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**STATE OF IOWA**

**House Journal**

**WEDNESDAY, MARCH 10, 2010**

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## JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Forty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 10, 2010

The House met pursuant to adjournment at 9:11 a.m., Speaker Murphy in the chair.

Prayer was offered by Monsignor Wayne Ressler, pastor of the Cathedral of Saint Raphael, Dubuque. He was the guest of Representative Charles Isenhart and Speaker Murphy of Dubuque County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by James Taylor, House Page from Mt. Vernon.

The Journal of Tuesday, March 9, 2010 was approved.

### INTRODUCTION OF BILLS

[House File 2520](#), by committee on ways and means, a bill for an act providing a definition of a rehabilitated building as used in the operation of a data center business, and including effective date provisions.

Read first time and placed on the **ways and means calendar**.

[House File 2521](#), by committee on appropriations, a bill for an act relating to and making appropriations to the judicial branch.

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

[House File 2522](#), by committee on appropriations, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and

the public employment relations board, and related matters and including effective date provisions.

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

#### SENATE MESSAGE CONSIDERED

[Senate File 2373](#), by committee on ways and means, a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

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

#### 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 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2110](#), a bill for an act relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2137](#), a bill for an act relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2148](#), a bill for an act relating to eligible lenders for the home ownership assistance program for military members.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2195](#), a bill for an act concerning fine arts projects in state buildings.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2454](#), a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

Also: That the Senate has on March 9, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2460](#), a bill for an act relating to small business and disadvantaged business enterprise contracts with the department of transportation.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 9:21 a.m., until the fall of the gavel.

The House resumed session at 11:05 a.m., Speaker Murphy in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chambers of O'Brien on request of Paulsen of Linn; Upmeyer of Hancock on request of Lukan of Dubuque; Wendt of Woodbury on request of McCarthy of Polk.

#### QUORUM CALL

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

#### CONSIDERATION OF BILLS Regular Calendar

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

Berry of Black Hawk offered amendment [H-8350](#) filed by the committee on public safety as follows:

[H-8350](#)

1 Amend [Senate File 2357](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, line 3, by striking <A> and inserting:  
4 a. Except as provided in paragraph "b", a>  
5 2. Page 2, after line 8 by inserting:  
6 <b. This subsection shall not apply to the  
7 possession, shipment, transportation, or receipt of a  
8 firearm, offensive weapon, or ammunition issued by a  
9 state department or agency or political subdivision for  
10 use in the performance of the official duties of the  
11 person who is the subject of a protective order under  
12 18 U.S.C. § 922(g)(8).  
13 c. For purposes of this section, "misdemeanor crime  
14 of domestic violence" means an assault under section  
15 708.1, subsection 1 or 3, committed by a current or  
16 former spouse, parent, or guardian of the victim, by a  
17 person with whom the victim shares a child in common,  
18 by a person who is cohabiting with or has cohabited  
19 with the victim as a spouse, parent, or guardian, or  
20 by a person similarly situated to a spouse, parent, or  
21 guardian of the victim.>  
22 3. By renumbering as necessary.

Hagenow of Polk offered amendment [H-8374](#), to the committee amendment [H-8350](#), filed by him as follows:

[H-8374](#)

1 Amend the amendment, [H-8350](#), to [Senate File 2357](#),  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, after line 2 by inserting:  
5 <\_\_. Page 1, before line 1 by inserting:  
6 <Section 1. Section 236.2, subsection 2, paragraph  
7 b, Code Supplement 2009, is amended to read as follows:  
8 b. The assault is between separated spouses or  
9 persons divorced from each other and not residing  
10 together at the time of the assault. For purposes of  
11 this section, "spouse" means a spouse of a marriage  
12 that is valid pursuant to chapter 595. >>  
13 2. Page 1, line 21, after <victim.> by inserting  
14 <For purposes of this paragraph, "spouse" means a  
15 spouse of a marriage that is valid pursuant to chapter  
16 595.>  
17 3. By renumbering as necessary.

R. Olson of Polk rose on a point of order that amendment [H-8374](#) was not germane, to amendment [H-8350](#).

The Speaker ruled the point well taken and amendment [H-8374](#) not germane, to amendment [H-8350](#).

Hagenow of Polk moved to suspend the rules to consider amendment [H-8374](#).

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

On the question "Shall the rules be suspended to consider amendment [H-8374](#) to the committee amendment [H-8350](#)?" (S.F. [2357](#))

The ayes were, 41:

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

The nays were, 53:

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

Absent or not voting, 6:

Chambers	De Boef	Horbach	Huser
Upmeyer	Wendt		

The motion to suspend the rules lost.

On motion by Berry of Black Hawk the committee amendment [H-8350](#) was adopted.

Windschitl of Harrison offered amendment [H-8381](#) filed by him as follows:

[H-8381](#)

1 Amend [Senate File 2357](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking everything after the enacting clause  
4 and inserting:  
5 <Section 1. Section 423.4, Code Supplement 2009, is  
6 amended by adding the following new subsection:  
7 NEW SUBSECTION. 9. A person in possession of a  
8 certificate of completion of a self-defense training  
9 course issued pursuant to section 724.9A may apply to  
10 the director for a refund of the amount of sales tax  
11 imposed and paid upon purchases of self-defense items  
12 and firearms made by the applicant as provided in  
13 section 724.9A.  
14 Sec. 2. Section 602.8102, subsection 135A, Code  
15 2009, is amended to read as follows:  
16 135A. Assess the surcharges provided by sections  
17 911.1, 911.2, 911.3, ~~and~~ 911.4, and 911.5.  
18 Sec. 3. Section 602.8108, subsection 2, Code  
19 Supplement 2009, is amended to read as follows:  
20 2. Except as otherwise provided, the clerk of the  
21 district court shall report and submit to the state  
22 court administrator, not later than the fifteenth  
23 day of each month, the fines and fees received during  
24 the preceding calendar month. Except as provided in  
25 subsections 3, 4, 5, 7, 8, 9, ~~and~~ 10, and 11, the state  
26 court administrator shall deposit the amounts received  
27 with the treasurer of state for deposit in the general  
28 fund of the state. The state court administrator shall  
29 report to the legislative services agency within thirty  
30 days of the beginning of each fiscal quarter the amount  
31 received during the previous quarter in the account  
32 established under this section.  
33 Sec. 4. Section 602.8108, Code 2009, is amended by  
34 adding the following new subsection:  
35 NEW SUBSECTION. 11. The clerk of the district  
36 court shall remit all moneys collected from the  
37 domestic abuse assault surcharge provided in section  
38 911.5 to the state court administrator no later than  
39 the fifteenth day of each month for deposit in the  
40 domestic abuse assault fund created in section 708.2D.  
41 Sec. 5. NEW SECTION. 708.2D Domestic abuse assault  
42 fund.

