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**STATE OF IOWA**

# **House Journal**

**THURSDAY, MARCH 11, 2010**

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

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## JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Forty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 11, 2010

The House met pursuant to adjournment at 9:09 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Jane Shepherd, pastor of Gowrie United Methodist Church, Gowrie. She was the guest of Representative David Tjepkes of Webster County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Caytlin Hentzel, House Page from Ft. Madison.

The Journal of Wednesday, March 10, 2010 was approved.

### 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 10, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 681](#), a bill for an act requiring employers to provide notice of business closings and mass layoffs and providing penalties.

Also: That the Senate has on March 10, 2010, amended and passed the following bill in which the concurrence of the House is asked:

[House File 777](#), a bill for an act relating to open records and public meetings, including creation of the open meeting, public records, and privacy advisory committee.

Also: That the Senate has on March 10, 2010, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2229](#), a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan.

Also: That the Senate has on March 10, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2233](#), a bill for an act relating to expunging the conviction for certain alcohol-related offenses.

Also: That the Senate has on March 10, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2372](#), a bill for an act relating to an assault causing serious injury.

Also: That the Senate has on March 10, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2374](#), a bill for an act relating to the definition of serious injury for purposes of criminal offenses.

Also: That the Senate has on March 10, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2364](#), a bill for an act relating to income tax checkoffs for the child abuse prevention program fund and including retroactive applicability provisions.

Also: That the Senate has on March 10, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2367](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

MICHAEL E. MARSHALL, Secretary

#### ADOPTION OF [HOUSE RESOLUTION 121](#)

H. Miller of Webster, Mertz of Kossuth, Bailey of Hamilton, Tjepkes of Webster and Worthan of Buena Vista called up for consideration [House Resolution 121](#), a resolution honoring the Iowa Central Community College wrestling squad on winning its fifth consecutive team championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Abdul-Samad of Polk, the House was recessed at 9:18 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:23 p.m., Speaker Murphy in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

S. Olson of Clinton, until his arrival, on request of Paulsen of Linn; Wendt of Woodbury on request of McCarthy of Polk.

## SENATE MESSAGES CONSIDERED

[Senate File 2364](#), by committee on ways and means, a bill for an act relating to income tax checkoffs for the child abuse prevention program fund, the veterans trust fund, and the volunteer fire fighter preparedness fund and including retroactive applicability provisions.

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

[Senate File 2367](#), by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions.

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

## 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 11, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 426](#), a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Also: That the Senate has on March 11, 2010, amended and passed the following bill in which the concurrence of the House is asked:

[House File 674](#), a bill for an act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.

Also: That the Senate has on March 11, 2010, amended and passed the following bill in which the concurrence of the House is asked:

[House File 726](#), a bill for an act providing for unincorporated nonprofit associations, and providing for fees and penalties.

Also: That the Senate has on March 11, 2010, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2294](#), a bill for an act relating to the distribution of moneys from the disaster aid individual assistance grant fund.

Also: That the Senate has on March 11, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2377](#), a bill for an act relating to extending a period of probation and including applicability provisions.

Also: That the Senate has on March 11, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2392](#), a bill for an act relating to the abuse of a corpse and providing penalties.

Also: That the Senate has on March 11, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[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.

Also: That the Senate has on March 11, 2010, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on March 11, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2357](#), a bill for an act relating to prohibiting a person who is the subject of a no-contact order or a protective order or who has been convicted of a misdemeanor crime of domestic violence from possessing, transferring, or selling firearms and ammunition or offensive weapons and providing penalties.

Also: That the Senate has on March 11, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2370](#), a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

Kressig of Black Hawk in the chair at 1:25 p.m.

The House stood at ease at 1:26 p.m., until the fall of the gavel.

The House resumed session at 1:30 p.m., Speaker Murphy in the chair.

#### ADOPTION OF [HOUSE RESOLUTION 113](#)

L. Miller of Scott and Winckler of Scott called up for consideration [House Resolution 113](#), a resolution designating March 2010 as Iowa Women's History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 1:39 p.m., until the fall of the gavel.

The House resumed session at 3:14 p.m., Speaker Murphy in the chair.

