

PROOF

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House Journal

WEDNESDAY, MARCH 19, 2008

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JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 19, 2008

The House met pursuant to adjournment at 9:21 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Marcella Frevert, state representative from Palo Alto County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from the Iowa Department for the Blind. They were the guest of Representative Mark Smith of Marshall County.

The Journal of Tuesday, March 18, 2008 was approved.

INTRODUCTION OF BILL

[House File 2658](#), by Kuhn, a bill for an act making an appropriation for purposes of administering the alternate energy revolving loan program.

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 18, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2279](#), a bill for an act establishing health, nutrition, and cardiopulmonary resuscitation certification requirements for students, school districts, and accredited nonpublic schools.

Also: That the Senate has on March 18, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2312](#), a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

Also: That the Senate has on March 18, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2387](#), a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device and the penalties for awarding an improper cash prize.

MICHAEL E. MARSHALL, Secretary

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House Resolution 127](#).

ADOPTION OF [HOUSE RESOLUTION 127](#)

Jacobs of Polk called up for the consideration [House Resolution 127](#), a resolution honoring the remarkable achievements of Iowa's own Shawn Johnson, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Jacobs of Polk introduced to the House, Shawn Johnson, world gymnastics champion.

The House rose and expressed its welcome.

The House stood at ease at 9:32 a.m., until the fall of the gavel.

The House resumed session at 2:17 p.m., Speaker Murphy in the chair.

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 19, 2008, adopted the following resolution in which the concurrence of the House is asked:

[Senate Joint Resolution 2002](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

Also: That the Senate has on March 19, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2364](#), a bill for an act relating to the emancipation of a minor.

MICHAEL E. MARSHALL, Secretary

HOUSE INSISTS

T. Olson of Linn called up for consideration [House File 2212](#), a bill for an act creating a smokefree air Act and providing penalties and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED ([House File 2212](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [House File 2212](#): T. Olson of Linn, Chair; Petersen of Polk, Reasoner of Union, Dolecheck of Ringgold and Soderberg of Plymouth.

CONSIDERATION OF BILLS Regular Calendar

[House File 2645](#), a bill for an act concerning public employee collective bargaining, was taken up for consideration.

R. Olson of Polk offered amendment [H-8164](#) filed by him as follows:

[H-8164](#)

- 1 Amend [House File 2645](#) as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "DIVISION I
- 5 PUBLIC EMPLOYEE COLLECTIVE BARGAINING"
- 6 2. Page 1, by inserting after line 32 the

7 following:

8 "Sec. ____ Section 20.9, Code 2007, is amended to
9 read as follows:

10 20.9 SCOPE OF NEGOTIATIONS.

11 1. The public employer and the employee
12 organization shall meet at reasonable times, including
13 meetings reasonably in advance of the public
14 employer's budget-making process, to negotiate in good
15 faith with respect to but not limited to the
16 following:

17 a. ~~wages,~~ Wages.

18 b. ~~hours,~~ Hours, including the establishment of
19 work shifts and schedules and procedures and criteria
20 for assigning work shifts and schedules.

21 c. ~~vacations,~~ Vacations.

22 d. ~~insurance,~~ Insurance, including the
23 determination of the health insurance carrier.

24 e. ~~holidays,~~ Holidays.

25 f. ~~leaves~~ Leaves of absence, including cash
26 payments for accumulated leave.

27 g. ~~shift~~ Shift differentials,;

28 h. ~~overtime~~ Overtime compensation,;

29 i. ~~supplemental~~ Supplemental pay, including
30 payments and benefits which are other than wages and
31 are not paid as compensation for or conditioned upon
32 the employees' performance of services in addition to
33 their regular services to the public employer.

34 j. ~~seniority,~~ Seniority.

35 k. ~~transfer~~ Transfer procedures,;

36 l. ~~job~~ Job classifications,;

37 m. ~~health~~ Health and safety matters,;

38 n. ~~evaluation~~ Evaluation procedures, including the
39 frequency of evaluations, the method of evaluation,
40 evaluation forms and other evaluation instruments,
41 evaluation criteria, the purposes for and use of
42 evaluations, and remedial and employee performances
43 improvement plans and procedures.

44 o. ~~procedures~~ Procedures for staff reduction,;

45 p. ~~in-service~~ In-service training and other
46 matters mutually agreed upon.

47 q. Preparation time.

48 r. Class size.

49 s. Discipline and discharge, including grounds for
50 discharge and imposition of other discipline, levels

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1 and types of disciplinary measures, and procedures for
2 resolving disputes.

3 t. Work uniforms and equipment and other required
4 work clothing and equipment, including allowances for
5 uniforms and equipment and other required work

6 clothing and equipment.

7 u. Staffing levels.

8 v. Retirement systems not excluded from

9 negotiations pursuant to subsection 4.

10 w. Other terms and conditions of employment except
11 as provided in subsection 4.

12 2. Negotiations shall also include terms
13 authorizing dues checkoff for members of the employee
14 organization and grievance procedures for resolving
15 any questions arising under the agreement, which shall
16 be embodied in a written agreement and signed by the
17 parties. If an agreement provides for dues checkoff,
18 a member's dues may be checked off only upon the
19 member's written request and the member may terminate
20 the dues checkoff at any time by giving thirty days'
21 written notice. Such obligation to negotiate in good
22 faith does not compel either party to agree to a
23 proposal or make a concession.

24 3. Nothing in this section shall diminish the
25 authority and power of the department of
26 administrative services, board of regents' merit
27 system, Iowa public broadcasting board's merit system,
28 or any civil service commission established by
29 constitutional provision, statute, charter or special
30 act to recruit employees, prepare, conduct and grade
31 examinations, rate candidates in order of their
32 relative scores for certification for appointment or
33 promotion or for other matters of classification,
34 reclassification or appeal rights in the classified
35 service of the public employer served.

36 4. All retirement systems The following shall be
37 excluded from the scope of negotiations:;

38 a. All retirement systems established by statute
39 except for pension and annuity retirement systems
40 established under chapter 412 and except for
41 supplemental and additional retirement benefits
42 including severance payments, cash payments based on
43 accumulated or unused leave time, and insurance for
44 retired employees.

45 b. Discharge for teachers who are employed
46 pursuant to chapter 279. For purposes of this
47 paragraph, discharge does not include procedures and
48 criteria for staff reduction."

49 3. Page 9, by striking lines 23 through 30 and
50 inserting the following:

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1 "Sec. ____. Section 20.19, Code 2007, is amended to
2 read as follows:

3 20.19 IMPASSE PROCEDURES – AGREEMENT OF PARTIES.

4 1. As the first step in the performance of their

5 duty to bargain, the public employer and the employee
6 organization shall endeavor to agree upon impasse
7 procedures. Such agreement shall provide for
8 implementation of these impasse procedures not later
9 than one hundred twenty days prior to the certified
10 budget submission date of the public employer.
11 However, if public employees represented by the
12 employee organization are teachers licensed under
13 chapter 272, and the public employer is a school
14 district or area education agency, the agreement shall
15 provide for implementation of impasse procedures not
16 later than one hundred twenty days prior to May 31 of
17 the year when the collective bargaining agreement is
18 to become effective. If the public employer is a
19 community college, the agreement shall provide for
20 implementation of impasse procedures not later than
21 one hundred twenty days prior to May 31 of the year
22 when the collective bargaining agreement is to become
23 effective. If the public employer is not subject to
24 the budget certification requirements of section 24.17
25 and other applicable sections of the Code, the
26 agreement shall provide for implementation of impasse
27 procedures not later than one hundred twenty days
28 prior to a date agreed upon by the public employer and
29 the employee organization or, if no date is agreed
30 upon, May 31 of the year when the collective
31 bargaining agreement is to be effective. If the
32 parties fail to agree upon impasse procedures under
33 the provisions of this section, the impasse procedures
34 provided in sections 20.20 to 20.22 shall apply.
35 2. Parties who by agreement are utilizing a
36 cooperative alternative bargaining process shall, at
37 the outset of such process, agree upon a method and
38 schedule for the completion of impasse procedures
39 should they fail to reach a collective bargaining
40 agreement through the use of such alternative
41 bargaining process.
42 Sec. ____ Section 20.20, Code 2007, is amended to
43 read as follows:
44 20.20 MEDIATION.
45 In the absence of an impasse agreement negotiated
46 pursuant to section 20.19 or the failure of either
47 party to utilize its procedures, one hundred twenty
48 days prior to the certified budget submission date, or
49 one hundred twenty days prior to May 31 of the year
50 when the collective bargaining agreement is to become

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1 effective if public employees represented by the
2 employee organization are teachers licensed under
3 chapter 272 and the public employer is a school

4 district or area education agency, the board shall,
 5 upon the request of either party, appoint an impartial
 6 and disinterested person to act as mediator. If the
 7 public employer is a community college or is not
 8 subject to the budget certification requirements of
 9 section 24.17 and other applicable sections of the
 10 Code, and in the absence of an impasse agreement
 11 negotiated pursuant to section 20.19 or the failure of
 12 either party to utilize its procedures, one hundred
 13 twenty days prior to May 31 of the year when the
 14 collective bargaining agreement is to become
 15 effective, the board, upon the request of either
 16 party, shall appoint an impartial and disinterested
 17 person to act as mediator. It shall be the function
 18 of the mediator to bring the parties together to
 19 effectuate a settlement of the dispute, but the
 20 mediator may not compel the parties to agree."

21 4. Page 13, by inserting after line 33 the
 22 following:
 23 "Sec. ____ Section 412.1, Code 2007, is amended to
 24 read as follows:

25 412.1 AUTHORITY TO ESTABLISH SYSTEM.
 26 The council, board of waterworks trustees, or other
 27 board or commission, whichever is authorized by law to
 28 manage and operate any municipally owned waterworks
 29 system, or other municipally owned and operated public
 30 utility, may establish a pension and annuity
 31 retirement system for the employees of any such
 32 waterworks system, or other municipally owned and
 33 operated public utility. A pension and annuity
 34 retirement system established pursuant to this chapter
 35 shall not be considered a retirement system
 36 established by statute for purposes of section 20.9
 37 and shall not be excluded from the scope of
 38 negotiations under section 20.9."

39 5. Page 13, by inserting after line 34 the
 40 following:

41 "DIVISION II
 42 TEACHER CONTRACTS AND DISCIPLINE
 43 Sec. ____ Section 260C.39, unnumbered paragraph 3,
 44 Code 2007, is amended to read as follows:

45 The terms of employment of personnel, for the
 46 academic year following the effective date of the
 47 agreement to combine the merged areas shall not be
 48 affected by the combination of the merged areas,
 49 except in accordance with the procedures under
 50 sections 279.15 ~~to 279.18~~ through 279.16 and section

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1 279.24, to the extent those procedures are applicable,
 2 or under the terms of the base bargaining agreement.

3 The authority and responsibility to offer new
4 contracts or to continue, modify, or terminate
5 existing contracts pursuant to any applicable
6 procedures under chapter 279, shall be transferred to
7 the acting, and then to the new, board of the combined
8 merged area upon certification of a favorable vote to
9 each of the merged areas affected by the agreement.
10 The collective bargaining agreement of the merged area
11 receiving the greatest amount of general state aid
12 shall serve as the base agreement for the combined
13 merged area and the employees of the merged areas
14 which combined to form the new combined merged area
15 shall automatically be accreted to the bargaining unit
16 from that former merged area for purposes of
17 negotiating the contracts for the following years
18 without further action by the public employment
19 relations board. If only one collective bargaining
20 agreement is in effect among the merged areas which
21 are combining under this section, then that agreement
22 shall serve as the base agreement, and the employees
23 of the merged areas which are combining to form the
24 new combined merged area shall automatically be
25 accreted to the bargaining unit of that former merged
26 area for purposes of negotiating the contracts for the
27 following years without further action by the public
28 employment relations board. The board of the combined
29 merged area, using the base agreement as its existing
30 contract, shall bargain with the combined employees of
31 the merged areas that have agreed to combine for the
32 academic year beginning with the effective date of the
33 agreement to combine merged areas. The bargaining
34 shall be completed by March 15 prior to the academic
35 year in which the agreement to combine merged areas
36 becomes effective or within one hundred eighty days
37 after the organization of the acting board of the new
38 combined merged area, whichever is later. If a
39 bargaining agreement was already concluded in the
40 former merged area which has the collective bargaining
41 agreement that is serving as the base agreement for
42 the new combined merged area, between the former
43 merged area board and the employees of the former
44 merged area, that agreement is void, unless the
45 agreement contained multiyear provisions affecting
46 academic years subsequent to the effective date of the
47 agreement to form a combined merged area. If the base
48 collective bargaining agreement contains multiyear
49 provisions, the duration and effect of the agreement
50 shall be controlled by the terms of the agreement.