43 A domestic abuse assault fund is established as a  
44 separate fund in the state treasury. Moneys deposited  
45 in the fund shall be administered by the department of  
46 justice and dedicated and used for purposes of funding  
47 the self-defense training course in section 724.9A.  
48 Sec. 6. NEW SECTION. 724.9A Self-defense training  
49 course – sales tax refund for self-defense items.  
50 1. A self-defense training course consisting

Page 2

1 of physical defense training and firearms training  
2 shall be offered by the county sheriff to all county  
3 residents who have been victims of domestic abuse, who  
4 have been granted a protective order or a no-contact  
5 order, or who, in the discretion of the county  
6 sheriff, would otherwise benefit from such training.  
7 The sheriff shall notify shelter services and other  
8 support services provided to victims of domestic abuse  
9 of the availability of such training. The training  
10 course shall be offered at no cost to all eligible  
11 participants.  
12 2. Upon successful completion of such a course,  
13 the county sheriff shall issue a participant a  
14 certification of completion allowing such person  
15 to apply to the department of revenue pursuant to  
16 section 423.4 for a sales tax refund on purchases  
17 of self-defense items and firearms made by the  
18 participant within ninety days from the issuance of the  
19 certificate.  
20 Sec. 7. Section 903.1, subsection 4, Code 2009, is  
21 amended to read as follows:  
22 4. The surcharges required by sections 911.1,  
23 911.2, 911.3, ~~and~~ 911.4, and 911.5 shall be added to  
24 a fine imposed on a misdemeanor as provided in those  
25 sections, and are not a part of or subject to the  
26 maximums set in this section.  
27 Sec. 8. NEW SECTION. 911.5 Domestic abuse assault  
28 surcharge  
29 1. In addition to any other surcharge, the court  
30 or clerk of the district court shall assess a domestic  
31 abuse assault surcharge of five hundred dollars if an  
32 adjudication of guilt or a deferred judgment has been  
33 entered for a criminal violation of section 708.2A.  
34 2. In the event of multiple offenses, the surcharge  
35 shall be imposed for each applicable offense.  
36 3. The surcharge shall be remitted by the clerk of  
37 court as provided in section 602.8108, subsection 11.>  
38 2. Title page, by striking lines 1 through 5 and  
39 inserting <An Act relating to physical defense training  
40 and firearms training and providing for a sales tax  
41 refund.>

McCarthy of Polk asked and received unanimous consent that [Senate File 2357](#) and amendment [H-8381](#) be deferred and that the bill retain its place on the calendar.

On motion by McCarthy of Polk, the House was recessed at 11:30 a.m., until 1:30 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:53 p.m., Speaker Murphy in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk on request of Struyk of Pottawattamie.

The House resumed consideration of [Senate File 2357](#), amendment [H-8381](#), previously deferred.

The House stood at ease at 2:52 p.m., until the fall of the gavel.

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

McCarthy of Polk asked and received unanimous consent that amendment [H-8381](#) be deferred.

Hagenow of Polk asked and received unanimous consent to withdraw amendment [H-8371](#) filed by him on March 8, 2010.

Tymeson of Madison offered the following amendment [H-8367](#) filed by her and moved its adoption:

#### [H-8367](#)

- 1 Amend [Senate File 2357](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, after line 25 by inserting:
- 4 <Sec. \_\_\_\_ Section 708.7, subsection 1, paragraph
- 5 a, Code Supplement 2009, is amended by adding the
- 6 following new subparagraph:
- 7 NEW SUBPARAGRAPH. (5) Knowingly provides false or
- 8 misleading information in order to procure a protective

9 order referred to in section 724.26, subsection 2.>  
 10 2. Page 2, line 3, after <2.> by inserting <a.>  
 11 3. Page 2, after line 8 by inserting:  
 12 <b. Except as provided in paragraph "c", a person  
 13 who knowingly provides false or misleading information  
 14 in order to procure a protective order referred to  
 15 in this subsection shall, in addition to any other  
 16 penalty, be guilty of harassment pursuant to section  
 17 708.7.  
 18 c. A person who knowingly provides false or  
 19 misleading information in order to procure a protective  
 20 order referred to in this subsection that results in  
 21 the deprivation of a firearm, offensive weapon, or  
 22 ammunition necessary for the person who is the subject  
 23 of the protective order to maintain the person's  
 24 livelihood and the person providing such false or  
 25 misleading information could have reasonably foreseen  
 26 the loss of the other person's livelihood shall,  
 27 in addition to any other penalty, be guilty of a  
 28 fraudulent practice in the first degree as defined in  
 29 section 714.9.>  
 30 4. By renumbering as necessary.

Roll call was requested by Tymeson of Madison and Paulsen of Linn.

On the question "Shall amendment [H-8367](#) be adopted?" ([S.F. 2357](#))

The ayes were, 43:

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

The nays were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kearns	Kelley

Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Taylor	Thede
Thomas	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 5:

Huser	Olson, R.	Struyk	Swaim
Wendt			

Amendment [H-8367](#) lost.