#### CONSIDERATION OF BILLS

##### Regular Calendar

[Senate File 2352](#), a bill for an act relating to the emergency hospitalization of a person with a serious mental impairment, with report of committee recommending amendment and passage, was taken up for consideration.

Mertz of Kossuth offered amendment [H-8356](#) filed by the committee on judiciary as follows:

##### [H-8356](#)

1 Amend [Senate File 2352](#), as passed by the Senate, as  
2 follows:

3 1. Page 3, after line 5 by inserting:

4 <c. If an arrest warrant has been issued for  
5 or charges are pending against the person, but no  
6 court order exists requiring notification to a law  
7 enforcement agency under paragraph "a" or "b", and if  
8 the peace officer delivers the person to a facility or  
9 hospital and the peace officer notifies the facility  
10 or hospital in writing on a form prescribed by the  
11 department of public safety that the facility or

12 hospital notify the law enforcement agency about  
13 the discharge of the person prior to discharge. the  
14 facility or hospital shall do all of the following:  
15 (1) Notify the dispatch of the law enforcement  
16 agency that employs the peace officer by telephone  
17 prior to the discharge of the person from the facility  
18 or hospital.  
19 (2) Notify the law enforcement agency that employs  
20 the peace officer by electronic mail prior to the  
21 discharge of the person from the facility or hospital.>  
22 2. Page 3, by striking lines 11 through 15 and  
23 inserting <is sooner dismissed by a magistrate. If  
24 a person is to be discharged prior to the end of  
25 the period of time prescribed for detention by this  
26 subsection, the facility or hospital shall notify, if  
27 required by this section, the law enforcement agency  
28 requesting notification prior to the discharge of the  
29 person. The law enforcement agency shall have up to  
30 six hours after notification to retrieve the person but  
31 in no circumstances shall the detention of the person  
32 exceed the period of time prescribed for detention by  
33 this subsection. The facility or hospital may provide  
34 treatment which  
35 3. Page 3, line 26, by striking <the order of the  
36 magistrate> and inserting <this section>  
37 4. Page 4, by striking lines 1 through 4 and  
38 inserting <immediately detained, or if the person  
39 was discharged prior to the end of the period of  
40 time prescribed for detention by this subsection,  
41 the facility or hospital was required to notify  
42 a law enforcement agency by this section, the law  
43 enforcement agency requesting notification prior  
44 to discharge retrieved the person within six hours  
45 of the notification, and the detention prior to the  
46 retrieval of the person did not exceed the period of  
47 time prescribed for detention by this subsection.>  
48 5. Page 4, before line 5 by inserting:  
49 <Sec. \_\_\_\_ Section 229.22, Code Supplement 2009, is  
50 amended by adding the following new subsections:

Page 2

1 NEW SUBSECTION. 5. The department of public  
2 safety shall prescribe the form to be used when a law  
3 enforcement agency desires notification under this  
4 section from a facility or hospital prior to discharge  
5 of a person admitted to the facility or hospital and  
6 for whom an arrest warrant has been issued or against  
7 whom charges are pending. The form shall be consistent  
8 with all laws, regulations, and rules relating to the  
9 confidentiality or privacy of personal information  
10 or medical records, including but not limited to the

11 federal Health Insurance Portability and Accountability  
 12 Act of 1996, Pub. L. No. 104-191, and regulations  
 13 promulgated in accordance with that Act and published  
 14 in 45 C.F.R. pts. 160-64.

15 NEW SUBSECTION. 6. A facility or hospital,  
 16 which has been notified by a peace officer or a law  
 17 enforcement agency by delivery of a form as prescribed  
 18 by the department of public safety indicating that  
 19 an arrest warrant has been issued for or charges are  
 20 pending against a person admitted to the facility or  
 21 hospital, that does not notify the law enforcement  
 22 agency about the discharge of the person as required by  
 23 subsection 2, paragraph "c", shall pay a civil penalty  
 24 as provided in section 805.8C, subsection 8.