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1 The provisions of the base agreement shall apply to

2 the offering of new contracts, or the continuation,
 3 modification, or termination of existing contracts
 4 between the acting or new board of the combined merged
 5 area and the combined employees of the new combined
 6 merged area.

7 Sec.____. Section 273.22, subsection 1, Code 2007,
 8 is amended to read as follows:

9 1. The terms of employment of the administrator
 10 and staff of affected area education agencies for the
 11 school year beginning with the effective date of the
 12 formation of the new area education agency shall not
 13 be affected by the formation of the new area education
 14 agency, except in accordance with the provisions of
 15 sections 279.15 through ~~279.18~~ 279.16, and 279.24, and
 16 the authority and responsibility to offer new
 17 contracts or to continue, modify, or terminate
 18 existing contracts pursuant to sections 279.12,
 19 279.13, 279.15 through 279.21, 279.23, and 279.24 for
 20 the school year beginning with the effective date of
 21 the reorganization shall be transferred from the
 22 boards of the existing area education agencies to the
 23 board of the new area education agency following
 24 approval of the reorganization plan by the state board
 25 as provided in section 273.21, subsection 4.

26 Sec.____. Section 275.33, subsection 1, Code 2007,
 27 is amended to read as follows:

28 1. The terms of employment of superintendents,
 29 principals, and teachers, for the school year
 30 following the effective date of the formation of the
 31 new district shall not be affected by the formation of
 32 the new district, except in accordance with the
 33 provisions of sections 279.15 ~~to 279.18~~ through 279.16
 34 and 279.24 and the authority and responsibility to
 35 offer new contracts or to continue, modify, or
 36 terminate existing contracts pursuant to sections
 37 279.12, 279.13, 279.15 to 279.21, 279.23, and 279.24
 38 for the school year beginning with the effective date
 39 of the reorganization shall be transferred from the
 40 boards of the existing districts to the board of the
 41 new district on the third Tuesday of January prior to
 42 the school year the reorganization is effective.

43 Sec.____. Section 279.13, subsection 3, Code
 44 Supplement 2007, is amended to read as follows:

45 3. If the provisions of a contract executed or
 46 automatically renewed under this section conflict with
 47 a collective bargaining agreement negotiated under
 48 chapter 20 ~~and effective when the contract is executed~~
 49 ~~or renewed~~, the provisions of the collective
 50 bargaining agreement shall prevail.

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1 Sec. ____ Section 279.13, subsection 4, unnumbered
2 paragraph 1, Code Supplement 2007, is amended to read
3 as follows:

4 For purposes of this section, sections 279.14,
5 279.15 ~~through 279.17~~, 279.15A, 279.16, 279.19, and
6 279.27, unless the context otherwise requires,
7 "teacher" includes the following individuals employed
8 by a community college:

9 Sec. ____ Section 279.14, subsection 2, Code 2007,
10 is amended by striking the subsection.

11 Sec. ____ Section 279.15, subsection 1, Code 2007,
12 is amended to read as follows:

13 ~~4~~ The superintendent or the superintendent's
14 designee shall notify the teacher and the board of
15 directors not later than April 30 that the
16 superintendent will recommend in writing to the board
17 at a regular or special meeting of the board, held not
18 later than May 15, that the teacher's continuing
19 contract be terminated effective at the end of the
20 current school year. However, if the district is
21 subject to reorganization under chapter 275, the
22 notification shall not occur until after the first
23 organizational meeting of the board of the newly
24 formed district. The procedure for termination shall
25 be as provided in sections 279.15A and 279.16.

26 Sec. ____ Section 279.15, subsection 2, Code 2007,
27 is amended by striking the subsection.

28 Sec. ____ **NEW SECTION.** 279.15A TERMINATION
29 PROCEDURES – SCHOOL BOARD MEETING – REQUEST FOR
30 PRIVATE HEARING.

31 1. Notification of recommendation of termination
32 of a teacher's contract shall be in writing and shall
33 be personally delivered to the teacher, or sent by
34 certified mail. The notification shall be complete
35 when personally received by the teacher. The
36 notification and the recommendation to terminate shall
37 contain a short and plain statement of the reasons,
38 which shall be for just cause, why the recommendation
39 is being made. The notification shall also indicate
40 that the teacher may, within five days of receipt of
41 the notice, request in writing to the secretary of the
42 board, a private meeting with the board, or a private
43 hearing pursuant to section 279.16. If a hearing is
44 requested, the board and teacher shall proceed
45 according to the provisions of section 279.16.

46 2. If the teacher requests a private meeting, the
47 board shall, within five days of the receipt of the
48 request, deliver to the teacher, in writing, notice of
49 declination to meet with the teacher, or notice of a
50 time and place for the meeting with the board which

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1 meeting shall be exempt from the requirements of
2 chapter 21. If the board declines to meet with
3 teacher, the parties shall immediately proceed under
4 section 279.16. The private meeting, if agreed to by
5 the board, shall be held no later than fifteen days
6 from receipt of the request for the private meeting.
7 At the meeting, the superintendent shall have the
8 opportunity to discuss with the board the reasons for
9 the issuance of the notice. The teacher, or the
10 teacher's representative, shall be given an
11 opportunity to respond. At the conclusion of the
12 meeting, the board of directors and the teacher may
13 enter into a mutually agreeable resolution to the
14 recommendation of termination. If no resolution is
15 reached by the parties, the board shall immediately
16 meet in open session, and, by majority roll call vote,
17 either reject or support the superintendent's
18 recommendation. If the recommendation is rejected,
19 the teacher's continuing contract shall remain in
20 force and effect. If the recommendation is supported,
21 the parties shall immediately proceed under section
22 279.16.

23 3. If the teacher does not request a private
24 meeting or private hearing pursuant to this section,
25 the board may determine the continuance,
26 discontinuance, or termination of the contract and, if
27 the board determines to continue the teacher's
28 contract, whether to suspend the teacher with or
29 without pay for a period specified by the board.
30 Board action shall be by majority roll call vote
31 entered on the minutes of the meeting. The board
32 shall make a determination as expeditiously as
33 possible, or, for a termination of contract pursuant
34 to section 279.15, not later than May 31. Notice of
35 board action shall be personally delivered or mailed
36 to the teacher.

37 4. As a part of the termination proceedings, the
38 teacher's complete personnel file of employment by
39 that board shall be available to the teacher, which
40 file shall contain a record of all periodic
41 evaluations between the teacher and appropriate
42 supervisors.

43 Sec.____. Section 279.16, Code 2007, is amended to
44 read as follows:

45 279.16 PRIVATE HEARING – DECISION – RECORD.

46 1. If a private hearing is requested pursuant to
47 section 279.15A, or if the board declines to meet with
48 the teacher after a teacher's request for a meeting
49 under section 279.15A, the secretary of the board
50 shall immediately forward to the public employment

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1 relations board a request that the public employment
2 relations board submit a list of five qualified
3 adjudicators to the parties for purposes of conducting
4 a private hearing. Within three days from receipt of
5 the list the parties shall select an adjudicator by
6 alternately removing a name from the list until only
7 one name remains. The person whose name remains shall
8 be the adjudicator. The parties shall determine by
9 lot which party shall remove the first name from the
10 list. The hearing shall be held no sooner than ten
11 days and not later than thirty days following the
12 selection of the adjudicator in order to allow the
13 teacher reasonable discovery, unless the parties
14 otherwise agree.

15 2. The adjudicator selected shall notify the
16 secretary of the board and the teacher in writing
17 concerning the date, time, and location of the
18 hearing. The board may be represented by a legal
19 representative, and the teacher shall appear and may
20 be represented by counsel or by a representative.

21 3. The participants at the private hearing
22 requested pursuant to section 279.15A shall be at
23 least a majority of the members of the board, their
24 legal representatives, if any, include the
25 superintendent, the superintendent's designated
26 representatives, if any, the teacher's immediate
27 supervisor, the teacher, the teacher's
28 representatives, if any, and the witnesses for the
29 parties. The evidence at the private hearing shall be
30 limited to the specific reasons stated in the
31 superintendent's notice of recommendation of
32 termination. ~~No~~ Hearsay evidence shall not form a
33 sufficient basis for termination. A participant in
34 the hearing shall not be liable for any damages to any
35 person if any statement at the hearing is determined
36 to be erroneous as long as the statement was made in
37 good faith. The superintendent shall present evidence
38 and argument on all issues involved and the teacher
39 may cross-examine, respond, and present evidence and
40 argument in the teacher's behalf relevant to all
41 issues involved. Evidence may be by stipulation of
42 the parties and informal settlement may be made by
43 stipulation, consent, or default or by any other
44 method agreed upon by the parties in writing. ~~The~~
45 board shall employ a certified shorthand reporter to
46 keep a record of the private hearing. ~~The proceedings~~
47 or any part thereof shall be transcribed at the
48 request of either party with the expense of
49 transcription charged to the requesting party.

50 2. 4. The presiding officer of the board

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1 adjudicator may administer oaths in the same manner
 2 and with like effect and under the same penalties as
 3 in the case of magistrates exercising criminal or
 4 civil jurisdiction. The ~~board~~ adjudicator shall caus
 5 subpoenas to be issued for such witnesses and the
 6 production of such books and papers as either the
 7 ~~board~~ adjudicator or the teacher may designate. The
 8 subpoenas shall be signed by the ~~presiding officer of~~
 9 ~~the board~~ adjudicator.

10 ~~3.~~ 5. In case a witness is duly subpoenaed and
 11 refuses to attend, or in case a witness appears and
 12 refuses to testify or to produce required books or
 13 papers, the ~~board~~ adjudicator shall, in writing,
 14 report such refusal to the district court of the
 15 county in which the administrative office of the
 16 school district is located, and the court shall
 17 proceed with the person or witness as though the
 18 refusal had occurred in a proceeding legally pending
 19 before the court.

20 ~~4.~~ 6. The ~~board~~ adjudicator shall not be bound by
 21 common law or statutory rules of evidence or by
 22 technical or formal rules of procedure, but ~~it~~ shall
 23 hold the hearing in such manner as is best suited to
 24 ascertain and conserve the substantial rights of the
 25 parties. ~~Process and procedure under sections 270.13~~
 26 ~~to 270.19 shall be as summary as reasonably may be.~~

27 ~~5.~~ 7. At the conclusion of the private hearing,
 28 the ~~superintendent board~~ and the teacher may file
 29 written briefs and arguments with the ~~board~~
 30 adjudicator within three days or such other time as
 31 may be agreed upon.

