31 _____. Title page, line 4, by striking <providing
 32 penalties> and inserting <making penalties applicable>
 33 _____. By renumbering as necessary.>

Amendment [H-8342](#) was adopted.

Abdul-Samad of Polk rose on a point of order that amendment [H-8328](#), as amended, was not germane to amendment [H-8251](#).

The Speaker ruled the point well taken and amendment [H-8328](#), as amended not germane, to amendment [H-8251](#).

Raecker of Polk moved to suspend the rules to consider amendment [H-8328](#), as amended.

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

On the question "Shall the rules be suspended to consider amendment [H-8328](#), as amended?" ([H.F. 2456](#))

The ayes were, 51:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Grassley
Hagenow	Helland	Horbach	Huseman
Huser	Kaufmann	Kearns	Kelley
Koester	Lukan	Mertz	Miller, L.
Olson, R.	Paulsen	Pettengill	Raecker
Rayhons	Roberts	Running-Marquardt	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Willems
Windschitl	Worthan	Zirkelbach	

The nays were, 46:

Abdul-Samad	Beard	Bukta	Burt
Cohoon	Ford	Frevort	Gaskill
Gayman	Hanson	Heaton	Heddens
Hunter	Isenhardt	Jacoby	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	May	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Tjepkes	Wenthe	Wessel-Kroeschell	Whitead
Winckler	Mr. Speaker Murphy		

Absent or not voting, 3:

Olson, S.	Rants	Wendt
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The motion to suspend the rules prevailed.

Raecker of Polk moved the adoption of amendment [H-8328](#), as amended.

Roll call was requested by Raecker of Polk and Paulsen of Linn.

On the question "Shall amendment [H-8328](#), as amended be adopted?" ([H.F. 2456](#))

The ayes were, 53:

Alons	Anderson	Arnold	Bailey
Bell	Berry	Burt	Chambers
Cohoon	Cownie	De Boef	Dolecheck
Ficken	Ford	Forristall	Gayman
Grassley	Hagenow	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	McCarthy	Mertz
Miller, L.	Olson, R.	Paulsen	Pettengill
Raecker	Rayhons	Running-Marquardt	Schulte
Shomshor	Smith	Soderberg	Sorenson
Struyk	Sweeney	Tymeson	Upmeyer
Van Engelenhoven	Watts	Wessel-Kroeschell	Willems
Zirkelbach			

The nays were, 43:

Abdul-Samad	Baudler	Beard	Bukta
Deyoe	Frevert	Gaskill	Hanson
Heaton	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	Miller, H.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Roberts	Sands
Schueller	Schultz	Steckman	Swaim
Taylor	Thede	Thomas	Tjepkes
Wagner	Wenthe	Whitead	Winckler
Windschitl	Worthan	Mr. Speaker	
		Murphy	

Absent or not voting, 4:

Drake	Olson, S.	Rants	Wendt
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Amendment [H-8328](#), as amended, was adopted, placing out of order amendment [H-8359](#) filed by Alons of Sioux from the floor.

Hanson of Jefferson moved the House concurred in the Senate amendment [H-8251](#), as amended.

A non-record roll call was requested.

The ayes were 54, nays 39.

The House concurred in the Senate amendment [H-8251](#), as amended.

Hanson of Jefferson moved that the bill, as amended by the Senate, further amended, and concurred in by the House, 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, 55:

Anderson	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	Ficken	Ford	Frevert
Gayman	Grassley	Hanson	Heaton
Heddens	Hunter	Huser	Jacoby
Kaufmann	Kearns	Kelley	Koester

Kressig	Kuhn	Lensing	Marek
Mascher	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Raecker
Reasoner	Running-Marquardt	Shomshor	Smith
Steckman	Swaim	Sweeney	Thomas
Tjepkes	Watts	Wessel-Kroeschell	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 41:

Abdul-Samad	Alons	Arnold	Baudler
Chambers	De Boef	Deyoe	Dolecheck
Forristall	Gaskill	Hagenow	Helland
Horbach	Huseman	Isenhardt	Lukan
Lykam	May	Olson, T.	Palmer
Paulsen	Rayhons	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Soderberg	Sorenson	Struyk	Taylor
Thede	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Wenthe	Whitead	Windschitl
Worthan			

Absent or not voting, 4:

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2456](#) be immediately messaged to the Senate.

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 March 8, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 434](#), a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property.

Also: That the Senate has on March 8, 2010, passed the following bill in which the

concurrence of the House is asked:

[Senate File 2363](#), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, moneys and credits tax, insurance premiums tax, sales and use taxes, fees for new vehicle registration, franchise fees, and the environmental protection charge, making penalties applicable, and including retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

BILLS 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 bills have 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 8th day of March, 2010: House Files 2280 and 2318.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 8, 2010, he approved and transmitted to the Secretary of State the following bills:

[Senate File 2191](#), 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.

[Senate File 2248](#), an Act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

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 COMMERCE

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8362](#) March 4, 2010.

COMMITTEE ON HUMAN RESOURCES

[Senate File 2356](#), a bill for an act relating to health reform in Iowa by providing for options for health care coverage including a premium assistance program study and IowaCare program changes and creating an Iowa insurance information exchange.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2010.

COMMITTEE ON JUDICIARY

[Senate File 2109](#), a bill for an act concerning penalties for failure to obey an official traffic control device or signal when the violation results in death or serious injury.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8358](#) March 4, 2010.

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8355](#) March 4, 2010.

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8357](#) March 4, 2010.

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-8356](#) March 4, 2010.

RESOLUTION FILED

[HR 121](#), by H. Miller, Mertz, Bailey, Tjepkes, Isenhart, Worthan, Gaskill, Palmer and Berry, a resolution honoring the Iowa Central Community College wrestling squad on winning its fifth consecutive team championship.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8351	H.F. 2324	Zirkelbach of Jones
H-8352	H.F. 2327	S. Olson of Clinton
H-8353	S.F. 2201	Pettengill of Benton
H-8354	H.F. 2481	Pettengill of Benton
H-8355	S.F. 2343	Committee on Judiciary
H-8356	S.F. 2352	Committee on Judiciary
H-8357	S.F. 2351	Committee on Judiciary
H-8358	S.F. 2109	Committee on Judiciary
H-8360	S.F. 2310	Bell of Jasper
H-8361	S.F. 2357	Hagenow of Polk
H-8362	S.F. 2346	Committee on Commerce
H-8363	S.F. 2200	Huser of Polk
H-8364	S.F. 2265	Grassley of Butler
H-8365	S.F. 2265	Wagner of Linn
H-8366	S.F. 2265	Wagner of Linn
H-8367	S.F. 2357	Tymeson of Madison
H-8368	S.F. 2235	Wagner of Linn
H-8369	S.F. 2265	Helland of Polk
		Wagner of Linn
H-8370	S.F. 2317	Kuhn of Floyd
H-8371	S.F. 2357	Hagenow of Polk

On motion by McCarthy of Polk the House adjourned at 4:23 p.m., until 9:00 a.m., Tuesday, March 9, 2010.