25 Sec. \_\_\_\_ Section 805.8C, Code Supplement 2009, is  
 26 amended by adding the following new subsection:

27 NEW SUBSECTION. 8. Notification violations. For  
 28 violations of section 229.22, subsection 6, the  
 29 scheduled fine is one thousand dollars for a first  
 30 violation and two thousand dollars for a second or  
 31 subsequent violation. The scheduled fine under this  
 32 subsection is a civil penalty, and the criminal penalty  
 33 surcharge under section 911.1 shall not be added to the  
 34 penalty.>

35 6. Title page, line 2, after <impairment> by  
 36 inserting <, and providing penalties>

37 7. By renumbering as necessary.

Mertz of Kossuth offered the following amendment [H-8405](#), to the  
 committee amendment [H-8356](#), filed by Mertz, et al., and moved its  
 adoption:

[H-8405](#)

1 Amend the amendment, [H-8356](#), to [Senate File 2352](#), as  
 2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 23 through 33 and  
 4 inserting <inserting <is sooner dismissed by a  
 5 magistrate. The facility or hospital may provide>

6 2. Page 1, after line 36 by inserting:

7 <\_\_\_\_. Page 3, line 28, after <person.> by inserting  
 8 <The law enforcement agency shall retrieve the person  
 9 no later than six hours after notification from the  
 10 facility or hospital but in no circumstances shall  
 11 the detention of the person exceed the period of time  
 12 prescribed for detention by this subsection.>>

13 3. Page 1, by striking lines 38 through 40 and  
 14 inserting <inserting <immediately detained, or if>

15 4. Page 1, line 42, after <section.> by inserting  
 16 <and>

17 5. Page 1, line 44, by striking <within> and

18 inserting <no later than>  
 19 6. Page 1, line 45, by striking <of> and inserting  
 20 <after>

Amendment [H-8405](#) was adopted.

On motion by Mertz of Kossuth, the committee amendment [H-8356](#), as amended, was adopted.

Mertz of Kossuth 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. 2352](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, 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	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, 2:

Miller, H.            Wendt

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

#### SENATE AMENDMENT CONSIDERED

Swaim of Davis called up for consideration [House File 734](#), a bill for an act relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8379](#):

#### [H-8379](#)

1 Amend [House File 734](#), as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking line 34 and inserting  
 4 <adjudged by a court to meet one of the>  
 5 2. Page 15, line 10, by striking <February 15,> and  
 6 inserting <July 1,>

Frevert of Palo Alto in the chair at 3:28 p.m.

The motion prevailed and the House concurred in the Senate amendment [H-8379](#).

Swaim of Davis 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. 734](#))

The ayes were, 98:

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

Marek	Mascher	May	McCarthy
Mertz	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	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	Frevert, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller, H.           Wendt

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

#### SENATE AMENDMENT CONSIDERED

Beard of Winneshiek called up for consideration [House File 2200](#), a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8378](#):

#### [H-8378](#)

- 1 Amend [House File 2200](#) as follows:
- 2 1. Page 1, line 7, by striking <permanently>

The motion prevailed and the House concurred in the Senate amendment [H-8378](#).

Beard of Winneshiek 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. 2200](#))

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Gaskill	Gayman	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Huseman	Huser	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	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	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Frevert, Presiding

The nays were, 6:

Bukta	Hunter	Isenhart	Kuhn
Lensing	Wessel-Kroeschell		

Absent or not voting, 2:

Miller, H.	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

Willems of Linn called up for consideration [House File 2478](#), a bill for an act relating to business organizations, including limited liability companies and business corporations, and providing for fees, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8386](#):

[H-8386](#)

- 1 Amend [House File 2478](#) as follows:
- 2 1. Page 3, by striking lines 16 and 17 and
- 3 inserting ~~<registered agent and need not be responsive~~
- 4 ~~to subsection 1.>~~
- 5 2. Page 3, line 30, by striking <an agency> and
- 6 inserting <the agent's agency>
- 7 3. Page 3, line 35, by striking <registered or>
- 8 4. Page 4, line 26, after ~~<perfected>~~ by inserting
- 9 ~~<under this subsection>~~
- 10 5. Page 7, line 1, by striking ~~<delivered.>~~ and
- 11 inserting ~~<delivered.>~~
- 12 6. Page 8, line 12, before ~~<489.209>~~ by inserting
- 13 ~~<section>~~
- 14 7. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8386](#).