32 ~~6. If the teacher fails to timely request a~~
 33 ~~private hearing or does not appear at the private~~
 34 ~~hearing, the board may proceed and make a~~
 35 ~~determination upon the superintendent's~~
 36 ~~recommendation. If the teacher fails to timely file a~~
 37 ~~request for a private hearing, the determination shall~~
 38 ~~be not later than May 31. If the teacher fails to~~
 39 ~~appear at the private hearing, the determination shall~~
 40 ~~be not later than five days after the scheduled date~~
 41 ~~for the private hearing. The board shall convene in~~
 42 ~~open session and by roll call vote determine the~~
 43 ~~termination or continuance of the teacher's contract~~
 44 ~~and, if the board votes to continue the teacher's~~
 45 ~~contract, whether to suspend the teacher with or~~
 46 ~~without pay for a period specified by the board.~~

47 ~~7. Within five days after the private hearing, the~~
 48 ~~board shall, in executive session, meet to make a~~
 49 ~~final decision upon the recommendation and the~~
 50 ~~evidence as herein provided. The board shall also~~

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1 ~~consider any written brief and arguments submitted by~~
2 ~~the superintendent and the teacher.~~

3 ~~8. The record for a private hearing shall include:~~

4 ~~a. All pleadings, motions and intermediate~~
5 ~~rulings.~~

6 ~~b. All evidence received or considered and all~~
7 ~~other submissions.~~

8 ~~c. A statement of all matters officially noticed.~~

9 ~~d. All questions and offers of proof, objections~~
10 ~~and rulings thereon.~~

11 ~~e. All findings and exceptions.~~

12 ~~f. Any decision, opinion, or conclusion by the~~
13 ~~board.~~

14 ~~g. Findings of fact shall be based solely on the~~
15 ~~evidence in the record and on matters officially~~
16 ~~noticed in the record.~~

17 ~~9. 8. The decision of the board adjudicator shall~~
18 ~~be in writing and shall include findings of fact and~~
19 ~~conclusions of law, separately stated contain a~~
20 ~~determination of whether a preponderance of evidence~~
21 ~~supports a finding that just cause exists for the~~
22 ~~termination of the teacher's continuing contract.~~
23 ~~Findings of fact, if set forth in statutory language,~~
24 ~~shall be accompanied by a concise and explicit~~
25 ~~statement of the underlying facts and supporting the~~
26 ~~findings. Each conclusion of law shall be supported~~
27 ~~by cited authority or by reasoned opinion. The~~
28 ~~adjudicator shall issue a decision within a reasonable~~
29 ~~time following the hearing. The adjudicator shall~~
30 ~~make a specific determination of whether the teacher's~~
31 ~~continuing contract should be terminated for just~~

32 ~~cause, or whether a sanction less severe than~~
33 ~~termination of the teacher's contract is appropriate.~~
34 ~~The adjudicator shall immediately mail a copy of the~~
35 ~~decision to the board, the superintendent, and the~~
36 ~~teacher. The decision of the adjudicator is final.~~

37 ~~10. When the board has reached a decision,~~
38 ~~opinion, or conclusion, it shall convene in open~~
39 ~~meeting and by roll call vote determine the~~
40 ~~continuance or discontinuance of the teacher's~~
41 ~~contract and, if the board votes to continue the~~
42 ~~teacher's contract, whether to suspend the teacher~~
43 ~~with or without pay for a period specified by the~~
44 ~~board. The record of the private conference and~~
45 ~~findings of fact and exceptions shall be exempt from~~
46 ~~the provisions of chapter 22. The secretary of the~~
47 ~~board shall immediately mail notice of the board's~~
48 ~~action to the teacher.~~

49 Sec. ____ Section 279.19, Code 2007, is amended by
50 striking the section and inserting in lieu thereof the

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1 following:

2 279.19. BEGINNING TEACHERS.

3 If a teacher receiving a notice under section
4 279.15 is a beginning teacher, as defined in section
5 284.2, the provisions of sections 279.15, 279.15A, and
6 279.16 shall apply. In addition to the powers and
7 duties of the adjudicator as provided in section
8 279.16, the adjudicator shall also determine, if the
9 teacher is a beginning teacher, whether the teacher
10 has sufficiently demonstrated competency under the
11 standards listed in section 284.3, subsection 1. If
12 the determination of the adjudicator is that such
13 competency has been established, the determination
14 shall be communicated to the board of educational
15 examiners created in section 272.2, which shall then
16 issue a standard license to the teacher,
17 notwithstanding any provision in section 284.5,
18 subsection 6, to the contrary.

19 Sec. ____ Section 279.27, Code 2007, is amended to
20 read as follows:

21 279.27 DISCHARGE OF TEACHER.

22 A teacher may be discharged at any time during the
23 contract year for just cause. The superintendent or
24 the superintendent's designee, shall notify the
25 teacher immediately that the superintendent will
26 recommend in writing to the board at a regular or
27 special meeting of the board held not more than
28 fifteen days after notification has been given to the
29 teacher that the teacher's continuing contract be
30 terminated effective immediately following a decision
31 of the board. The procedure for ~~dismissal termination~~
32 shall be as provided in ~~section 279.15, subsection 2,~~
33 ~~and sections 279.15A and 279.16 to 279.19.~~ The
34 superintendent may suspend a teacher under this
35 section pending ~~hearing and~~ determination by the board
36 under section 279.15A or by the adjudicator under
37 section 279.16, whichever is applicable.

38 Sec. ____ Section 279.40, unnumbered paragraph 5,
39 Code 2007, is amended by striking the unnumbered
40 paragraph.

41 Sec. ____ Section 279.46, Code 2007, is amended to
42 read as follows:

43 279.46 RETIREMENT INCENTIVES – TAX.

44 ~~The~~ If a school district and an employee
45 organization representing employees of the school
46 district have not negotiated an early retirement
47 incentive plan pursuant to chapter 20, the board of
48 directors of a school district may adopt a program for
49 payment of a monetary bonus, continuation of health or
50 medical insurance coverage, or other incentives for

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1 encouraging its employees to retire before the normal
2 retirement date as defined in chapter 97B. The
3 program is available only to employees who notify the
4 board of directors prior to April 1 of the fiscal year
5 that they intend to retire not later than the start of
6 the next following school calendar. The age at which
7 employees shall be designated eligible for the program
8 shall be at the discretion of the board. An employee
9 retiring under this section may apply for a retirement
10 allowance under chapter 97B or chapter 294. The board
11 may include in the district management levy an amount
12 to pay the total estimated accumulated cost to the
13 school district of the health or medical insurance
14 coverage, bonus, or other incentives for employees
15 within the age range of fifty-five to sixty-five years
16 of age who retire under this section.

17 Sec. ____ Section 284.3, subsection 2, paragraph
18 a, Code Supplement 2007, is amended to read as
19 follows:

20 a. (1) For purposes of comprehensive evaluations
21 for beginning teachers required to allow beginning
22 teachers to progress to career teachers, standards and
23 criteria that are the Iowa teaching standards
24 specified in subsection 1 and the criteria for the
25 Iowa teaching standards developed by the department in
26 accordance with section 256.9, subsection 50. These
27 standards and criteria shall be set forth in an
28 instrument provided by the department. ~~The~~
29 ~~comprehensive evaluation and instrument are not~~
30 ~~subject to negotiations or grievance procedures~~
31 ~~pursuant to chapter 20 or determinations made by the~~
32 ~~board of directors under section 270.14.~~ A local
33 school board and its certified bargaining
34 representative may negotiate, pursuant to chapter 20,
35 evaluation and grievance procedures for beginning
36 teachers that are not in conflict with this chapter.

37 (2) If a school board determines that a beginning
38 teacher fails to demonstrate competence in the Iowa
39 teaching standards, the beginning teacher may appeal
40 the decision to an adjudicator under the process
41 established under section 279.16. ~~If, in accordance~~
42 ~~with section 270.10,~~ a beginning teacher appeals the
43 ~~determination of a school board~~ to an adjudicator
44 ~~under section 270.17,~~ the adjudicator selected shall
45 have successfully completed training related to the
46 Iowa teacher standards, the criteria adopted by the
47 state board of education in accordance with subsection
48 3, and any additional training required under rules
49 adopted by the public employment relations board in
50 cooperation with the state board of education.

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- 1 Sec.____. Section 284.8, subsection 3, Code
 2 Supplement 2007, is amended to read as follows:
 3 3. If a teacher is denied advancement to the
 4 career II or advanced teacher level based upon a
 5 performance review, the teacher may appeal the
 6 decision to an adjudicator under the process
 7 established under section ~~279.17~~ 279.16. However, the
 8 decision of the adjudicator is final.
 9 Sec.____. Section 279.17, Code Supplement 2007, is
 10 repealed.
 11 Sec.____. Section 279.18, Code 2007, is repealed."
 12 6. Title page, line 1, by inserting after the
 13 word "bargaining" the following: "and teacher
 14 discipline".
 15 7. By renumbering as necessary.

Tymeson of Madison offered the following amendment [H-8201](#), to amendment [H-8164](#), filed by her from the floor and moved its adoption:

[H-8201](#)

- 1 Amend the amendment, [H-8164](#), to [House File 2645](#), as
 2 follows:
 3 1. Page 1, by striking lines 2 through 5.
 4 2. By striking page 4, line 39, through page 14,
 5 line 14.
 6 3. By renumbering as necessary.

Roll call was requested by Tymeson of Madison and Rants of Woodbury.

Rule 75 was invoked.

On the question "Shall amendment [H-8201](#) to amendment [H-8164](#) be adopted?" ([H.F. 2645](#))

The ayes were, 49:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill

Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wiencek	Windschitl
Worthan			

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, none.

Amendment [H-8201](#) lost.

Horbach of Tama offered the following amendment [H-8207](#), to amendment [H-8164](#), filed by him from the floor and moved its adoption:

[H-8207](#)

1 Amend the amendment, [H-8164](#), to [House File 2645](#) as
 2 follows:
 3 1. Page 1, by inserting after line 5 the
 4 following:
 5 "____. Page 1, by inserting after line 6 the
 6 following:
 7 "Sec.____. Section 20.3, Code 2007, is amended by
 8 adding the following new subsection:
 9 NEW SUBSECTION. 1A. "Bargaining unit" means only
 10 those employees in a particular class of employees who
 11 voluntarily agree to be represented by an employee
 12 organization."
 13 ____ Page 1, line 10, by inserting after the word
 14 "employees" the following: "voluntarily."
 15 2. By renumbering as necessary.

Wise of Lee in the chair at 4:02 p.m.

Roll call was requested by Horbach of Tama and Rants of Woodbury.

On the question "Shall amendment [H-8207](#) to amendment 8164, be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Zirkelbach
Wise, Presiding			

Absent or not voting, none.

Amendment [H-8207](#) lost.

McCarthy of Polk offered the following amendment [H-8198](#), to amendment [H-8164](#), filed by him from the floor and moved its adoption:

[H-8198](#)

- 1 Amend the amendment, [H-8164](#), to [House File 2645](#), as
 2 follows:
 3 1. Page 1, by inserting after line 7 the
 4 following:
 5 "Sec. ____ Section 20.8, Code 2007, is amended by
 6 adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Section 20.9 shall not
 8 be construed to abrogate the rights of public
 9 employees as provided in this section and
 10 notwithstanding any other provision of law to the
 11 contrary, nothing shall be construed to alter this
 12 section which shall remain in full force and effect."
 13 2. By renumbering as necessary.

The House stood at ease at 4:35 p.m., until the fall of the gavel.

The House resumed session at 5:50 p.m., Wise of Lee in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-six members present, four absent.

The House resumed consideration of amendment [H-8198](#) to amendment [H-8164](#).

McCarthy of Polk moved the adoption of amendment [H-8198](#) to amendment [H-8164](#).

Roll call was requested by McCarthy of Polk and Dandekar of Linn.

On the question "Shall amendment [H-8198](#) to amendment [H-8164](#) be adopted?" ([H.F. 2645](#))

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill

Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Windschitl	Worthan	Zirkelbach	Wise, Presiding

The nays were, none.

Absent or not voting, none.

Amendment [H-8198](#) was adopted, placing out of order amendment [H-8215](#) filed by Anderson of Page from the floor.