Alons of Sioux offered the following amendment [H-8388](#) filed by him and moved its adoption:

[H-8388](#)

1 Amend [Senate File 2357](#), as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, after line 25 by inserting:  
 4 <Sec. \_\_\_\_ NEW SECTION. 708.2D Domestic violence  
 5 – rights of citizenship.  
 6 Notwithstanding any other law to the contrary,  
 7 a person who is convicted of a misdemeanor crime of  
 8 domestic violence, as defined in section 724.26, shall  
 9 have such person's rights of citizenship regarding  
 10 the possession, shipment, transportation, or receipt  
 11 of a firearm restored one year after any period of  
 12 incarceration for such conviction, after any period  
 13 of probation or parole, when a criminal no-contact  
 14 order relating to the conviction is no longer in  
 15 effect, or upon the fulfillment of all court ordered  
 16 sentencing provisions including payment in full of  
 17 all restitution, fines, surcharges, and court costs,  
 18 whichever is the last to occur.>  
 19 2. Title page, line 1, after <to> by inserting  
 20 <domestic violence including>  
 21 3. By renumbering as necessary.

Roll call was requested by Alons of Sioux and Smith of Marshall.

On the question "Shall amendment [H-8388](#) be adopted?" ([S.F. 2357](#))

The ayes were, 44:

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

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker Murphy			

Absent or not voting, 3:

Huser	Quirk	Wendt
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Amendment [H-8388](#) lost.

Hagenow of Polk asked and received unanimous consent to withdraw amendment [H-8361](#) filed by him on March 8, 2010.

McCarthy of Polk asked and received unanimous consent that [Senate File 2357](#) be deferred and that the bill retain its place on the calendar.

The House stood at ease at 3:35 p.m., until the fall of the gavel.

The House resumed session at 4:12 p.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House Resolution 122](#).

McCarthy of Polk asked and received unanimous consent for all members of the House to be sponsors of [House Resolution 122](#).

#### ADOPTION OF [HOUSE RESOLUTION 122](#)

Jacoby of Johnson, Hagenow of Polk, Kaufmann of Cedar, Mascher of Johnson, Lensing of Johnson, Willems of Linn and Zirkelbach of Jones called up for consideration [House Resolution 122](#), a resolution to celebrate the highlights for the 2009 football season of the University of Iowa football team, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### SPECIAL PRESENTATION

Jacoby of Johnson introduced to the House Coach Ferentz, coach of the University of Iowa football team. Coach Ferentz addressed the House briefly regarding the 2009 Hawkeyes.

The House rose and expressed its welcome.

#### INTRODUCTION OF BILLS

[House File 2523](#), by committee on appropriations, a bill for an act relating to and making appropriations to the justice system, and including effective date provisions.

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

[House File 2524](#), by committee on ways and means, a bill for an act relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions.

Read first time and placed on the **ways and means calendar**.

[House File 2525](#), by committee on appropriations, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions.

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

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2466](#), a bill for an act relating to the license or authorization issued to a person who qualifies as a driver education instructor and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

#### SPECIAL PRESENTATION

Speaker Murphy introduced to the House, Governor Chet Culver and former Lieutenant Governor Sally Pederson.

The House rose and expressed its welcome.

The House resumed consideration of [Senate File 2357](#) and amendment [H-8381](#).

Windschitl of Harrison offered the following amendment [H-8404](#), to amendment [H-8381](#), filed by him from the floor and moved its adoption:

#### [H-8404](#)

- 1 Amend the amendment, [H-8381](#), to [Senate File 2357](#),
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 and 4 and inserting:
- 5 <\_\_. Page 1, after line 18 by inserting:>
- 6 2. Page 1, line 5, by striking <Section> and
- 7 inserting <Sec.>
- 8 3. Page 1, after line 40 by inserting:

9 <\_\_. Page 1, after line 25 by inserting:>  
 10 4. Page 2, after line 19 by inserting:  
 11 <\_\_. Page 3, after line 23 by inserting:>  
 12 5. Page 2, by striking lines 38 through 41 and  
 13 inserting:  
 14 <\_\_. Title page, line 5, after <weapons> by  
 15 inserting <, including the provision of physical  
 16 defense training and providing for a sales tax  
 17 refund,>>

Amendment [H-8404](#) was adopted.

Windschitl of Harrison moved the adoption of amendment [H-8381](#), as amended.

Roll call was requested by Windschitl of Harrison and Smith of Marshall.

On the question "Shall amendment [H-8381](#), as amended, be adopted?" ([S.F. 2357](#))

The ayes were, 44:

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

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wenthe	Wessel-Kroeschell

Whitead                      Willems                      Winckler                      Zirkelbach  
 Mr. Speaker  
 Murphy

Absent or not voting, 3:

Huser                      Quirk                      Wendt

Amendment [H-8381](#), as amended lost.

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

On the question "Shall the bill pass?" ([S.F. 2357](#))

The ayes were, 73:

Abdul-Samad	Anderson	Arnold	Bailey
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	Dolecheck
Drake	Ficken	Ford	Frevert
Gaskill	Gayman	Hanson	Heaton
Heddens	Hunter	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Petersen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Running-Marquardt	Schueller	Schulte	Shomshor
Smith	Steckman	Struyk	Swaim
Taylor	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker Murphy			

The nays were, 25:

Alons	Baudler	Chambers	De Boef
Deyoe	Forristall	Grassley	Hagenow
Helland	Horbach	Huseman	Paulsen
Rants	Rayhons	Roberts	Sands
Schultz	Soderberg	Sorenson	Sweeney
Tymeson	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 2:

Huser                      Wendt

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

Mertz of Kossuth in the chair at 5:13 p.m.

[Senate File 431](#), a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

R. Olson of Polk offered the following amendment [H-8172](#) filed by the committee on judiciary and moved its adoption:

[H-8172](#)

1 Amend [Senate File 431](#), as passed by the Senate, as  
2 follows:  
3 1. Page 3, line 20, after <a> by inserting  
4 <minimum>  
5 2. Page 10, line 10, after <Code> by inserting  
6 <Supplement>  
7 3. Page 13, line 5, by striking <2009> and  
8 inserting <2010>

The committee amendment [H-8172](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 431](#))

The ayes were, 97:

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

Heddens	Helland	Horbach	Hunter
Huseman	Ishart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mertz, Presiding			

The nays were, none.