Willems of Linn 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. 2478](#))

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Miller, H.            Wendt

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

### Regular Calendar

[Senate File 393](#), a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 393](#))

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Miller, H.           Wendt

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

[Senate File 2178](#), a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students, with report of committee recommending passage, was taken up for consideration.

Bukta of Clinton 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. 2178](#))

The ayes were, 92:

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

The nays were, 5:

Hunter	Lensing	Mascher	Willems
Winckler			

Absent or not voting, 3:

Miller, H.	Wendt	Wessel-Kroeschell
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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 2343](#), a bill for an act relating to the appointment of judicial officers and senior judges, with report of committee recommending amendment and passage, was taken up for consideration.

Swaim of Davis offered the following amendment [H-8355](#) filed by the committee on judiciary and moved its adoption:

[H-8355](#)

1 Amend [Senate File 2343](#), as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, before line 1 by inserting:  
 4 <Section 1. Section 46.3, Code 2009, is amended to  
 5 read as follows:  
 6 46.3 Appointment of district judicial nominating  
 7 commissioners.  
 8 1. The governor shall appoint five eligible  
 9 electors of each judicial election district to the  
 10 district judicial nominating commission.  
 11 2. ~~Appointments~~ The appointments made by the  
 12 governor shall be to staggered terms of six years each  
 13 and shall be made in the month of January for terms  
 14 commencing February 1 of even-numbered years.  
 15 3. ~~No more than a~~ simple majority of the  
 16 commissioners appointed shall be of the same gender.  
 17 4. ~~Beginning with terms commencing February 1,~~

18 2012, there shall not be more than one appointed  
19 commissioner from a county within a judicial election  
20 district unless each county within the judicial  
21 election district has an appointed or elected  
22 commissioner or the number of appointed commissioners  
23 exceeds the number of counties within the judicial  
24 election district. This subsection shall not be used  
25 to remove an appointed commissioner from office prior  
26 to the expiration of the commissioner's term.>

27 2. Page 1, lines 4 and 5, by striking <for up to  
28 one hundred eighty days>

29 3. Page 1, line 8, after <occur.> by inserting <For  
30 each of the first five delays ordered by the chief  
31 justice in the fiscal year beginning July 1, 2010,  
32 and for each of the first five delays ordered by the  
33 chief justice in each fiscal year thereafter, the delay  
34 shall not exceed one hundred eighty days. For each  
35 delay ordered by the chief justice in excess of the  
36 first five delays in the fiscal year beginning July 1,  
37 2010, and for each delay ordered by the chief justice  
38 in excess of the first five delays in each fiscal year  
39 thereafter, the delay shall not exceed one year.>

40 4. Page 1, lines 11 and 12, by striking <for up to  
41 one hundred eighty days>

42 5. Page 1, line 14, after <judgeship.> by inserting  
43 <For each of the first five delays ordered by the chief  
44 justice in the fiscal year beginning July 1, 2010,  
45 and for each of the first five delays ordered by the  
46 chief justice in each fiscal year thereafter, the delay  
47 shall not exceed one hundred eighty days. For each  
48 delay ordered by the chief justice in excess of the  
49 first five delays in the fiscal year beginning July 1,  
50 2010, and for each delay ordered by the chief justice

Page 2

1 in excess of the first five delays in each fiscal year  
2 thereafter, the delay shall not exceed one year.>

3 6. Page 1, lines 19 and 20, by striking <for up to  
4 one hundred eighty days>

5 7. Page 1, line 21, after <term.> by inserting <For  
6 each of the first five delays ordered by the chief  
7 justice in the fiscal year beginning July 1, 2010,  
8 and for each of the first five delays ordered by the  
9 chief justice in each fiscal year thereafter, the delay  
10 shall not exceed one hundred eighty days. For each  
11 delay ordered by the chief justice in excess of the  
12 first five delays in the fiscal year beginning July 1,  
13 2010, and for each delay ordered by the chief justice  
14 in excess of the first five delays in each fiscal year  
15 thereafter, the delay shall not exceed one year.>

16 8. By renumbering as necessary.

The committee amendment [H-8355](#) was adopted.