Rants of Woodbury offered the following amendment [H-8168](#), to amendment [H-8164](#), filed by him from the floor and moved its adoption:

[H-8168](#)

- 1 Amend the amendment, H-8164, to [House File 2645](#) as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "but
- 4 not limited to".
- 5 2. Page 2, by striking lines 10 and 11 and
- 6 inserting the following:
- 7 "w. Other matters mutually agreed upon."

Roll call was requested by Rants of Woodbury and Van Engelenhoven of Marion.

On the question "Shall amendment [H-8168](#) to amendment [H-8164](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	Wise, Presiding

Absent or not voting, 1:

Mertz

Amendment [H-8168](#) lost.

May of Dickinson offered the following amendment [H-8172](#), to amendment [H-8164](#), filed by Rants of Woodbury from the floor and moved its adoption:

[H-8172](#)

- 1 Amend the amendment, [H-8164](#), to [House File 2645](#) as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "but
- 4 not limited to".
- 5 2. Page 1, by striking lines 18 through 20 and
- 6 inserting the following:

- 7 "~~b. hours, Hours.~~"
 8 3. Page 2, by striking lines 10 through 11 and
 9 inserting the following:
 10 "w. Other matters mutually agreed upon."

Roll call was requested by May of Dickinson and L. Miller of Scott.

On the question "Shall amendment [H-8172](#) to amendment [H-8164](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Zirkelbach
Wise, Presiding			

Absent or not voting, none.

Amendment [H-8172](#) lost.

The House stood at ease at 8:42 p.m., until the fall of the gavel.

The House resumed session at 9:26 p.m., Wise of Lee in the chair.

Rants of Woodbury offered amendment [H-8177](#), to amendment [H-8164](#), filed by him from the floor as follows:

[H-8177](#)

- 1 Amend the amendment, [H-8164](#), to [House File 2645](#) as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "[but](#)
- 4 [not limited to](#)".
- 5 2. Page 1, by striking line 48.
- 6 3. Page 2, by striking lines 10 through 11 and
- 7 inserting the following:
- 8 "[w. Other matters mutually agreed upon.](#)"
- 9 4. By renumbering as necessary.

Division was requested as follows:

Lines 3 through 4, and lines 6 through 8, division A.
Lines 5 and 9, division B.

Amendment [H-8177A](#) was placed out of order.

Rants of Woodbury moved the adoption of amendment [H-8177B](#).

Roll call was requested by Rants of Woodbury and Upmeyer of Hancock.

Rule 75 was invoked.

On the question "Shall amendment [H-8177B](#) to amendment [H-8164](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson

Upmeyer Wienczek	Van Engelenhoven Windschitl	Van Fossen Worthan	Watts
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The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	Wise, Presiding

Absent or not voting, 1:

Olson, T.

Amendment [H-8177B](#) lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

T. Olson of Linn on request of Speaker Murphy.

Rants of Woodbury offered amendment [H-8179](#), to amendment [H-8164](#), filed by him from the floor as follows:

[H-8179](#)

- 1 Amend the amendment, [H-8164](#), to [House File 2645](#) as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "but
- 4 not limited to".
- 5 2. Page 2, by striking line 7.
- 6 3. Page 2, by striking lines 10 through 11 and
- 7 inserting the following:
- 8 "w. Other matters mutually agreed upon."
- 9 4. By renumbering as necessary.

Division was requested as follows:

Lines 3 through 4 and lines 6 through 8, division A.
 Lines 5 and line 9, division B.

Amendment [H-8179A](#) was placed out of order.

Rants of Woodbury moved the adoption of amendment [H-8179B](#).

Roll call was requested by Rants of Woodbury and Struyk of Pottawattamie.

On the question "Shall amendment [H-8179B](#) to amendment [H-8164](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise,	
		Presiding	

Absent or not voting, 2:

Olson, T.	Shomshor
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Amendment [H-8179B](#) lost.

Rants of Woodbury offered amendment [H-8180](#), to amendment [H-8164](#), filed by him from the floor as follows:

[H-8180](#)

- 1 Amend the amendment, [H-8164](#), to [House File 2645](#) as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "[but](#)
- 4 [not limited to](#)".
- 5 2. Page 1, by striking lines 22 through 23 and
- 6 inserting the following:
- 7 "[d. insurance, Insurance.](#)"
- 8 3. Page 2, by striking lines 10 through 11 and
- 9 inserting the following:
- 10 "[w. Other matters mutually agreed upon.](#)"

Rants of Woodbury moved to defer [House File 2645](#).

Roll call was requested by Rants of Woodbury and Struyk of Pottawattamie.

Rule 75 was invoked.

On the question "Shall the House defer on [House File 2645](#)?"

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser

Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise, Presiding	

Absent or not voting, 2:

Mertz Olson, T.

The motion to defer [House File 2645](#) lost.

McCarthy of Polk moved that the debate be closed and the question be put on [House File 2645](#) and all amendments, amendments to amendments, and motions thereto at 4:00 a.m. on March 20, 2008.

Raecker of Polk moved to amend the motion to 7:00 p.m.

Roll call was requested by Rants of Woodbury and Kaufmann of Cedar.

On the question "Shall [House File 2645](#) be debated at the time certain of 7:00 p.m., March 21, 2008?" ([H.F. 2645](#))

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig

Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Tomenga	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Zirkelbach
Wise, Presiding			

Absent or not voting, 1:

Olson, T.

The motion lost.

Rants of Woodbury moved to amend the McCarthy motion that debate be closed and the question be put to [House File 2645](#) to set a time certain of 4:00 p.m. on March 21, 2008.

On the question "Shall [House File 2645](#) be debated at the time certain of 4:00 p.m., March 21, 2008?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert

Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	Wise, Presiding

Absent or not voting, 1:

Olson, T.

The motion lost.

Kaufman of Cedar moved that debate be closed and the question be put to [House File 2645](#) to a time certain of 6:00 p.m. on March 21, 2008.

Roll call was requested by Rants of Woodbury and Greiner of Washington.

On the question "Shall [House File 2645](#) be debated at the time certain of 6:00 p.m., March 21, 2008?"

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim

Taylor, D.	Taylor, T.	Thomas	Tomenga
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			Murphy

Absent or not voting, 2:

Gaskill	Olson, T.
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The motion lost.

Hunter of Polk moved to amend the McCarthy motion to set a time certain of 4:05 a.m., on March 20, 2008.

Raecker of Polk moved to amend the Hunter of Polk motion to set a time certain of 12:00 p.m., March 20, 2008.

Roll call was requested by Rants of Woodbury and Upmeyer of Hancock.

On the question "Shall [House File 2645](#) be debated at the time certain of 12:00 p.m., March 20, 2008?"

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wiencsek
Windschitl	Worthan		

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig

Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Tomenga	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Zirkelbach
Wise			
Presiding			

Absent or not voting, 1:

Olson, T.

The motion lost.

The House stood at ease at 1:50 a.m., until the fall of the gavel.

The House resumed session at 2:28 a.m., Wise of Lee in the chair.

McCarthy of Polk moved to amend the Hunter of Polk motion to set a time certain of 11:30 a.m., on March 20, 2008.

The motion prevailed.

McCarthy of Polk asked and received unanimous consent that [House File 2645](#) be deferred and that the bill retain its place on the calendar. (Amendment [H-8164](#) and amendment [H-8180](#) pending)

INTRODUCTION OF BILL

[House File 2659](#), by Jacoby, a bill for an act relating to taxation by making changes to assessment of property for purposes of property taxation, county and city budgets funded primarily by property taxes and service charges, school district budgets funded primarily by state and local taxes, state mandates funding, local assessors, and property tax exemptions and credits, creating an implementation committee, and including effective and applicability date provisions.

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

SENATE MESSAGES CONSIDERED

[Senate File 2251](#), by committee on human resources, a bill for an act relating to student eye care and including an applicability date provision.

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

[Senate File 2279](#), by committee on education, a bill for an act establishing health, nutrition, and cardiopulmonary resuscitation certification requirements for students, school districts, and accredited nonpublic schools, and providing an effective date.

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

[Senate File 2312](#), by committee on state government, a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

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

[Senate File 2387](#), by committee on state government, a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device and the penalties for awarding an improper cash prize.

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

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 19, 2008, appointed the conference committee to [House File 2212](#), a bill for an act creating a smokefree air Act and providing penalties. (Formerly [HSB 537](#)), and the members of the Conference Committee on the part of the Senate are: The Senator from Warren, Senator Appel, Chair; the Senator from Johnson, Senator Bolkcom; the Senator from Black Hawk, Senator Dotzler; the Senator from Woodbury, Senator Wieck; the Senator from Allamakee, Senator Ziemann.

Also: That the senate has on March 19, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2189](#), a bill for an act concerning bingo conducted during county fairs.

Also: That the Senate has on March 19, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2394](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 2:32 a.m., until 9:00 a.m., Thursday, March 20, 2008.

MORNING SESSION

The House reconvened at 9:17 a.m., Speaker pro tempore Bukta in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-one members present, nine absent.

PRAYER

The prayer was offered by Reverend Chad Entinger with the Deaf Missions in Council Bluffs. He was the guest of Representatives Rod Roberts of Carroll County and Greg Forristall of Pottawattamie County.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Madelyn and Johnnie Hartlip of Hudson. They are the children of Matt and Sarah Hartlip. They were the guests of Representative Doris Kelley of Black Hawk County.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

T. Olson of Linn on request of Speaker Murphy.

The House resumed consideration of [House File 2645](#), previously deferred. (Amendment [H-8164](#) and amendment [H-8180](#) to amendment [H-8164](#) pending.)

Wise of Lee in the chair at 9:35 a.m.

Rants of Woodbury asked and received unanimous consent to withdraw the following amendments to amendment [H-8164](#), filed by him from the floor:

Amendment [H-8180](#)
 Amendment [H-8181](#)
 Amendment [H-8185](#)
 Amendment [H-8186](#)
 Amendment [H-8187](#)
 Amendment [H-8194](#)
 Amendment [H-8195](#)

Abdul-Samad of Polk asked and received unanimous consent to withdraw amendments [H-8197](#) and [H-8212](#), to amendment [H-8164](#), filed by him from the floor.

Chambers of O'Brien offered the following amendment [H-8208](#), to amendment [H-8164](#), filed by him from the floor and moved its adoption:

[H-8208](#)

- 1 Amend the amendment, [H-8164](#), to [House File 2645](#) as
- 2 follows:
- 3 1. Page 2, by striking lines 8 through 9.
- 4 2. Page 2, by striking lines 38 through 44 and
- 5 inserting the following:
- 6 "a. All retirement systems."
- 7 3. Page 4, by striking lines 21 through 38.
- 8 4. By striking page 12, line 41 through page 13,
- 9 line 16.
- 10 5. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Chambers of O'Brien.

On the question "Shall amendment [H-8208](#) to amendment [H-8164](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall

Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise, Presiding	

Absent or not voting, 2:

Ford Olson, T.

Amendment [H-8208](#) lost.

Rants of Woodbury asked and received unanimous consent to withdraw amendment [H-8193](#), to amendment [H-8164](#), filed by him from the floor.

Rants of Woodbury offered amendment [H-8184](#), to amendment [H-8164](#), filed by him from the floor as follows:

[H-8184](#)

- 1 Amend the amendment, [H-8164](#), to [House File 2645](#) as
- 2 follows:
- 3 1. Page 2, by inserting after line 37 the
- 4 following:
- 5 "[aa. Whether a fair share fee, fee for service, or](#)
- 6 [any involuntary withholding of dues shall be charged](#)
- 7 [to nonmembers of the employee organization.](#)"
- 8 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Tymeson of Madison.

Rule 75 was invoked.

On the question "Shall amendment [H-8184](#) to amendment [H-8164](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 50:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Zirkelbach	Wise,		
	Presiding		

Absent or not voting, 3:

Ford	Olson, T.	Quirk
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Amendment [H-8184](#) lost.