Absent or not voting, 3:

Huser                    Murphy, Spkr.        Wendt

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

**[House File 2193](#)**, a bill for an act relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties, was taken up for consideration.

Thomas of Clayton offered the following amendment [H-8288](#) filed by him and moved its adoption:

[H-8288](#)

1 Amend [House File 2193](#) as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. Section 85.36, subsection 9, paragraph  
 5 a, Code 2009, is amended to read as follows:  
 6 a. In computing the compensation to be allowed  
 7 a volunteer fire fighter, emergency medical care  
 8 provider, reserve peace officer, volunteer ambulance  
 9 driver, ~~volunteer emergency rescue technician as~~  
 10 ~~defined in section 147A.1, or emergency medical~~

11 ~~technician trainee~~, the earnings as a fire fighter,  
12 emergency medical care provider, reserve peace officer,  
13 ~~or volunteer ambulance driver, volunteer emergency~~  
14 ~~rescue technician, or emergency medical technician~~  
15 ~~trainee~~ shall be disregarded and the volunteer fire  
16 fighter, emergency medical care provider, reserve peace  
17 officer, ~~or volunteer ambulance driver, volunteer~~  
18 ~~emergency rescue technician, or emergency medical~~  
19 ~~technician trainee~~ shall be paid an amount equal  
20 to the compensation the volunteer fire fighter,  
21 emergency medical care provider, reserve peace officer,  
22 ~~or volunteer ambulance driver, volunteer emergency~~  
23 ~~rescue technician, or emergency medical technician~~  
24 ~~trainee~~ would be paid if injured in the normal  
25 course of the volunteer fire fighter's, emergency  
26 medical care provider's, reserve peace officer's,  
27 ~~or volunteer ambulance driver's, volunteer emergency~~  
28 ~~rescue technician's, or emergency medical technician~~  
29 ~~trainee's~~ regular employment or an amount equal to one  
30 hundred and forty percent of the statewide average  
31 weekly wage, whichever is greater.

32 Sec. 2. Section 85.61, subsection 2, paragraph a,  
33 Code 2009, is amended to read as follows:

34 a. A person, firm, association, or corporation,  
35 state, county, municipal corporation, school  
36 corporation, area education agency, township as  
37 an employer of volunteer fire fighters, ~~volunteer~~  
38 ~~emergency rescue technicians~~, and emergency medical  
39 care providers only, benefited fire district, and the  
40 legal representatives of a deceased employer.

41 Sec. 3. Section 85.61, subsection 7, paragraph b,  
42 Code 2009, is amended to read as follows:

43 b. Personal injuries sustained by ~~volunteer~~  
44 ~~emergency rescue technicians or emergency medical care~~  
45 providers as defined in section 147A.1 arise in the  
46 course of employment if the injuries are sustained at  
47 any time from the time the ~~volunteer emergency rescue~~  
48 ~~technicians or emergency medical care providers~~ are  
49 summoned to duty until the time those duties have been  
50 fully discharged.

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1 Sec. 4. Section 85.61, subsection 11, paragraph  
2 a, subparagraph (2), Code 2009, is amended to read as  
3 follows:

4 (2) An emergency medical care provider as defined  
5 in section 147A.1, ~~a volunteer emergency rescue~~  
6 ~~technician as defined in section 147A.1, or a volunteer~~  
7 ambulance driver, ~~or an emergency medical technician~~  
8 ~~trainee~~, only if an agreement is reached between  
9 such worker or employee and the employer for whom

10 the volunteer services are provided that workers  
 11 compensation coverage under this chapter and chapters  
 12 85A and 85B is to be provided by the employer. An  
 13 emergency medical care provider ~~or volunteer emergency~~  
 14 ~~rescue technician~~ who is a worker or employee under  
 15 this subparagraph is not a casual employee. "Volunteer  
 16 ambulance driver" means a person performing services  
 17 as a volunteer ambulance driver at the request  
 18 of the person in charge of a fire department or  
 19 ambulance service of a municipality. ~~"Emergency~~  
 20 ~~medical technician trainee" means a person enrolled~~  
 21 ~~in and training for emergency medical technician~~  
 22 ~~certification.~~

23 Sec. 5. Section 100B.31, subsection 3, paragraph b,  
 24 Code Supplement 2009, is amended to read as follows:

25 b. A person performing the functions of an  
 26 emergency medical care provider ~~or emergency rescue~~  
 27 ~~technician~~ as defined in section 147A.1 who was not  
 28 paid full-time by the entity for which such services  
 29 were being performed at the time the incident giving  
 30 rise to the death occurred.

31 Sec. 6. Section 147A.1, subsection 4, Code  
 32 Supplement 2009, is amended to read as follows:

33 4. "Emergency medical care provider" means  
 34 an individual trained to provide emergency and  
 35 nonemergency medical care at the ~~first responder,~~  
 36 ~~EMT basic, EMT intermediate, EMT paramedic~~  
 37 ~~level, emergency medical responder, emergency medical~~  
 38 ~~technician, advanced emergency medical technician,~~  
 39 ~~paramedic,~~ or other certification levels adopted  
 40 by rule by the department, who has been issued a  
 41 certificate by the department.

42 Sec. 7. Section 147A.1, subsections 6, 8, and  
 43 9, Code Supplement 2009, are amended by striking the  
 44 subsections.

45 Sec. 8. Section 147A.1, Code Supplement 2009, is  
 46 amended by adding the following new subsections:  
 47 NEW SUBSECTION. 11. "Service program" or  
 48 "service" means any medical care ambulance service or  
 49 nontransport service that has received authorization  
 50 from the department under section 147A.5.

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1 NEW SUBSECTION. 12. "Training program" means an  
 2 Iowa college approved by the north central association  
 3 of colleges and schools or an Iowa hospital authorized  
 4 by the department to conduct emergency medical care  
 5 services training.

6 Sec. 9. Section 147A.2, Code 2009, is amended to  
 7 read as follows:

8 147A.2 Council established – terms of office.