Swaim of Davis 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. 2343](#))

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Miller, H.           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 734, 2200, 2478, Senate Files 393, 2178, 2343 and 2352.**

## BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

McCarthy of Polk asked and received unanimous consent that the following bills be placed on the unfinished business calendar:

<a href="#"><u>HF 2327</u></a>	<a href="#"><u>HF 2339</u></a>	<a href="#"><u>HF 2417</u></a>
<a href="#"><u>HF 2448</u></a>	<a href="#"><u>HF 2451</u></a>	<a href="#"><u>HF 2475</u></a>
<a href="#"><u>HF 2481</u></a>	<a href="#"><u>HF 2483</u></a>	<a href="#"><u>HF 2503</u></a>
<a href="#"><u>HF 2504</u></a>	<a href="#"><u>HF 2512</u></a>	
<a href="#"><u>SF 404</u></a>	<a href="#"><u>SF 2188</u></a>	<a href="#"><u>SF 2192</u></a>
<a href="#"><u>SF 2197</u></a>	<a href="#"><u>SF 2201</u></a>	<a href="#"><u>SF 2215</u></a>
<a href="#"><u>SF 2223</u></a>	<a href="#"><u>SF 2250</u></a>	<a href="#"><u>SF 2252</u></a>
<a href="#"><u>SF 2265</u></a>	<a href="#"><u>SF 2270</u></a>	<a href="#"><u>SF 2273</u></a>
<a href="#"><u>SF 2279</u></a>	<a href="#"><u>SF 2297</u></a>	<a href="#"><u>SF 2306</u></a>
<a href="#"><u>SF 2324</u></a>	<a href="#"><u>SF 2331</u></a>	<a href="#"><u>SF 2346</u></a>
<a href="#"><u>SF 2348</u></a>	<a href="#"><u>SF 2349</u></a>	<a href="#"><u>SF 2354</u></a>
<a href="#"><u>SF 2356</u></a>		

## SUBCOMMITTEE ASSIGNMENTS

[Senate File 2363](#)

Ways and Means: Isenhart, Chair; Forristall and Steckman.

[Senate File 2373](#)

Ways and Means: D. Olson, Chair; Frevert and Helland.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 735](#)

Ways and Means: Thomas, Chair; Hagenow and Willems.

[House Study Bill 737](#)

Ways and Means: T. Olson, Chair; Helland and Reasoner.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 738 Ways and Means**

Relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

## COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly [House Study Bill 736](#)), relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2010.

## RESOLUTIONS FILED

**HR 123**, by Rayhons, Frevert, Heaton, Kuhn, Quirk, Steckman and Upmeyer, a resolution supporting and recognizing the goals and ideals of “RV Centennial Celebration Month” to commemorate 100 years of enjoyment of recreation vehicles in the United States.

Laid over under **Rule 25**.

**HR 124**, by Wessel-Kroeschell, D. Olson, Deyoe and Heddens, a resolution congratulating the Iowa State University football team for its victory at the Insight Bowl.

Laid over under **Rule 25**.

## AMENDMENTS FILED

<a href="#"><u>H-8408</u></a>	<a href="#"><u>S.F. 2367</u></a>	Lensing of Johnson
<a href="#"><u>H-8409</u></a>	<a href="#"><u>H.F. 2229</u></a>	Senate Amendment
<a href="#"><u>H-8410</u></a>	<a href="#"><u>H.F. 777</u></a>	Senate Amendment
<a href="#"><u>H-8411</u></a>	<a href="#"><u>S.F. 2345</u></a>	Senate Amendment
<a href="#"><u>H-8412</u></a>	<a href="#"><u>H.F. 726</u></a>	Senate Amendment
<a href="#"><u>H-8413</u></a>	<a href="#"><u>H.F. 2294</u></a>	Senate Amendment
<a href="#"><u>H-8414</u></a>	<a href="#"><u>H.F. 674</u></a>	Senate Amendment
<a href="#"><u>H-8415</u></a>	<a href="#"><u>S.F. 2366</u></a>	Tymeson of Madison Winckler of Scott

On motion by McCarthy of Polk the House adjourned at 4:15 p.m., until 9:00 a.m., Friday, March 12, 2010.