CONFERENCE COMMITTEE APPOINTMENT
Temporary Change
([House File 2212](#))

The Speaker announced a temporary change to the conference committee on [House File 2212](#), a bill for an act creating a smokefree air Act and providing penalties. Wise of Lee will temporarily substitute for T. Olson of Linn as chair of the conference committee.

Rants of Woodbury offered amendment [H-8211](#), to amendment [H-8164](#), filed by him from the floor as follows:

[H-8211](#)

- 1 Amend the amendment, [H-8164](#), to [House File 2645](#) as
- 2 follows:
- 3 1. Page 2, by inserting after line 48 the
- 4 following:
- 5 "5. Notwithstanding any provision of this chapter
- 6 to the contrary, an arbitrator shall not make an award
- 7 in favor of the final offer of an employee
- 8 organization as to any of the items described in
- 9 subsection 1, paragraph "i", "n", "q", "r", "s", "t",
- 10 "u", "v", or "w", if the granting of an award as to
- 11 that item would require the public employer to raise
- 12 its levy rate or increase its bonded indebtedness."
- 13 2. By renumbering as necessary.

Speaker Murphy in the chair at 10:04 a.m.

Wise of Lee in the chair at 10:28 a.m.

POINT OF ORDER

Mascher of Johnson rose on a point of order that a guest was on the floor without a name badge.

The Speaker ruled the point well taken and requested that the guest leave the House chamber until he has a name badge.

Roll call was requested by Rants of Woodbury and Upmeyer of Hancock.

Rule 75 was invoked.

On the question "Shall amendment [H-8211](#) to amendment [H-8164](#) be adopted?" ([H.F. 2645](#))

The ayes were, 49:

Alons	Anderson	Arnold	Bailey
Baudler	Boal	Chambers	Clute
De Boef	Deyoe	Dolecheck	Drake
Forristall	Gipp	Granzow	Grassley
Greiner	Heaton	Hoffman	Horbach
Huseman	Jacobs	Kaufmann	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Roberts	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

The nays were, 50:

Abdul-Samad	Bell	Berry	Bukta
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Zirkelbach	Wise,		
	Presiding		

Absent or not voting, 1:

Olson, T.

Amendment [H-8211](#) lost.

Rants of Woodbury asked and received unanimous consent to withdraw the following amendments to amendment [H-8164](#) filed by him from the floor:

Amendments [H-8167](#), [H-8169](#), [H-8170](#), [H-8171](#), [H-8173](#) and [H-8182](#).

Tymeson of Madison offered the following amendment [H-8209](#), to amendment [H-8164](#), filed by her from the floor and moved its adoption:

[H-8209](#)

- 1 Amend the amendment, [H-8164](#), to [House File 2645](#) as
- 2 follows:
- 3 1. By striking page 11, line 49, through page 12,
- 4 line 18.
- 5 2. Page 12, by striking lines 38 through 40.
- 6 3. By renumbering as necessary.

Amendment [H-8209](#) lost.

Rants of Woodbury offered the following amendment [H-8183](#), to amendment [H-8164](#), filed by him from the floor and moved its adoption:

[H-8183](#)

- 1 Amend the amendment, [H-8164](#), to [House File 2645](#) as
- 2 follows:
- 3 1. By striking page 1, line 2, through page 14,
- 4 line 15, and inserting the following:
- 5 "____. Page 1, by inserting after line 32 the
- 6 following:
- 7 "Sec.____. NEW SECTION. 20.9A EMPLOYEE
- 8 ORGANIZATION MEMBERSHIP – PENALTY.
- 9 1. It is declared to be the policy of the state of
- 10 Iowa that no person within its boundaries shall be
- 11 deprived of the right to work at the person's chosen
- 12 occupation for any public employer because of
- 13 membership in, affiliation with, withdrawal or
- 14 expulsion from, or refusal to join, any employee
- 15 organization, and any collective bargaining agreement
- 16 which contravenes this policy is illegal and void.
- 17 2. It shall be unlawful for any public employer to
- 18 refuse or deny employment to any person because of
- 19 membership in, or affiliation with, or resignation or
- 20 withdrawal from, an employee organization, or because
- 21 of refusal to join or affiliate with an employee
- 22 organization.
- 23 3. It shall be unlawful for any public employer or
- 24 employee organization to enter into any understanding,
- 25 contract, or agreement, whether written or oral, to
- 26 exclude from employment members of an employee
- 27 organization, or persons who do not belong to, or who
- 28 refuse to join, an employee organization, or because

29 of resignation or withdrawal therefrom.

30 4. It shall be unlawful for any public employer or
31 employee organization, either directly or indirectly,
32 or in any manner or by any means as a prerequisite to
33 or a condition of employment to require any person to
34 pay dues, charges, fees, contributions, fines or
35 assessments to any employee organization.

36 5. Notwithstanding any provision of this chapter
37 to the contrary, it shall be unlawful for any public
38 employer or employee organization to deduct employee
39 organization dues, charges, fees, contributions, fines
40 or assessments from a public employee's earnings,
41 wages or compensation, unless the public employer has
42 first been presented with an individual written order
43 therefore signed by the public employee, which written
44 order shall be terminable at any time by the public
45 employee giving at least thirty days' written notice
46 of such termination to the public employer.

47 6. Any public employer or employee organization,
48 or any director, officer, representative, agent, or
49 member thereof, who shall violate any of the
50 provisions of this section or who shall aid and abet

Page 2

1 in such violation shall be guilty of a serious
2 misdemeanor.

3 7. Additional to the penal provisions of this
4 section, any public employer or employee organization,
5 or any officer, representative, agent, or member
6 thereof, may be restrained by injunction from doing or
7 continuing to do any of the matters and things
8 prohibited by this section, and all of the provisions
9 of the law relating to the granting of restraining
10 orders and injunctions, either temporary or permanent,
11 shall be applicable. ""

12 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

Rule 75 was invoked.

On the question "Shall amendment [H-8183](#) to amendment [H-8164](#)
be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons
Boal
Deyoe

Anderson
Chambers
Dolecheck

Arnold
Clute
Drake

Baudler
De Boef
Forristall

Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	Wise, Presiding

Absent or not voting, 1:

Olson, T.

Amendment [H-8183](#) lost.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-8216](#) to amendment [H-8164](#) filed by him from the floor.

McCarthy of Polk asked and received unanimous consent that [House File 2645](#) be deferred and that the bill retain its place on the calendar.

TIME CERTAIN RECONSIDERED

McCarthy of Polk moved to reconsider his previous motion that debate be closed and the question be put to [House File 2645](#).

The motion prevailed.

McCarthy of Polk moved to amend his motion to 11:45 a.m., March 19, 2008.

The motion prevailed.

The House resumed consideration of [House File 2645](#) and amendment [H-8164](#), as amended.

Division was requested as follows:

Page 1 lines 2 through page 4 line 38, division A.

Page 4 lines 38 through page 13 line 14, division B.

The Speaker announced that the time certain having come to pass and all amendments be put to the question.

R. Olson of Polk moved the adoption of amendment [H-8164A](#).

Roll call was requested by Rants of Woodbury and Greiner of Washington.

Rule 75 was invoked.

On the question "Shall amendment [H-8164A](#) be adopted?" ([H.F. 2645](#))

The ayes were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	Wise, Presiding

The nays were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

Absent or not voting, 1:

Olson, T.

Amendment [H-8164A](#), as amended, was adopted.

Rants of Woodbury rose on a point of order that amendment [H-8164B](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8164B](#) not germane.

McCarthy of Polk asked for unanimous consent to suspend the rules to consider amendment [H-8164B](#).

Objection was raised.

McCarthy of Polk moved to suspend the rules to consider amendment [H-8164B](#).

Roll call was requested by Rants of Woodbury and T. Taylor of Linn.

On the question "Shall the rules be suspended to consider amendment [H-8164B](#)?" ([H.F. 2645](#))

The ayes were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt

Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	Wise, Presiding

The nays were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

Absent or not voting, 1:

Olson, T.

The motion prevailed.

R. Olson of Polk moved the adoption of amendment [H-8164B](#).

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

Rule 75 was invoked.

On the question "Shall amendment [H-8164B](#) be adopted?" ([H.F. 2645](#))

The ayes were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser

Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	Wise, Presiding

The nays were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencsek	Windschitl	Worthan	

Absent or not voting, 1:

Olson, T.

Amendment [H-8164B](#) was adopted.

Rants of Woodbury asked and received unanimous consent to withdraw the following amendments:

Amendment [H-8156](#) filed by Horbach of Tama on March 18, 2008.

Amendment [H-8157](#) filed by Gipp of Winneshiek on March 18, 2008.

Amendment [H-8163](#) filed by Upmeyer of Hancock on March 18, 2008.

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

[H-8151](#)

- 1 Amend [House File 2645](#) as follows:
- 2 1. Page 1, by inserting after line 6 the
- 3 following:

4 "Sec.____. Section 20.3, Code 2007, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 1A. "Bargaining unit" means only
 7 those employees in a particular class of employees who
 8 voluntarily agree to be represented by an employee
 9 organization."

10 2. Page 4, by inserting after line 22 the
 11 following:

12 "Sec.____. Section 20.14, subsection 1, Code 2007,
 13 is amended to read as follows:

14 1. Board certification of an employee organization
 15 as ~~the exclusive a~~ bargaining representative of a
 16 bargaining unit shall be upon a petition filed with
 17 the board by a public employer, public employee, or an
 18 employee organization and an election conducted
 19 pursuant to section 20.15. However, notwithstanding
 20 any provision of this chapter to the contrary,
 21 multiple employee organizations may represent teachers
 22 who are licensed under chapter 272 and who are
 23 employed by a public employer which is a school
 24 district or area education agency."

25 3. Page 5, line 14, by striking the words "an
 26 exclusive" and inserting the following: "~~an exclusive~~
 27 a".

28 4. Page 5, lines 18 and 19, by striking the words
 29 "employee organization as an exclusive" and inserting
 30 the following: "~~exclusive employee organization as~~
 31 a".

32 5. Page 5, line 20, by striking the words "an
 33 exclusive" and inserting the following: "a".

34 6. Page 5, line 22, by striking the words "an
 35 exclusive" and inserting the following: "a".

36 7. Page 5, line 35, by striking the words "an
 37 exclusive" and inserting the following: "~~an exclusive~~
 38 a".

39 8. Page 6, by inserting after line 17 the
 40 following:

41 "Sec.____. Section 20.16, Code 2007, is amended to
 42 read as follows:

43 20.16 DUTY TO BARGAIN.

44 Upon the receipt by a public employer of a request
 45 from an employee organization to bargain on behalf of
 46 public employees, the duty to engage in collective
 47 bargaining shall arise if the employee organization
 48 has been certified by the board as ~~the exclusive a~~
 49 bargaining representative for the public employees in
 50 that bargaining unit.

Page 2

1 Sec.____. Section 20.17, subsection 1, Code 2007,
 2 is amended to read as follows:

3 1. The employee organization certified as ~~the a~~
 4 bargaining representative shall be ~~the exclusive a~~
 5 representative of ~~all~~ public employees in the
 6 bargaining unit and shall represent ~~all~~ public
 7 employees fairly. However, any public employee may
 8 meet and adjust individual complaints with a public
 9 employer. To sustain a claim that a certified
 10 employee organization has committed a prohibited
 11 practice by breaching its duty of fair representation,
 12 a public employee must establish by a preponderance of
 13 the evidence action or inaction by the organization
 14 which was arbitrary, discriminatory, or in bad faith."
 15 9. Page 9, line 8, by striking the word
 16 "exclusive" and inserting the following: "~~exclusive~~".
 17 10. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8151](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas

Wendt
Whitead

Wenthe
Winckler

Wessel-Kroeschell
Zirkelbach

Whitaker
Wise,
Presiding

Absent or not voting, 1:

Olson, T.