9 1. An EMS advisory council shall be appointed  
10 by the director. Membership of the council shall  
11 be comprised of individuals nominated from, but  
12 not limited to, the following state or national  
13 organizations: Iowa osteopathic medical association,  
14 Iowa medical society, American college of emergency  
15 physicians, Iowa physician assistant society, Iowa  
16 academy of family physicians, university of Iowa  
17 hospitals and clinics, American academy of emergency  
18 medicine, American academy of pediatrics, Iowa  
19 EMS association, Iowa firemen's association, Iowa  
20 professional firefighters, EMS education programs  
21 committee, ~~EMS regional council,~~ Iowa nurses  
22 association, Iowa hospital association, and the Iowa  
23 state association of counties. The council shall also  
24 include a member-at-large who is an emergency medical  
25 care provider.

26 2. The EMS advisory council shall advise the  
27 director and develop policy recommendations concerning  
28 the regulation, administration, and coordination of  
29 emergency medical services in the state.

30 Sec. 10. Section 147A.4, Code Supplement 2009, is  
31 amended to read as follows:

32 147A.4 Rulemaking authority.

33 1. a. The department shall adopt rules required  
34 or authorized by this subchapter pertaining to the  
35 operation of ~~ambulance, rescue, and first response~~  
36 ~~services~~ service programs which have received  
37 authorization under section 147A.5 to utilize the  
38 services of certified emergency medical care providers.  
39 These rules shall include but need not be limited  
40 to requirements concerning physician supervision,  
41 necessary equipment and staffing, and reporting by  
42 ~~ambulance, rescue, and first response services~~ service  
43 programs which have received the authorization pursuant  
44 to section 147A.5.

45 b. The director, pursuant to rule, may grant  
46 exceptions and variances from the requirements of  
47 rules adopted under this subchapter for any ~~ambulance,~~  
48 ~~rescue, or first response~~ service program. Exceptions  
49 or variations shall be reasonably related to undue  
50 hardships which existing services experience in

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1 complying with this subchapter or the rules adopted  
2 pursuant to this subchapter. ~~However, no exception or~~  
3 ~~variance may be granted unless the service adopted a~~  
4 ~~plan approved by the department prior to July 1, 1996,~~  
5 ~~to achieve compliance during a period not to exceed~~  
6 ~~seven years with this subchapter and rules adopted~~  
7 ~~pursuant to this subchapter.~~ Services requesting

8 exceptions and variances shall be subject to other  
9 applicable rules adopted pursuant to this subchapter.

10 2. The department shall adopt rules required  
11 or authorized by this subchapter pertaining to the  
12 examination and certification of emergency medical  
13 care providers. These rules shall include, but  
14 need not be limited to, requirements concerning  
15 prerequisites, training, and experience for emergency  
16 medical care providers and procedures for determining  
17 when individuals have met these requirements. The  
18 department shall adopt rules to recognize the  
19 previous EMS training and experience of ~~first~~  
20 ~~responders and emergency medical technicians to~~  
21 ~~provide for an equitable transition to the EMT basic~~  
22 ~~certification~~ emergency medical care providers  
23 transitioning to the emergency medical responder,  
24 emergency medical technician, advanced emergency  
25 medical technician, and paramedic levels. The  
26 department may require additional training and  
27 examinations as necessary and appropriate to ensure  
28 that individuals seeking ~~certification~~ transition to  
29 another level have met the ~~EMT basic~~ knowledge and  
30 skill requirements. All requirements for transition  
31 to another level, including fees, shall be adopted by  
32 rule.

33 3. The department shall establish the fee for the  
34 examination of the emergency medical care providers  
35 to cover the administrative costs of the examination  
36 program.

37 4. The department shall adopt rules required  
38 or authorized by this subchapter pertaining to the  
39 operation of training programs. These rules shall  
40 include but need not be limited to requirements  
41 concerning curricula, resources, facilities, and staff.

42 Sec. 11. Section 147A.5, subsections 1 and 3, Code  
43 2009, are amended to read as follows:

44 1. ~~An ambulance, rescue, or first~~  
45 ~~response~~ A service program in this state that  
46 desires to provide emergency medical care in the  
47 out-of-hospital setting shall apply to the department  
48 for authorization to establish a program for delivery  
49 of the care at the scene of an emergency, during  
50 transportation to a hospital, during transfer from

Page 5

1 one medical care facility to another or to a private  
2 residence, or while in the hospital emergency  
3 department, and until care is directly assumed by a  
4 physician or by authorized hospital personnel.

5 3. The department may deny an application for  
6 authorization, or may impose a civil penalty not to

7 exceed one thousand dollars upon, place on probation,  
8 suspend, or revoke the authorization of, or otherwise  
9 discipline a service program with an existing  
10 authorization if the department finds reason to  
11 believe the service program has not been or will not  
12 be operated in compliance with this subchapter and the  
13 rules adopted pursuant to this subchapter, or that  
14 there is insufficient assurance of adequate protection  
15 for the public. The authorization, denial, or civil  
16 penalty, period of probation, suspension, or  
17 revocation, or other disciplinary action shall be  
18 effected and may be appealed as provided by section  
19 17A.12.

20 Sec. 12. Section 147A.6, Code 2009, is amended to  
21 read as follows:

22 147A.6 Emergency medical care provider certificates  
23 – renewal.

24 1. The department, upon application and receipt  
25 of the prescribed fee, shall issue a certificate to  
26 an individual who has met all of the requirements  
27 for emergency medical care provider certification  
28 established by the rules adopted under section 147A.4,  
29 subsection 2. All fees and civil penalties received  
30 pursuant to this section and sections 147A.5, 147A.7,  
31 and 147A.17 shall be deposited in the emergency medical  
32 services fund established in section 135.25.

33 2. Emergency medical care provider certificates  
34 are valid for the multiyear period determined by the  
35 department, unless sooner suspended or revoked. The  
36 certificate shall be renewed upon application of  
37 the holder and receipt of the prescribed fee if the  
38 holder has satisfactorily completed continuing medical  
39 education programs as required by rule.