Amendment [H-8151](#) lost.

Watts of Dallas offered the following amendment [H-8152](#) filed by him and moved its adoption:

[H-8152](#)

- 1 Amend [House File 2645](#) as follows:
- 2 1. Page 1, by inserting after line 6 the
- 3 following:
- 4 "Sec.____. Section 20.3, subsection 1, Code 2007,
- 5 is amended to read as follows:
- 6 1. "Arbitration" means the procedure whereby the
- 7 parties involved in an impasse submit their
- 8 differences to a third party for a ~~final and binding~~
- 9 decision or as provided in this chapter."
- 10 2. Page 7, line 22, by striking the word
- 11 "binding" and inserting the following: "~~binding~~".
- 12 3. Page 7, line 27, by striking the word
- 13 "binding" and inserting the following: "~~binding~~".
- 14 4. Page 10, lines 33 and 34, by striking the
- 15 words ", which shall be binding" and inserting the
- 16 following: "~~, which shall be binding~~".
- 17 5. Page 13, line 13, by inserting after the word
- 18 "parties" the following: "subject to the provisions
- 19 of section 20.22A".
- 20 6. Page 13, line 16, by inserting after the word
- 21 and figure "subsection 6" the following: ". and
- 22 section 20.22A".
- 23 7. Page 13, by inserting after line 19 the
- 24 following:
- 25 "Sec.____. NEW SECTION. 20.22A STATE EMPLOYEE
- 26 NEGOTIATIONS.
- 27 1. The items of a collective bargaining agreement
- 28 reached pursuant to this chapter between a public
- 29 employer and an employee organization representing
- 30 state employees which require economic adjustments
- 31 shall not take effect and the agreement is not final
- 32 and binding until moneys have been appropriated to
- 33 fund the economic adjustments by the general assembly,
- 34 specifically to fund the economic adjustments of the
- 35 collective bargaining agreement at issue. Items of a
- 36 collective bargaining agreement concerning an employee

37 organization representing state employees that are not
 38 economic adjustments are not subject to approval by
 39 the general assembly and are final and binding upon
 40 their determination subject to the provisions of
 41 section 20.17, subsection 6.

42 2. Within ten days following the determination of
 43 a collective bargaining agreement on all negotiated
 44 items by agreement of the parties or by an arbitration
 45 decision, the governor, or the governor's designee,
 46 shall inform the general assembly the amount of the
 47 appropriation necessary to fund the economic
 48 adjustments requires to fund the collective bargaining
 49 agreement.

50 3. The general assembly shall appropriate funds in

Page 2

1 any amount up to and including the amount indicated by
 2 the governor, or the governor's designee, under
 3 subsection 2. If less than the entire amount
 4 indicated by the governor, or the governor's designee,
 5 is appropriated by the general assembly, the
 6 collective bargaining agreement shall be administered
 7 on the basis of the amounts appropriated by and any
 8 directions of the general assembly.

9 4. The general assembly shall make an
 10 appropriation as provided by this section prior to the
 11 date the collective bargaining agreement is to become
 12 effective.

13 5. The items of a collective bargaining agreement
 14 that require economic adjustments subject to the
 15 provisions of this section shall become final and
 16 binding upon an appropriation of funds by the general
 17 assembly, subject to the provisions of section 20.17,
 18 subsection 6."

19 8. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Upmeyer of
 Hancock.

On the question "Shall amendment [H-8152](#) be adopted?" ([H.F.
 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman

Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	Wise, Presiding

Absent or not voting, 1:

Olson, T.

Amendment [H-8152](#) lost.

Watts of Dallas offered the following amendment [H-8153](#) filed by him and moved its adoption:

[H-8153](#)

1 Amend [House File 2645](#) as follows:
 2 1. Page 1, by inserting after line 6 the
 3 following:
 4 "Sec. _____. Section 20.3, Code 2007, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 1A. "Bargaining unit" means only
 7 those employees in a particular class of employees who
 8 have not opted out of representation by an employee
 9 organization."
 10 2. Page 1, by inserting after line 32 the
 11 following:
 12 "Sec. _____. Section 20.8, Code 2007, is amended by
 13 adding the following new subsection:
 14 NEW SUBSECTION. 5. Opt out of representation by
 15 an employee organization by written notice to the

16 employee organization and the public employer."

17 3. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8153](#) be adopted?" ([H.F. 2645](#))

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise, Presiding	

Absent or not voting, 3:

Jacoby	Olson, T.	Tomenga
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Amendment [H-8153](#) lost.

Watts of Dallas offered the following amendment [H-8154](#) filed by him and moved its adoption:

[H-8154](#)

- 1 Amend [House File 2645](#) as follows:
- 2 1. Page 1, by inserting after line 6 the
- 3 following:

4 "Sec.____. Section 20.3, Code 2007, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 1A. "Bargaining unit" means only
 7 those employees in a particular class of employees who
 8 have not declared themselves a free agent employee."
 9 2. Page 1, by inserting after line 12 the
 10 following:
 11 "Sec.____. Section 20.3, Code 2007, is amended by
 12 adding the following new subsection:
 13 NEW SUBSECTION. 5A. "Free agent employee" means a
 14 public employee who has signed a release declaring
 15 that the employee will not be represented by an
 16 employee organization and that the employee
 17 understands that signing the release waives any claim
 18 or right to representation by that employee
 19 organization."
 20 3. Page 1, by inserting after line 32 the
 21 following:
 22 "Sec.____. Section 20.8, Code 2007, is amended by
 23 adding the following new subsection:
 24 NEW SUBSECTION. 5. Declare themselves a free
 25 agent employee."
 26 4. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8154](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt

Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise, Presiding	

Absent or not voting, 2:

Mertz Olson, T.

Amendment [H-8154](#) lost.

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

[H-8162](#)

1 Amend [House File 2645](#) as follows:
 2 1. Page 1, by inserting after line 12 the
 3 following:
 4 "Sec. __. Section 20.5, subsection 1, unnumbered
 5 paragraph 1, Code Supplement 2007, is amended to read
 6 as follows:
 7 There is established a board to be known as the
 8 "Public Employment Relations Board". The board shall
 9 consist of three members appointed by the governor,
 10 subject to confirmation by the senate. No more than
 11 ~~two members~~ one member shall be of the same political
 12 affiliation, no more than one member shall be
 13 registered as a no party voter, no member shall engage
 14 in any political activity while holding office, and
 15 the members shall devote full time to their duties."
 16 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8162](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 50:

Bailey	Bell	Berry	Bukta
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Zirkelbach	Wise,		
	Presiding		

Absent or not voting, 3:

Abdul-Samad Mertz Olson, T.

Amendment [H-8162](#) lost.

Watts of Dallas offered the following amendment [H-8142](#) filed by him as follows:

[H-8142](#)

1 Amend [House File 2645](#) as follows:
 2 1. Page 1, by inserting after line 24 the
 3 following:
 4 "Sec.____. Section 20.6, subsection 2, Code 2007,
 5 is amended to read as follows:
 6 2. Collect, for public employers other than the
 7 state and its boards, commissions, departments, and
 8 agencies, data and conduct studies relating to wages,
 9 hours, benefits and other terms and conditions of
 10 public employment, including such information filed
 11 with the board pursuant to section 20.29, and make the
 12 same available to any interested person or
 13 organization."
 14 2. Page 13, by inserting after line 33 the
 15 following:
 16 "Sec.____. Section 20.29, Code 2007, is amended by
 17 adding the following new unnumbered paragraph:
 18 NEW UNNUMBERED PARAGRAPH. Within ninety days of
 19 the completion of a collective bargaining agreement
 20 entered into pursuant to this chapter, the public
 21 employer shall file two copies of the agreement with
 22 the board. In addition, within the same time period,
 23 the public employer and the applicable certified
 24 employee organization shall file with the board,
 25 either jointly or separately, a report on a form
 26 prescribed by the board which shall include the number

27 of employees covered by the agreement, the estimated
 28 cost of implementing each wage, benefit, and other
 29 provision of the agreement having an economic impact
 30 and the estimated percentage increase in cost for each
 31 item compared to the prior agreement, the estimated
 32 total cost of implementing the agreement for the
 33 entire term of the agreement, and any other
 34 information relating to the agreement as requested by
 35 the board."
 36 3. By renumbering as necessary.

Watts of Dallas offered the following amendment [H-8196](#), to amendment [H-8142](#), filed by him from the floor and moved its adoption:

[H-8196](#)

1 Amend the amendment, [H-8142](#), to [House File 2645](#) as
 2 follows:
 3 1. Page 1, line 35, by inserting after the word
 4 "board." the following: "The board shall ensure that
 5 the report is submitted in an electronic format and is
 6 made available to the public on the board's internet
 7 site."

Amendment [H-8196](#) was adopted.

Watts of Dallas moved the adoption of amendment [H-8142](#), as amended.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8142](#), as amended, be adopted?" ([H.F. 2654](#))

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Fossen	Watts	Wiencen
Windschitl	Worthan		

The nays were, 50:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Zirkelbach	Wise, Presiding		

Absent or not voting, 4:

Huser	Mertz	Olson, T.	Van Engelenhoven
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Amendment [H-8142](#), as amended, lost.

Lukan of Dubuque offered the following amendment [H-8155](#) filed by him and moved its adoption:

[H-8155](#)

- 1 Amend [House File 2645](#) as follows:
- 2 1. Page 1, by inserting after line 32 the
- 3 following:
- 4 "Sec.____. Section 20.6, Code 2007, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 6. By January 1, 2009, and each
- 7 two years thereafter, submit a report to the general
- 8 assembly providing a comparison of public sector and
- 9 private sector salaries and benefits."
- 10 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8155](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May

Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise, Presiding	

Absent or not voting, 2:

Mertz Olson, T.

Amendment [H-8155](#) lost.

Paulsen of Linn offered the following amendment [H-8159](#) filed by him and moved its adoption:

[H-8159](#)

- 1 Amend [House File 2645](#) as follows:
- 2 1. Page 4, line 33, by inserting after the word
- 3 "organization" the following: "and each two years
- 4 thereafter".

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8159](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner

Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise,	
		Presiding	

Absent or not voting, 2:

Mertz Olson, T.

Amendment [H-8159](#) lost.

May of Dickinson offered the following amendment [H-8160](#) filed by him and moved its adoption:

[H-8160](#)

- 1 Amend [House File 2645](#) as follows:
- 2 1. Page 11, line 31, by inserting after the word
- 3 "board." the following: "The list of five arbitrators
- 4 shall include at least one person who is a private
- 5 sector businessperson registered as a no party voter."

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8160](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise, Presiding	

Absent or not voting, 2:

Mertz Olson, T.

Amendment [H-8160](#) lost.

May of Dickinson offered the following amendment [H-8161](#) filed by him and moved its adoption:

[H-8161](#)

- 1 Amend [House File 2645](#) as follows:
- 2 1. Page 12, by inserting after line 25 the
- 3 following:
- 4 "Sec.____. Section 20.22, subsection 9, Code 2007,
- 5 is amended by adding the following new paragraph:
- 6 NEW PARAGRAPH. e. Comparison of wages of the

7 involved public employees with those of similar
 8 private sector employees doing comparable work, giving
 9 consideration to factors peculiar to the area and the
 10 classifications involved, and providing that the
 11 maximum wages awarded public sector employees shall be
 12 no more than five percent greater than comparable
 13 private sector employees unless the public employees
 14 are in a merit pay program."
 15 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8161](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise,	
		Presiding	

Absent or not voting, 2:

Mertz	Olson, T.
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Amendment [H-8161](#) lost.