40 3. If the certificate holder fails to complete  
41 the required continuing education prior to the time  
42 of renewal, the certificate holder may request a  
43 forty-five day extension. Request for extension must  
44 be submitted to the department prior to the expiration  
45 date and include a fifty dollar extension fee. The  
46 certificate may be renewed only during that forty-five  
47 day period on submission of a completed renewal  
48 application, and payment of applicable renewal fee.

49 Sec. 13. Section 147A.7, Code 2009, is amended to  
50 read as follows:

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1 147A.7 Denial, suspension, or revocation of  
2 certificates – other disciplinary action – hearing –  
3 appeal.

4 1. The department may deny an application for  
5 issuance or renewal of an emergency medical care

6 provider certificate or may impose a civil penalty  
7 not to exceed one thousand dollars upon, place on  
8 probation, or suspend or revoke the certificate of,  
9 or otherwise discipline the certificate holder when  
10 it finds that the applicant or certificate holder is  
11 guilty of any of the following acts or offenses:  
12 a. Negligence in performing authorized services.  
13 b. Failure to follow the directions of the  
14 supervising physician.  
15 c. Rendering treatment not authorized under this  
16 subchapter.  
17 d. Fraud in procuring certification.  
18 e. Professional incompetency.  
19 f. Knowingly making misleading, deceptive, untrue  
20 or fraudulent representation in the practice of a  
21 profession or engaging in unethical conduct or practice  
22 harmful or detrimental to the public. Proof of actual  
23 injury need not be established.  
24 g. Habitual intoxication or addiction to the use of  
25 drugs.  
26 h. Fraud in representations as to skill or ability.  
27 i. Willful or repeated violations of this  
28 subchapter or of rules adopted pursuant to this  
29 subchapter.  
30 j. Violating a statute of this state, another  
31 state, or the United States, without regard to its  
32 designation as either a felony or misdemeanor, which  
33 relates to the practice of an emergency medical care  
34 provider. A copy of the record of conviction or plea  
35 of guilty is conclusive evidence of the violation.  
36 k. Having certification to practice as an emergency  
37 medical care provider revoked or suspended, or having  
38 other disciplinary action taken by a licensing or  
39 certifying authority of another state, territory, or  
40 country. A certified copy of the record or order of  
41 suspension, revocation, or disciplinary action is  
42 conclusive or prima facie evidence.  
43 l. Other acts or offenses as specified by rule.  
44 2. A determination of mental incompetence by a  
45 court of competent jurisdiction automatically suspends  
46 a certificate for the duration of the certificate  
47 unless the department orders otherwise.  
48 3. A denial, civil penalty, period of  
49 probation, suspension, or revocation under this  
50 section shall be effected, and may be appealed in

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1 accordance with the rules of the department established  
2 pursuant to chapter 272C.  
3 Sec. 14. Section 147A.8, Code Supplement 2009, is  
4 amended to read as follows:

5 147A.8 Authority of certified emergency medical care  
 6 provider.  
 7 ~~1.~~ An emergency medical care provider properly  
 8 certified under this subchapter may:  
 9 ~~a.~~ 1. Render emergency and nonemergency medical  
 10 care, rescue, and lifesaving services in those areas  
 11 for which the emergency medical care provider is  
 12 certified, as defined and approved in accordance  
 13 with the rules of the department, at the scene of an  
 14 emergency, during transportation to a hospital or while  
 15 in the hospital emergency department, and until care  
 16 is directly assumed by a physician or by authorized  
 17 hospital personnel.  
 18 ~~b.~~ 2. Function in any hospital or any other entity  
 19 in which health care is ordinarily provided only when  
 20 under the direct supervision, as defined by rules  
 21 adopted pursuant to chapter 17A, of a physician, when  
 22 the emergency care provider is any of the following:  
 23 ~~(1)~~ a. Enrolled as a student or participating  
 24 as a preceptor in a training program approved by the  
 25 department; ~~or~~ or an agency authorized in another state  
 26 to provide initial EMS education and approved by the  
 27 department.  
 28 ~~(2)~~ b. Fulfilling continuing education  
 29 requirements as defined by rule; ~~or,~~  
 30 ~~(3)~~ c. Employed by or assigned to a hospital  
 31 or other entity in which health care is ordinarily  
 32 provided only when under the direct supervision of a  
 33 physician, as a member of an authorized ~~ambulance,~~  
 34 ~~rescue, or first response~~ service program, or in  
 35 an individual capacity, by rendering lifesaving  
 36 services in the facility in which employed or assigned  
 37 pursuant to the emergency medical care provider's  
 38 certification and under the direct supervision of a  
 39 physician, physician assistant, or registered nurse.  
 40 An emergency medical care provider shall not routinely  
 41 function without the direct supervision of a physician,  
 42 physician assistant, or registered nurse. However,  
 43 when the physician, physician assistant, or registered  
 44 nurse cannot directly assume emergency care of the  
 45 patient, the emergency medical care provider may  
 46 perform without direct supervision emergency medical  
 47 care procedures for which that individual is certified  
 48 if the life of the patient is in immediate danger and  
 49 such care is required to preserve the patient's life;  
 50 ~~or,~~

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1 ~~(4)~~ d. Employed by or assigned to a hospital  
 2 or other entity in which health care is ordinarily  
 3 provided only when under the direct supervision of a

4 physician, as a member of an authorized ~~ambulance,~~  
 5 ~~rescue, or first response~~ service program, or in  
 6 an individual capacity, to perform nonlifesaving  
 7 procedures for which those individuals have been  
 8 certified and are designated in a written job  
 9 description. Such procedures may be performed after  
 10 the patient is observed by and when the emergency  
 11 medical care provider is under the supervision of the  
 12 physician, physician assistant, or registered nurse,  
 13 including when the registered nurse is not acting in  
 14 the capacity of a physician designee, and where the  
 15 procedure may be immediately abandoned without risk to  
 16 the patient.

17 ~~2. Nothing in this subchapter shall be construed~~  
 18 ~~to require any voluntary ambulance, rescue, or first~~  
 19 ~~response service to provide a level of care beyond~~  
 20 ~~minimum basic care standards.~~

21 Sec. 15. Section 147A.11, Code 2009, is amended to  
 22 read as follows:

23 147A.11 Prohibited acts.

24 1. Any person not certified as required by this  
 25 subchapter who claims to be an emergency medical care  
 26 provider, or who uses any other term to indicate or  
 27 imply that the person is an emergency medical care  
 28 provider, or who acts as an emergency medical care  
 29 provider without having obtained the appropriate  
 30 certificate under this subchapter, is guilty of a class  
 31 "D" felony.

32 2. An owner of an unauthorized ~~ambulance, rescue,~~  
 33 ~~or first response~~ service program in this state who  
 34 operates or purports to operate ~~an ambulance, rescue,~~  
 35 ~~or first response~~ a service program, or who uses any  
 36 term to indicate or imply authorization without having  
 37 obtained the appropriate authorization under this  
 38 subchapter, is guilty of a class "D" felony.

39 3. Any person who imparts or conveys, or causes  
 40 to be imparted or conveyed, or attempts to impart  
 41 or convey false information concerning the need  
 42 for assistance of ~~an ambulance, rescue, or first~~  
 43 ~~response~~ a service program or of any personnel or  
 44 equipment thereof, knowing such information to be  
 45 false, is guilty of a serious misdemeanor.

46 Sec. 16. Section 147A.12, subsection 1, Code 2009,  
 47 is amended to read as follows:

48 1. This subchapter does not restrict a registered  
 49 nurse, licensed pursuant to chapter 152, from  
 50 staffing an authorized ~~ambulance, rescue, or first~~

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1 ~~response~~ service program provided the registered  
 2 nurse can document equivalency through education and

3 additional skills training essential in the delivery of  
4 out-of-hospital emergency care. The equivalency shall  
5 be accepted when:

6 a. Documentation has been reviewed and approved  
7 at the local level by the medical director of the  
8 ~~ambulance, rescue, or first response~~ service program in  
9 accordance with the rules of the board of nursing  
10 developed jointly with the department.

11 b. Authorization has been granted to that  
12 ~~ambulance, rescue, or first response~~ service program by  
13 the department.

14 Sec. 17. Section 147A.13, Code 2009, is amended to  
15 read as follows:

16 147A.13 Physician assistant exception.  
17 This subchapter does not restrict a physician  
18 assistant, licensed pursuant to chapter 148C, from  
19 staffing an authorized ~~ambulance, rescue, or first~~  
20 ~~response~~ service program if the physician assistant  
21 can document equivalency through education and  
22 additional skills training essential in the delivery of  
23 out-of-hospital emergency care. The equivalency shall  
24 be accepted when:

25 1. Documentation has been reviewed and approved  
26 at the local level by the medical director of the  
27 ~~ambulance, rescue, or first response~~ service program in  
28 accordance with the rules of the board of physician  
29 assistants developed after consultation with the  
30 department.

31 2. Authorization has been granted to that  
32 ~~ambulance, rescue, or first response~~ service program by  
33 the department.

34 Sec. 18. NEW SECTION. 147A.17 Applications for  
35 emergency medical care services training programs –  
36 approval or denial – disciplinary actions.

37 1. An Iowa college approved by the north central  
38 association of colleges and schools or an Iowa hospital  
39 in this state that desires to provide emergency medical  
40 care services training leading to certification as an  
41 emergency medical care provider shall apply to the  
42 department for authorization to establish a training  
43 program.

44 2. The department shall approve an application  
45 submitted in accordance with subsection 1 when the  
46 department is satisfied that the program proposed by  
47 the application will be operated in compliance with  
48 this subchapter and the rules adopted pursuant to this  
49 subchapter.

50 3. The department may deny an application for

Page 10

1 authorization or may impose a civil penalty not to

2 exceed one thousand dollars upon, place on probation,  
 3 suspend or revoke the authorization of, or otherwise  
 4 discipline a training program with an existing  
 5 authorization if the department finds reason to believe  
 6 the program has not been or will not be operated  
 7 in compliance with this subchapter and the rules  
 8 adopted pursuant to this subchapter, or that there  
 9 is insufficient assurance of adequate protection for  
 10 the public. The authorization denial, civil penalty,  
 11 period of probation, suspension, or revocation, or  
 12 other disciplinary action shall be effected and may be  
 13 appealed as provided by section 17A.12.

14 Sec. 19. Section 321.267A, subsection 5, Code 2009,  
 15 is amended to read as follows:

16 5. For the purposes of this section, "other  
 17 emergency responder" means a fire fighter certified  
 18 as a fire fighter I pursuant to rules adopted under  
 19 chapter 100B and trained in emergency driving or an  
 20 emergency medical ~~responder~~ care provider certified  
 21 under chapter 147A and trained in emergency driving.

22 Sec. 20. Section 724.6, subsection 2, Code  
 23 Supplement 2009, is amended to read as follows:

24 2. Notwithstanding subsection 1, fire fighters,  
 25 as defined in section 411.1, subsection 10, airport  
 26 fire fighters included under section 97B.49B, ~~emergency~~  
 27 ~~rescue technicians~~, and emergency medical care  
 28 providers, as defined in section 147A.1, shall not,  
 29 as a condition of employment, be required to obtain a  
 30 permit under this section. However, the provisions of  
 31 this subsection shall not apply to a person designated  
 32 as an arson investigator by the chief fire officer of  
 33 a political subdivision.>

Amendment [H-8288](#) was adopted.

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

On the question "Shall the bill pass?" ([H.F. 2193](#))

The ayes were, 98:

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

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

The nays were, none.

Absent or not voting, 2:

Huser                      Wendt

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

#### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 431** and **2357**.

[Senate File 2274](#), a bill for an act relating to certain national security and military education benefits and programs, with report of committee recommending passage, was taken up for consideration.

Chambers of O'Brien offered the following amendment [H-8389](#) filed by him and Gayman of Scott and moved its adoption:

#### [H-8389](#)

- 1 Amend [Senate File 2274](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3     1. Page 1, by striking lines 13 through 19.
- 4     2. By striking page 2, line 33, through page 3,

- 5 line 4.  
6 3. By renumbering as necessary.