Soderberg of Plymouth offered the following amendment [H-8165](#) filed by him and moved its adoption:

[H-8165](#)

- 1 Amend [House File 2645](#) as follows:
- 2 1. Page 12, by inserting after line 25 the
- 3 following:
- 4 "Sec. ____ Section 20.22, subsection 9, paragraph
- 5 d, Code 2007, is amended by striking the paragraph and
- 6 inserting in lieu thereof the following:
- 7 d. Whether any proposed increase in wages to
- 8 public employees is justified based upon an increase
- 9 in productivity and performance of the employees and
- 10 based upon the ability of the public employer to pay
- 11 the award using existing resources without any
- 12 increase in taxes."
- 13 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8165](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher

McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise, Presiding	

Absent or not voting, 2:

Mertz Olson, T.

Amendment [H-8165](#) lost.

Watts of Dallas offered the following amendment [H-8141](#) filed by him and moved its adoption:

[H-8141](#)

- 1 Amend [House File 2645](#) as follows:
- 2 1. Page 13, by inserting after line 33 the
- 3 following:
- 4 "Sec. __. NEW SECTION. 20.32 PUBLIC-PRIVATE
- 5 SECTOR SALARY STUDY.
- 6 1. The legislative council shall commission a
- 7 study by a competent, independent, public accounting
- 8 service to conduct a comprehensive comparison of the
- 9 wages and benefits of selected public sector employee
- 10 positions with equivalent private sector employee
- 11 positions. The study shall be completed by January 1,
- 12 2009, and the copies of the report shall be submitted
- 13 to the board and the general public by January 1,
- 14 2009.
- 15 2. During calendar year 2009, and every two years
- 16 thereafter, the legislative council shall commission a
- 17 follow-up study to the study described in subsection 1
- 18 with a report to be submitted to the board and the
- 19 general public by January 1 of the following year."
- 20 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8141](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise, Presiding	

Absent or not voting, 2:

Mertz Olson, T.

Amendment [H-8141](#) lost.

Tymeson of Madison offered the following amendment [H-8158](#) filed by her and moved its adoption:

[H-8158](#)

1 Amend [House File 2645](#) as follows:
 2 1. Page 13, by inserting after line 33 the
 3 following:
 4 "Sec. ____ Section 279.59, Code 2007, is amended
 5 to read as follows:
 6 279.59 ~~ACCESS BY~~ PROFESSIONAL EDUCATION
 7 ASSOCIATIONS.
 8 1. The board of directors of a school district
 9 shall provide not-for-profit, professional education
 10 associations that offer membership to teachers or

11 administrators equal access to teacher or
 12 administrator mailboxes for distribution of
 13 professional literature.
 14 2. Notwithstanding section 20.9, a school district
 15 may, upon a teacher's or administrator's written
 16 request, deduct from the salary or wages of the
 17 teacher or administrator an amount specified by the
 18 teacher or administrator for payment of dues or
 19 membership fees for the teacher's or administrator's
 20 membership in a not-for-profit, professional education
 21 association. If a written request is granted, all
 22 other written requests for salary or wage deductions
 23 for payment of dues or membership fees for membership
 24 in the same not-for-profit, professional education
 25 association shall also be granted. The teacher or
 26 administrator may withdraw the request for the
 27 deduction at any time by giving the school district
 28 thirty days' written notice.
 29 3. For purposes of this section, unless the
 30 context otherwise requires, "professional education
 31 association" means an association in which the
 32 majority of members are practitioners licensed in
 33 accordance with chapter 272."
 34 2. Title page, line 1, by inserting after the
 35 word "bargaining" the following: "and payment of
 36 professional dues".
 37 3. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8158](#) be adopted?" ([H.F. 2645](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach	Wise, Presiding	

Absent or not voting, 2:

Mertz Olson, T.

Amendment [H-8158](#) lost.

RULE 32 LOST

Rants of Woodbury rose on a point of order and invoked Rule 32, requesting that [House File 2645](#), as amended, be referred to the committee on ways and means.

The point was not well taken.

T. Taylor 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" ([H.F. 2645](#))

The ayes were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed

Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	Wise, Presiding

The nays were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

Absent or not voting, 1:

Olson, T.

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

Pursuant to Rule 31.8, relating to the timely filing of amendments, amendment [H-8178](#) filed by Rants of Woodbury was placed out of order.

The House stood at ease at 12:30 p.m., until the fall of the gavel.

The House resumed session at 2:12 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILL

[House File 2660](#), by committee on appropriations, a bill for relating to and making appropriations to the justice system.

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

SENATE MESSAGES CONSIDERED

[Senate Joint Resolution 2002](#), by committee on natural resources and environment, a joint resolution proposing an

amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

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

Senate file 2189, by committee on state government, a bill for an act concerning bingo conducted during county fairs and community festivals, the purchasing of raffle tickets, and providing an effective date.

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

[Senate File 2364](#), by committee on judiciary, a bill for an act relating to the emancipation of a minor.

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

[Senate File 2394](#), by committee on appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date.

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

[HOUSE FILE 2329](#) REFERRED

The Speaker announced that [House File 2329](#), previously placed on the **calendar** was referred to committee on **ways and means**.

[HOUSE FILE 2525](#) REFERRED

The Speaker announced that [House File 2525](#), previously placed on the **calendar** was referred to committee on **ways and means**.

MOTION TO RECONSIDER
([House File 2645](#))

I move to reconsider the vote by which [House File 2645](#) passed the House on March 19, 2008.

MCCARTHY of Polk

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- 2008\2177 Joann Debruin-Farrell, Prairie City – For celebrating her 75th birthday.
- 2008\2178 Dorothy Runyan, Bondurant – For celebrating her 101st birthday.
- 2008\2179 Lucille Cox, Pleasant Hill – For celebrating her 75th birthday.
- 2008\2180 Shirley Renfro, Colfax – For celebrating her 90th birthday.
- 2008\2181 Dorothy Rose, Altoona – For celebrating her 75th birthday.
- 2008\2182 Ronald Eberle, Altoona – For celebrating his 75th birthday.
- 2008\2183 Jay Stovall, Altoona – For celebrating his 75th birthday.
- 2008\2184 Betty Anderson, Runnells – For celebrating her 75th birthday.
- 2008\2185 Ruth Rosburg, Altoona – For celebrating her 80th birthday.
- 2008\2186 Jessie Farmer, Altoona – For celebrating her 85th birthday.
- 2008\2187 Joe Sprouse, Colfax – For celebrating his 75th birthday.
- 2008\2188 Joyce Krause, Iowa City – For celebrating her 80th birthday.
- 2008\2189 Joyce Phelps, Iowa City – For celebrating her 75th birthday.
- 2008\2190 Willa Serbousek, North Liberty – For celebrating her 75th birthday.
- 2008\2191 Edward Gruwell, North Liberty – For celebrating his 75th birthday.
- 2008\2192 James Reynolds, Coralville – For celebrating his 80th birthday.
- 2008\2193 Betty Grow, Iowa City – For celebrating her 80th birthday.
- 2008\2194 Frank Colony, North Liberty – For celebrating his 80th birthday.
- 2008\2195 Emma Speaker, Iowa City – For celebrating her 85th birthday.
- 2008\2196 Norma Burke, Coralville – For celebrating her 75th birthday.
- 2008\2197 Helen Osmundson, Iowa City – For celebrating her 90th birthday.

- 2008\2198 Phyllis Alter, North Liberty – For celebrating her 85th birthday.
- 2008\2199 Donald Pumphrey, Coralville – For celebrating his 80th birthday.
- 2008\2200 Jean Bieri, Coralville – For celebrating her 85th birthday.
- 2008\2201 Jean Kratz, Coralville – For celebrating her 80th birthday.
- 2008\2202 Petronilla McDermott, Coralville – For celebrating her 90th birthday.
- 2008\2203 Edward Peeters, Davenport – For celebrating his 75th birthday.
- 2008\2204 Richard Hradek, Davenport – For celebrating his 75th birthday.
- 2008\2205 Mary Mowat, Davenport – For celebrating her 80th birthday.
- 2008\2206 Richard Thompson, Davenport – For celebrating his 75th birthday.
- 2008\2207 Ralph Veenker, Davenport – For celebrating his 75th birthday.
- 2008\2208 Alta Erickson, Davenport – For celebrating her 90th birthday.
- 2008\2209 Bernice Koberg, Davenport – For celebrating her 85th birthday.
- 2008\2210 Daniel Hayes, Davenport – For celebrating his 75th birthday.
- 2008\2211 Carroll Hultgren, Davenport – For celebrating his 80th birthday.
- 2008\2212 Erma Petersen, Davenport – For celebrating her 85th birthday.
- 2008\2213 Frances Kruse, Davenport – For celebrating her 85th birthday.
- 2008\2214 Stanley Mularz, Davenport – For celebrating his 85th birthday.
- 2008\2215 Edith Burroughs, Davenport – For celebrating her 102nd birthday.
- 2008\2216 Vera Fitzgerald, Davenport – For celebrating her 80th birthday.
- 2008\2217 Richard Edens, Davenport – For celebrating his 75th birthday.
- 2008\2218 David Behrensmeyer, Davenport – For celebrating his 75th birthday.
- 2008\2219 Ben Peterson, Davenport – For celebrating his 75th birthday.
- 2008\2220 Charles Rubley, Davenport – For celebrating his 75th birthday.
- 2008\2221 Barbara Walter, Davenport – For celebrating her 75th birthday.
- 2008\2222 Richard Gillespie, Davenport – For celebrating his 80th birthday.

- 2008\2223 Loren Stouffer, Davenport – For celebrating his 75th birthday.
- 2008\2224 Neoma Stamm, Davenport – For celebrating her 85th birthday.
- 2008\2225 Raymond Jones, Davenport – For celebrating his 85th birthday.
- 2008\2226 Dorothy Turner, Davenport – For celebrating her 85th birthday.
- 2008\2227 Eloise Boley, Davenport – For celebrating her 75th birthday.
- 2008\2228 Laura Ray, Davenport – For celebrating her 75th birthday.
- 2008\2229 Doris Sullivan, Davenport – For celebrating her 75th birthday.
- 2008\2230 Paul Herrig, Davenport – For celebrating his 75th birthday.
- 2008\2231 Oscar Scott, Davenport – For celebrating his 80th birthday.
- 2008\2232 Emily Nickles, Davenport – For celebrating her 75th birthday.
- 2008\2233 Glennys Baker, Davenport – For celebrating her 85th birthday.
- 2008\2234 John Coffman, Davenport – For celebrating his 80th birthday.
- 2008\2235 Imelda Stanger, Davenport – For celebrating her 85th birthday.
- 2008\2236 Lois Ferguson, Davenport – For celebrating her 85th birthday.
- 2008\2237 Alice Matson, Davenport – For celebrating her 75th birthday.
- 2008\2238 Estella Ewing, Davenport – For celebrating her 80th birthday.
- 2008\2239 Glen Hurt, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2240 John Sackett, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2241 Evelyn Cropp, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2242 Helen Tomlinson, Cedar Rapids – For celebrating her 90th birthday.
- 2008\2243 Kenneth Petrick, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2244 Carolyn Dewald, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2245 John Hobel, Cedar Rapids – For celebrating his 90th birthday.
- 2008\2246 Margaret Colvin, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2247 Elizabeth Norman, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2248 Joyce Goldsberry, Cedar Rapids – For celebrating her 75th birthday.

- 2008\2249 Michael Bisek, Cedar Rapids – For celebrating his 85th birthday.
- 2008\2250 Veronica McGee, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2251 Betty Harshman, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2252 James Mitchell, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2253 William Charters, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2254 Lester Young, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2255 Faustine Weepie, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2256 Dove Tanner, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2257 Joe Stephenson, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2258 Mary Visek, Cedar Rapids – For celebrating her 90th birthday.
- 2008\2259 James McCoy, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2260 C. David Ross, Cedar Rapids – For celebrating his 90th birthday.
- 2008\2261 Arlene Moss, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2262 May Gardner, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2263 Judith Schmitz, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2264 Geraldine Holladay, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2265 Harlan Severson, Cedar Rapids – For celebrating his 75th birthday.
- 2008\2266 Paul Knudtson, Cedar Rapids – For celebrating his 80th birthday.
- 2008\2267 Donald Phillips, Cedar Rapids – For celebrating his 85th birthday.
- 2008\2268 Dorothy Nelson, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2269 Wilma Delancey, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2270 Marlys Jaspersen, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2271 Veryl Hansen, Cedar Rapids – For celebrating her 80th birthday.
- 2008\2272 Rose Merritt, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2273 Clifford Jansen, Cedar Rapids – For celebrating his 80th birthday.

- 2008\2274 Gloria Kaltenbach, Cedar Rapids – For celebrating her 75th birthday.
- 2008\2275 Annis Light, Cedar Rapids – For celebrating her 85th birthday.
- 2008\2276 Gladyce Miller, Rock Valley – For celebrating her 90th birthday.
- 2008\2277 Cynthia Feekes, Rock Valley – For celebrating her 90th birthday.
- 2008\2278 Don Van Voorst, Sioux Center – For his 35 years of volunteer service to the Sioux Center community as an EMT.

SUBCOMMITTEE ASSIGNMENTS

[House File 2656](#)

Commerce: Reichert, Chair; Petersen, Soderberg, D. Taylor and Van Fossen.

[Senate File 2308](#)

Commerce: Kelley, Chair; Jacobs, Jacoby, Kressig and Sands.

[Senate File 2340](#)

Human Resources: T. Olson, Chair; Forristall and Heddens.

[Senate File 2357](#)

Commerce: Berry, Chair; Kressig and Pettengill.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

[H.S.B. 785](#) **Ways and Means**

Providing for a sales tax exemption for school supplies purchased by a nonprofit organization that are to be donated to students at certain educational institutions.

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 STATE GOVERNMENT

[Senate File 487](#), a bill for an act requiring the state fire marshal to assess the practice and impact of selling novelty lighters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-8190](#) March 18, 2008.

COMMITTEE ON VETERANS AFFAIRS

[Senate File 2289](#), a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-8191](#) March 18, 2008.

AMENDMENTS FILED

H-8174	H.F.	2603	Smith of Marshall
H-8175	H.F.	2620	Wendt of Woodbury
			Roberts of Carroll
			Zirkelbach of Jones
			Thomas of Clayton
H-8176	H.F.	2383	Oldson of Polk
H-8188	H.F.	2610	Sands of Louisa
H-8189	H.F.	2610	Granzow of Hardin
H-8190	S.F.	487	Committee on State Government
H-8191	S.F.	2289	Committee on Veterans Affairs
H-8192	H.F.	2610	R. Olson of Polk
H-8199	H.F.	2537	Lukan of Dubuque
H-8200	H.F.	2630	Jacobs of Polk
			Raecker of Polk
H-8202	H.F.	2570	D. Olson of Boone
H-8203	H.F.	2612	Grassley of Butler
H-8204	H.F.	2610	Tjepkes of Webster
H-8205	H.F.	2537	Lukan of Dubuque
H-8206	H.F.	2583	Wessel-Kroeschell of Story
H-8210	S.F.	348	Raecker of Polk
H-8213	H.F.	2612	Baudler of Adair
H-8214	H.F.	2646	Quirk of Chickasaw
H-8217	H.F.	2610	De Boef of Keokuk
			Chambers of O'Brien
			Huseman of Cherokee

Sands of Louisa
 Roberts of Carroll
 Schickel of Cerro Gordo

H-8218 H.F. 2610
H-8219 H.F. 2610

Pettengill of Benton
 L. Miller of Scott
 Horbach of Tama
 Chambers of O'Brien
 Drake of Pottawattamie
 May of Dickinson
 Forristall of Pottawattamie
 Raecker of Polk
 Grassley of Butler

H-8220 H.F. 2610

H-8221 H.F. 2610

Upmeyer of Hancock
 S. Olson of Clinton
 Baudler of Adair
 L. Miller of Scott
 Dolecheck of Ringgold
 Tymeson of Madison
 Huseman of Cherokee
 Drake of Pottawattamie
 May of Dickinson
 Heaton of Henry
 Roberts of Carroll
 Raecker of Polk
 Grassley of Butler

H-8222 S.F. 2312

H-8223 H.F. 2610

Alons of Sioux
 Jacobs of Polk
 Dolecheck of Ringgold
 Tymeson of Madison
 Roberts of Carroll
 De Boef of Keokuk

Lukan of Dubuque
 Struyk of Pottawattamie
 Upmeyer of Hancock
 De Boef of Keokuk
 Alons of Sioux
 Greiner of Washington
 Boal of Polk
 Huseman of Cherokee
 Tymeson of Madison
 Sands of Louisa
 Lukan of Dubuque
 Roberts of Carroll
 Struyk of Pottawattamie

Greiner of Washington

Alons of Sioux
 Boal of Polk
 Lukan of Dubuque
 Windschitl of Harrison
 Paulsen of Linn

Pettengill of Benton
 Alons of Sioux
 Greiner of Washington
 Jacobs of Polk
 Boal of Polk
 Horbach of Tama
 Chambers of O'Brien
 Sands of Louisa
 Lukan of Dubuque
 Forristall of Pottawattamie
 Windschitl of Harrison
 Struyk of Pottawattamie
 Schickel of Cerro Gordo
 Wendt of Woodbury
 S. Olson of Clinton
 Greiner of Washington
 L. Miller of Scott
 Boal of Polk
 Horbach of Tama
 Grassley of Butler
 Huseman of Cherokee

Chambers of O'Brien
 Sands of Louisa
 Windschitl of Harrison
 Raecker of Polk
 Forristall of Pottawattamie

[H-8224](#) [H.F.](#) [2610](#)

Schickel of Cerro Gordo
 Pettengill of Benton
 Greiner of Washington
 Tymeson of Madison
 Chambers of O'Brien
 Sands of Louisa
 Lukan of Dubuque
 Roberts of Carroll
 Raecker of Polk
 Grassley of Butler

[H-8225](#) [H.F.](#) [2610](#)

Boal of Polk
 Tymeson of Madison
 Sands of Louisa
 Lukan of Dubuque
 Struyk of Pottawattamie

[H-8226](#) [H.F.](#) [2610](#)

Alons of Sioux
 Greiner of Washington
 Huseman of Cherokee
 Forristall of Pottawattamie
 Raecker of Polk

[H-8227](#) [H.F.](#) [2610](#)

Baudler of Adair
 Greiner of Washington
 De Boef of Keokuk
 Chambers of O'Brien
 May of Dickinson
 Windschitl of Harrison
 Struyk of Pottawattamie
 Arnold of Lucas

[H-8228](#) [H.F.](#) [2610](#)

Paulsen of Linn
 S. Olson of Clinton
 L. Miller of Scott

Drake of Pottawattamie
 May of Dickinson
 Lukan of Dubuque
 Heaton of Henry

De Boef of Keokuk
 Upmeyer of Hancock
 Alons of Sioux
 Boal of Polk
 Huseman of Cherokee
 Drake of Pottawattamie
 May of Dickinson
 Forristall of Pottawattamie
 Windschitl of Harrison
 Struyk of Pottawattamie

Greiner of Washington
 Dolecheck of Ringgold
 Huseman of Cherokee
 May of Dickinson
 Windschitl of Harrison

Baudler of Adair
 L. Miller of Scott
 Dolecheck of Ringgold
 Lukan of Dubuque
 Windschitl of Harrison
 Struyk of Pottawattamie
 S. Olson of Clinton
 Alons of Sioux
 Boal of Polk
 Huseman of Cherokee
 Sands of Louisa
 Lukan of Dubuque
 Raecker of Polk
 Van Engelenhoven of Marion
 Rasmussen of Buchanan
 Alons of Sioux
 Upmeyer of Hancock
 Baudler of Adair
 Jacobs of Polk

Greiner of Washington
 Dolecheck of Ringgold
 Huseman of Cherokee
 Tymeson of Madison
 May of Dickinson
 Lukan of Dubuque
 Forristall of Pottawattamie
 Roberts of Carroll
 Struyk of Pottawattamie
 Schickel of Cerro Gordo
 Arnold of Lucas

H-8229 H.F. 2610

Upmeyer of Hancock
 Baudler of Adair
 Jacobs of Polk
 Dolecheck of Ringgold
 Huseman of Cherokee
 May of Dickinson
 Lukan of Dubuque
 Forristall of Pottawattamie
 Roberts of Carroll
 Struyk of Pottawattamie
 Schickel of Cerro Gordo
 Arnold of Lucas

H-8230 H.F. 2610

Upmeyer of Hancock
 Greiner of Washington
 Chambers of O'Brien
 Sands of Louisa
 Windschitl of Harrison
 Schickel of Cerro Gordo

H-8231 H.F. 2610

Upmeyer of Hancock
 Baudler of Adair
 Jacobs of Polk
 Boal of Polk
 Horbach of Tama
 Drake of Pottawattamie
 Forristall of Pottawattamie
 Raecker of Polk
 Grassley of Butler

Boal of Polk
 De Boef of Keokuk
 Chambers of O'Brien
 Drake of Pottawattamie
 Sands of Louisa
 Heaton of Henry
 Windschitl of Harrison
 Raecker of Polk
 Grassley of Butler
 Van Engelenhoven of Marion
 Rasmussen of Buchanan

Paulsen of Linn
 Pettengill of Benton
 Alons of Sioux
 Boal of Polk
 Chambers of O'Brien
 Drake of Pottawattamie
 Sands of Louisa
 Heaton of Henry
 Windschitl of Harrison
 Raecker of Polk
 Grassley of Butler
 Van Engelenhoven of Marion
 Rasmussen of Buchanan

Alons of Sioux
 L. Miller of Scott
 Huseman of Cherokee
 Drake of Pottawattamie
 Heaton of Henry
 Grassley of Butler

Paulsen of Linn
 Pettengill of Benton
 Alons of Sioux
 Greiner of Washington
 Dolecheck of Ringgold
 Tymeson of Madison
 Heaton of Henry
 Windschitl of Harrison
 Struyk of Pottawattamie
 Schickel of Cerro Gordo

Van Engelenhoven of Marion	Arnold of Lucas
Rasmussen of Buchanan	
H-8232 H.F. 2610	Greiner of Washington
Alons of Sioux	L. Miller of Scott
Boal of Polk	Huseman of Cherokee
Drake of Pottawattamie	Sands of Louisa
May of Dickinson	Lukan of Dubuque
Forristall of Pottawattamie	Roberts of Carroll
Raecker of Polk	
H-8233 H.F. 2610	Baudler of Adair
Alons of Sioux	Boal of Polk
Jacobs of Polk	L. Miller of Scott
Greiner of Washington	Dolecheck of Ringgold
Huseman of Cherokee	De Boef of Keokuk
Chambers of O'Brien	Horbach of Tama
Van Engelenhoven of Marion	Grassley of Butler
Tymeson of Madison	May of Dickinson
Drake of Pottawattamie	Sands of Louisa
Lukan of Dubuque	Heaton of Henry
Forristall of Pottawattamie	Windschitl of Harrison
Raecker of Polk	Struyk of Pottawattamie
Arnold of Lucas	Rasmussen of Buchanan
H-8234 S.F. 2312	Wendt of Woodbury
H-8235 S.F. 2246	Ford of Polk
H-8236 H.F. 2651	Kaufmann of Cedar
H-8237 S.F. 2312	Jacobs of Polk
H-8238 S.F. 2312	Tymeson of Madison
H-8239 H.F. 2610	Pettengill of Benton
H-8240 H.F. 2610	Pettengill of Benton

On motion by McCarthy of Polk the House adjourned at 2:12 p.m., until 2:12 p.m., Thursday, March 20, 2008.