Amendment [H-8389](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2274](#))

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Huser                      Wendt

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

[Senate Joint Resolution 2007](#), a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61, with report of committee recommending amendment and passage, was taken up for consideration.

Bailey of Hamilton offered the following amendment [H-8338](#) filed by the committee on veterans affairs and moved its adoption:

[H-8338](#)

- 1 Amend [Senate Joint Resolution 2007](#), as amended,
- 2 passed, and reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking <in California>
- 4 2. Title page, line 12, by striking <in the San
- 5 Francisco Bay area of California>

The committee amendment [H-8338](#) was adopted.

Bailey of Hamilton moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" ([S.J.R. 2007](#))

The yeas were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney

Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willemis	Winckler	Windschitl	Worthan
Zirkelbach	Mertz, Presiding		

The nays were, none.

Absent or not voting, 2:

Huser	Wendt
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The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

[Senate File 2325](#), a bill for an act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2325](#))

The ayes were, 98:

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

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

The nays were, none.

Absent or not voting, 2:

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

#### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2193](#), [Senate Joint Resolution 2007](#), [Senate Files 2274](#) and [2325](#).

[Senate File 2326](#), a bill for an act modifying disciplinary provisions applicable to real estate brokers and salespersons, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2326](#))

The ayes were, 97:

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

Marek	Mascher	May	McCarthy
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mertz, Presiding			

The nays were, none.

Absent or not voting, 3:

Huser                    Murphy, Spkr.        Wendt

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

[House File 2472](#), a bill for an act relating to boards of administration for horizontal property, was taken up for consideration.

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

[H-8154](#)

1 Amend [House File 2472](#) as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. Section 499B.15, Code 2009, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 1A. If the form of administration  
 7 is a board of administration, board meetings must  
 8 be open to all apartment owners except for meetings  
 9 between the board and its attorney with respect to  
 10 proposed or pending litigation where the contents  
 11 of the discussion would otherwise be governed by  
 12 the attorney-client privilege. Notice of each board  
 13 meeting must be mailed or delivered to each apartment  
 14 owner at least seven days before the meeting. Minutes  
 15 of meetings of the board of administration must

16 be maintained in written form or in another form  
 17 that can be converted into written form within a  
 18 reasonable time. The official records of the board of  
 19 administration must be open to inspection and available  
 20 for photocopying at reasonable times and places.>

Amendment [H-8154](#) was adopted.

[SENATE FILE 2224](#) SUBSTITUTED FOR [HOUSE FILE 2472](#)

Zirkelbach of Jones asked and received unanimous consent to substitute [Senate File 2224](#) for [House File 2472](#).

[Senate File 2224](#), a bill for an act relating to boards of administration for horizontal property, was taken up for consideration.

Isenhart of Dubuque offered the following amendment [H-8308](#) filed by him and moved its adoption:

[H-8308](#)

1 Amend [Senate File 2224](#), as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 15, after <places.> by inserting  
 4 <Any action taken by a board of administration at a  
 5 meeting that is in violation of any of the provisions  
 6 of this subsection is not valid or enforceable.>

Amendment [H-8308](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2224](#))

The ayes were, 98:

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

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

The nays were, none.

Absent or not voting and 2:

Huser                      Wendt

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

#### [HOUSE FILE 2472](#) WITHDRAWN

Zirkelbach of Jones asked and received unanimous consent to withdraw [House File 2472](#) from further consideration by the House.

[Senate File 2272](#), a bill for an act relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2272](#))

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

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

#### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2224, 2272 and 2326.**

[HOUSE FILE 2382](#) REFERRED

The Speaker announced that [House File 2382](#), previously placed on the **calendar** was referred to committee on **appropriations**.

[HOUSE FILE 2420](#) REFERRED

The Speaker announced that [House File 2420](#), previously placed on the **calendar** was referred to committee on **ways and means**.

[HOUSE FILE 2421](#) REFERRED

The Speaker announced that [House File 2421](#), previously placed on the **calendar** was referred to committee on **ways and means**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 10, 2010, he approved and transmitted to the Secretary of State the following bills:

[House File 2318](#), an Act relating to the length of terms and the limitation on length of service for city development board members and including effective date and applicability provisions.

[Senate File 2088](#), an Act concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions.

[Senate File 2138](#), an Act relating to the rights of a donee created by an anatomical gift.

[Senate File 2194](#), an Act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

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

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

[Senate File 2266](#), an Act creating the local public health governance Act, and providing penalties.

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

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### [H.S.B. 736](#) Appropriations

Relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

### [H.S.B. 737](#) Ways and Means

Increasing the maximum allowable local hotel and motel tax rate and requiring public participation relating to the use of certain local hotel and motel tax revenues.

## AMENDMENTS FILED

<a href="#">H-8397</a>	<a href="#">H.F. 2284</a>	Thede of Scott
<a href="#">H-8398</a>	<a href="#">H.F. 2522</a>	Thomas of Clayton
<a href="#">H-8399</a>	<a href="#">S.F. 2366</a>	Oldson of Polk
<a href="#">H-8400</a>	<a href="#">H.F. 2518</a>	Frevert of Palo Alto
<a href="#">H-8401</a>	<a href="#">H.F. 2522</a>	Soderberg of Plymouth
<a href="#">H-8402</a>	<a href="#">H.F. 2522</a>	Soderberg of Plymouth
<a href="#">H-8403</a>	<a href="#">S.F. 2333</a>	Hunter of Polk
<a href="#">H-8405</a>	<a href="#">S.F. 2352</a>	Mertz of Kossuth
		Kaufman of Cedar
		Grassley of Butler
		T. Olson of Linn
<a href="#">H-8406</a>	<a href="#">H.F. 2522</a>	Cownie of Polk
<a href="#">H-8407</a>	<a href="#">H.F. 2481</a>	Pettengill of Benton

On motion by McCarthy of Polk the House adjourned at 6:25 p.m., until 9:00 a.m., Thursday, March 11, 2010.